

4.10 CULTURAL/SCIENTIFIC RESOURCES

LSA Associates, Inc. (LSA), conducted a records search for both cultural and paleontological resources associated with the subject property. The 2005 report, entitled, “Results of Cultural and Paleontological Resources Records Search for the Carnation Villas Project, City of Newport Beach, Orange County, California,” was prepared by LSA Associates, Inc., is available for review at the City of Newport Beach.

4.10.1 Existing Conditions

Historical Resources

The project site is currently developed with a multiple family structure containing 14 dwelling units. The existing building was constructed in 1949. In addition, a single-family residence constructed in 1955 also exists on the subject property. The records search conducted by LSA included a review of the California Points of Historical Interest, the California Historical Landmarks, the California Register of Historical Resources, the National Register of Historic Places, and the California State Historic Resources Inventory to determine if either of these structures has been identified in those databases and/or if other historic resources are located within one mile of the subject property. Neither structure is listed on a Federal, State or local historical resource inventory.

Archaeological Resources

A cultural resources records search was conducted through the South Central Coastal Information Center of the California Historical Resources Information System, located at California State University Fullerton. The records search included a one-mile radius from the project site. In addition to the records, LSA completed an archaeological survey of the site. Based on that survey, no archaeological sites were identified; the survey concluded that it is highly unlikely that any archaeological resources would exist given the disturbed nature of the site and soil conditions.

Paleontological Resources

The project site is located along the eastern margin of the entrance channel to Newport Bay. Review of the topography of the project area, a historic soils map, and current geological mapping of the area demonstrate that the project area is located on the Monterey Formation (Miocene, Marine), topped by flat terraces at about 100 feet above mean sea level, carved by the Terrace 1 stage sea (i.e., 80,000 years before present). Terrace 1 sediments are known to contain RanchoLabrean terrestrial and marine vertebrates within the project vicinity. The Monterey Formation, which forms the bluff sediments, is known to contain abundant marine invertebrates and vertebrates (primarily fish). There are many recorded fossil localities in similar sediments in the immediate vicinity of the project area. As such, the project area should be considered to have a high paleontological sensitivity.

4.10.2 Significance Criteria

Based on Appendix G of the State CEQA Guidelines, implementation of the proposed project would result in a significant adverse environmental impact if any of the following occurs.

- Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code (PRC) §15064.5.

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to PRC §15064.5.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

4.10.3 Standard Conditions

SC 4.10-1 If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

SC 4.10-2 A qualified paleontologist shall be retained by the project applicant to develop a Paleontological Resource Impact Mitigation Program (PRIMP) consistent with the guidance of the Society of Vertebrate Paleontology (SVP). In the event that fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. Any fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discovery, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collections shall be the responsibility of the project applicant.

4.10.4 Potential Impacts

4.10.4.1 Short-Term Construction Impacts

Although potential impacts to cultural and/or scientific (i.e., paleontological) resources may occur during the construction phase of the proposed project, potential impacts are evaluated as potential “long-term” effects. Therefore, the potential impacts of project implementation are discussed and evaluated in Section 4.10.4.2.

4.10.4.2 Long-Operational Impacts

Historical Resources

Project implementation will result in the demolition of the existing residential structures on the site; however, because neither structure is recognized either by the City of Newport Beach or the State of California as an important historic resource, no significant impacts to historic resources are anticipated and no mitigation measures are required.

Archaeological Resources

As indicated in Section 4.10.1, a cultural and paleontological resources records survey was completed by LSA Associates, Inc. in July of 2005. All recorded archaeological sites and cultural resource records on file were reviewed and no sites were identified on the subject property. Although project implementation includes extensive excavation of the property to accommodate the proposed residential structure, it is unlikely that the disturbance of the subsurface soils would result in significant impacts to cultural resources due to the site alteration associated with the past development of existing structures and the nature of the bedrock materials that underlie the site. It is unlikely that any archaeological sites have ever existed on the property or will be encountered during construction. Therefore, no significant impacts to archaeological resources are anticipated and no mitigation measures, including archeological monitoring, are recommended.

Because implementation of the proposed project requires the approval of an amendment to the Land Use Element of the Newport General Plan, it is subject to the provisions of SB 18, which requires consultation with Native American representatives. The City has complied with the requirements of SB 18 by submitting a request to the Native American Heritage Commission (NAHC). In addition, the City also sent letters to the Native American representatives, informing each of the proposed project. However, no response was received by the City from any of the Native American representatives requesting consultation within the 90-day statutory period. A record of the applicable correspondence is included in Appendix _.

As discussed in Section 4.10.1, the project site and surrounding areas are highly disturbed due to past urban development and there is no evidence of human remains or sites of Native American burials. The NAHC and Native American representatives have been contacted in accordance with the mandate prescribed in SB 18. Therefore, based on the degree of disturbance that has already occurred on the site and, further, no request for consultation by the Native American community, project implementation will not result in potentially significant impacts to human remains. Nonetheless, SC 4.10-1, which is mandated by State Health and Safety Code Section 7050.5, will ensure that any human remains that may be encountered during construction will be adequate mitigated.

Paleontological Resources

The cultural and paleontological resources records survey conducted in 2005 for the proposed project indicates that no known paleontological resources are known to exist on the project site; however, the site contains the Monterey Formation, which is known to contain abundant fossilized marine invertebrates and vertebrates. The presence of recorded fossils in the vicinity of the project areas exists. As previously indicated, the survey concluded that the site should be considered to have a high paleontological sensitivity and fossils may be encountered during grading and excavation. It is likely that sediments containing fossils will be encountered during construction. Therefore, implementation of SC 4.10-2 in accordance with CLUP Policy 4.5.1-1 will ensure that potential significant impacts to fossils encountered during grading/excavation activities can be avoided through measures prescribed by the paleontological monitor. As a result, no significant impacts will occur and no mitigation measures are required.

The project site and surrounding areas, including the bluff, have been altered to accommodate development that includes predominantly residential uses; the only potentially unique geologic feature on the site would be the rock outcropping that forms a small cove at the base of the project site. Although project implementation includes the replacement of the existing 4-slip dock located within the cove below the site, it will not result in physical changes or alterations that would either directly or indirectly alter the physical characteristics of the cove. The project will not impact the rock outcropping as construction of the proposed condominiums will occur well above the feature and construction of the replacement dock will occur seaward of the rock outcropping. As a result, alteration of the rocks or the cove will not occur and no significant impacts are anticipated.

4.10.5 Mitigation Measures

No significant impacts to cultural or historic resources will occur as a result of project implementation. Although the Monterey Formation may yield fossils, paleontological monitoring as required by SC 4.10-2 will ensure that potential impacts to fossils encountered during grading can be avoided. As a result, no significant impacts are anticipated and no mitigation measures are required.

4.10.6 Level of Significance After Mitigation

Implementation of the standard conditions prescribed in Section 4.10-2 will ensure that the potential impacts cultural and paleontological resources are avoided. Therefore, no significant adverse impacts will remain as a result of project implementation.