

4.4 CULTURAL RESOURCES

4.4.1 Introduction

This section describes existing cultural resources at the project area and describes whether the proposed General Plan Update would cause a substantial adverse change in the significance of the following resources: historic, archeological, and paleontological resources. Existing data sources used to prepare this section were taken from EIP Associates 2004 *Technical Background Report*, City of Newport Beach 2005 *Local Coastal Program—Coastal Land Use Plan*. Adopted 13 December, and EIP Associates 2005 Historical Resources General Plan Element. Full bibliographic entries for all reference materials are provided in Section 4.4.6 (References) of this section.

The Initial Study prepared for the proposed General Plan Update identified potential impacts related to a substantial adverse change related to the significance of a historical or an archaeological resource, paleontological resources, and the disturbance of any human remains.

No comment letters were received in response to the IS/NOP circulated for the proposed General Plan Update.

4.4.2 Existing Conditions

■ Historical Overview

The community of Newport Beach has a rich and diverse history, and its close proximity to the water played a large role in the development of the City. The first stirring activity in the community later known as Newport Beach began in 1870, when a small stern wheeler from San Diego named “The Vaquero” made its first trip to a marshy lagoon. James McFadden and other ranch owners in the Lower Bay decided from then on that the area should be called “Newport.” In 1888 James McFadden changed the isolated settlement by building a wharf that extended from the shallow bay to deeper water where large steamers could dock. Shipping activity increased dramatically, and in two years, Newport Beach was known as a vibrant Southern California shipping town.⁹

Soon after, the Pacific Electric Railroad established itself in Newport Beach in 1905, connecting the City of Los Angeles by rail. Public transit brought new visitors to the waterfront, and small hotels and beach cottages were developed that catered to the tourist industry. West Newport, East Newport, Bay Island, Balboa, Corona del Mar, Balboa Island, and Port Orange (at old Newport Landing) were soon subdivided, and in August 1906, residents in the booming bay town voted to incorporate. Between 1934 and 1936, the Federal government and the county dredged the Lower Bay, extended jetties, and created

⁹ Newport Beach 75 1906–1981: A Diamond Jubilee History. Edited by James P. Felton. 1981

the present day contour of Newport Beach. In 1936, community members dedicated the City's main harbor, named Newport Harbor.¹⁰

During World War II, the harbor became a vital hub as naval ships were built and repaired in its coastal waters. At the end of the war, a housing construction boom began as seasonal rentals became year-round housing, and the City's identity as a summer resort location began to change. The Santa Ana freeway, built in the 1950s, triggered further growth. During this time, housing development began to spread northward from the waterfront to the hills and mesa areas. The community's economic industry changed, as the fishing industry, once the backbone of Newport Beach's economy, gradually declined to be replaced with new businesses and commercial centers. Beginning in the 1970s, the building of shopping centers such as Fashion Island, hotels, restaurants, offices, and many new homes led to the creation of many active employment, retail, and residential areas that characterize much of Newport Beach today.¹¹

For many years, Newport Beach's scenic location, attractive neighborhoods and active commercial areas have continued to place many of the City's original buildings, paleontological resources, and historical sites under extreme development pressures. Many of the community's early structures and archaeological sites have been demolished or altered. However, some historical sites and buildings have been preserved that are representative of the community and the region. Several of these historical resources have been recognized as being of statewide or national importance. This section discusses the existing cultural resources that help define the City's heritage.

■ Archaeology

The first generally accepted period of human occupation of Southern California began at about the end of the Pleistocene Epoch, about 10,000 to 12,000 years ago. Archaeological sites around Upper Newport Bay have yielded some of the evidence for the earliest human occupation of Orange County and date to about 9,500 years before present (BP). Over 50 sites have been documented in the Planning Area, including the recently annexed Newport Coast area^{12,13,14} and in the Newport Banning Ranch portion of the SOI.¹⁵ Many of these sites have yielded—or have been determined to have the potential to yield—substantial information regarding the prehistory of the City and County, and have included human burials.

At least two and possibly three distinct cultural groups inhabited the area, and later period sites indicate that the area including the Planning Area was heavily populated at the time of European contact. Ethnographically, the Planning Area falls within a region in which tribal boundaries are unclear: both the Gabrielino and the Luiseño/Juaneño lay ancestral territorial claims. According to David Belardes of the

¹⁰ Orange, County of. 2003. Brief History of Orange County. Webpage: http://www.oc.ca.gov/history/oc_history.asp

¹¹ History of Newport Beach. Newport Beach Real Estate. Webpage: <http://www.realestatenewportbeach.com/relocation/history.php>

¹² Newport Beach, City of. 2005. *Local Coastal Program Coastal Land Use Plan*, 20 January, 4-83.

¹³ Newport Beach, City of. 2005. *Local Coastal Program Coastal Land Use Plan*, 20 January, 4-83.

¹⁴ Newport Beach, City of. 1974. *Newport Beach General Plan Conservation of Natural Resources Element*, 14 January, 34–35.

¹⁵ Keeton Kreitzer Consulting. 2000. *Screencheck Program Environmental Impact Report: Newport Banning Ranch Local Coastal Program*, 28 April. Prepared for the County of Orange Planning and Development Services Department.

Juaneño Band of Mission Indians, the territory of the Juaneño extended north to the Santa Ana River drainage; however, Gabrielino territory is thought by some to extend south of the Santa Ana River Drainage to Aliso Creek, and possibly even further south.¹⁶

The Luiseño/Juaneño were hunter/gatherers, organized into sedentary and semi-sedentary, autonomous villages. A large village was typically 30 square miles, and contained several hunting, fishing, and collecting areas in different ecological zones. Seasonal moves to exploit resources outside a village's territory occurred during several weeks of the year.

The coastal Luiseño/Juaneño bands exploited a variety of plant food resources. Seeds and acorns accounted for up to 75 percent of the typical diet. Many fruits, berries, bulbs, and roots were used as medicines, beverage bases, and manufacturing materials as well as food. Terrestrial game accounted for an estimated five to ten percent of the coastal Luiseño/Juaneño diet; fish and marine mammals represented an additional 20 to 35 percent. Luiseño/Juaneño material culture associated with food procurement includes tools such as manos and metates, as well as mortars and pestles for processing acorns and seeds, and pulverizing pulpy materials and small game. They probably hunted first with spears, and then later with bows and arrows. The projectiles themselves would have had fire-hardened wood or chipped stone tips. Near-shore fishing and marine mammal hunting were accomplished with light balsa or dugout canoes.

■ Paleontology

Fossils in the central Santa Ana Mountains represent the oldest formations in the County at 145 to 175 million years old and contain aquatic fossil types, such as radiolarians (single-celled plankton), ammonites (extinct members of the class including nautili, squid, and octopi), and bivalves (such as oysters and clams). The predominance of these fossil types indicates that Orange County, for much of its geological history, was underwater.¹⁷

During the Miocene Epoch (26 million years ago [mya] to 7 mya), tectonic forces produced uplifts that resulted in the formation of mountains and initiated movement on the nascent San Andreas Fault system, forming numerous coastal marine basins, including the Los Angeles Basin, of which Orange County is a part. As the sea retreated, the County became a shallow bay surrounded by jungle and savannah areas, as indicated by the mix of aquatic and terrestrial fossils found in rocks of Miocene age. Miocene-age rock units that underlie the Planning Area, particularly in the Newport Coast area, are considered to be of high-order paleontological significance (6 to 9 on a scale of 1 to 10).^{18,19}

Further tectonic activity began to uplift the land during the Pliocene Epoch (7 mya to 2.5 mya), and the sea slowly receded from the coast, resulting in the formation of a succession of shoreline deposits that

¹⁶ EIP Associates. 1998. *Dana Point Headlands Draft Environmental Impact Report*, 4.12-5.

¹⁷ Newport Beach, City of. 2005. *Local Coastal Program Coastal Land Use Plan*, 20 January, 4-83.

¹⁸ Newport Beach, City of. 2005. *Local Coastal Program Coastal Land Use Plan*, 20 January, 4-83.

¹⁹ Newport Beach, City of. 1996. *Newport Coast LCP Second Amendment*, 3 December, 7.

formed a marine terrace. Sandstone deposited in the Newport Beach area during the Pliocene Epoch contains a variety of marine mammals, sea birds, and mollusks.

During the Pleistocene Epoch (2.5mya to 15,000 years ago), the seas continued to retreat as tectonic uplift continued. Although the Pleistocene Epoch is known as the “Ice Age,” glacial ice never reached southern California, and paleontological evidence indicates that a heavily vegetated, marshy area extended inland beyond the shoreline. However, a variety of vertebrate animals typically associated with the Ice Age inhabited the area: local paleontological sites, particularly near the Castaways, have yielded fossils of Ice Age horses, elephants, bison, antelopes, and dire wolves. Also, a number of localities in the portions of the Vaqueros formation that underlie the Newport Coast area have yielded a variety of invertebrate and vertebrate fossils, and are considered to be of high-order paleontological significance (9 on a scale of 1 to 10). Other geological formations that underlie the Planning Area have also yielded significant fossils in the Planning Area, particularly in the Newport Banning Ranch portion of the SOI, as well as in other areas of the County. These include the Topanga and Monterey Formations. Known paleontological deposits at Fossil Canyon, in the North Bluffs area of the Planning Area, is considered a unique paleontological locality, and known vertebrate deposits within the Planning Area are considered to be among the most important in the State.^{20,21} The Newport Banning Ranch portion of the SOI is particularly rich, and contains at least 14 documented sites of high significance.²²

■ Historical Resources

Reflective of Newport Beach’s unique history, several properties in the City exhibit significant heritage distinction. The following information provides an overview of the various distinctions of historical resources before identifying the existing historical resources located within the City.

Definitions of Historical Resources

Federal

The National Historic Preservation Act established the National Register of Historic Places (NRHP) to recognize resources associated with the country’s history and heritage. Structures and features must usually be at least 50 years old to be considered for listing on the NRHP, barring exceptional circumstances. Criteria for listing on the NRHP, which are set forth in Title 26, Part 63 of the Code of Federal Regulations (36 CFR Part 63), are significance in American history, architecture, archaeology, engineering, and culture as present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that are (A) associated with events that have made a significant contribution to the broad patterns of our history; (B) associated with the lives of persons significant in our past; (C) embody the distinctive characteristics

²⁰ LSA Associates. 1998. *Environmental Impact Report, Phase IV-2 of the Newport Coast Planned Community, Newport Coast Planning Areas 3A-2, 3B, 14, MCDP Sixth Amendment and Coastal Development Permit*. EIR No. 568, 10 February, 4.10-3.

²¹ Newport Beach, City of. 1974. *Newport Beach General Plan Conservation of Natural Resources Element*, 14 January, 34–35.

²² Keeton Kreitzer Consulting. 2000. *Screenbeck Program Environmental Impact Report: Newport Banning Ranch Local Coastal Program*, 28 April, 4.4-2 and 4.4-3.

of a type, period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or (D) have yielded, or may be likely to yield, information important in prehistory or history. Criterion D is usually reserved for archaeological and paleontological resources.

State

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation on a state level and was modeled closely after the NRHP. The criteria are nearly identical to those of the NRHP but focus upon resources of statewide, rather than national, significance. The CRHR automatically includes resources listed on the NRHP.

Local

Properties that are not listed on the NRHP or CRHR may also be considered historical for the purposes of CEQA. The City of Newport Beach has established the Newport Beach Register of Historical Property (“City Register”) to recognize structures or properties of local historical or architectural significance. Additionally, in 1991, City Council established an Ad Hoc Historic Preservation Advisory Committee (AHHPAC) to investigate the historic resources of the community and make recommendations regarding preservation. The AHHPAC completed its assignment on May 12, 1992, and reported its findings, which included a Historic Resource Inventory, to City Council June 8, 1992. The inventory categorized the properties surveyed in five hierarchical “classes” of significance:^{23,24}

- Class 1—Major Historic Landmark
- Class 2—Historic Landmark
- Class 3—Local Historic Site
- Class 4—Structure of Historic Interest
- Class 5—Point of Historic Interest

Under this scheme, Classes 1 to 3 would be eligible to use the State Historic Building Code; Class 4 and 5 properties would be listed for recognition purposes only. The Committee recommended that City Council act to include the inventory in the City Register. However, the entire AHHPAC Historic Resources Inventory was never officially adopted by the City and only some properties listed within were added to the City Register.²⁵ For those properties that originated in the AHHPAC Historic Resources Inventory and are now listed in the City Register, the City Council Policies detailed below govern the listing process for these resources.

Historical Resources in the Planning Area

Eleven properties in the City have been listed or designated eligible for listing on the NRHP or CRHR, or otherwise listed as historic or potentially historic in the California Historic Resources Information

²³ Ad Hoc Historic Preservation Advisory Committee (AHHPAC). 1992. *Historic Resource Inventory*.

²⁴ Ad Hoc Historic Preservation Advisory Committee (AHHPAC). 1992. Report to City Council, May.

²⁵ Ad Hoc Historic Preservation Advisory Committee (AHHPAC). 1992. Report to City Council, May.

System (CHRIS) maintained by the Office of Historic Preservation. These properties are shown on Figure 4.4-1.

NRHP

Four properties within the City have been listed on the NRHP:²⁶

- *Balboa Inn*—Built in 1929, the Balboa Inn is representative of Spanish Colonial Revival architecture and beachfront tourist development.
- *Balboa Pavilion*—Constructed in 1905, the Balboa Pavilion has been the site of numerous social and cultural activities over the turn of the century. It is one of the State’s last surviving examples of great waterfront recreational pavilions.
- *Crystal Cove Historic District*—The Crystal Cove Historic District is a 12.3-acre coastal portion of the 2,791-acre Crystal Cove State Park. The Federally listed Historic District is an enclave of 46 vintage rustic coastal cottages originally built in the 1920’s and 1930’s that are nestled around the mouth of Los Trancos Creek. It is one of the last remaining examples of early 20th century Southern California coastal development.
- *Lovell Beach House*—Built in 1926, the Lovell Beach House was designed by Rudolf Schindler and is considered the first pure International Style house built in America.

State-Recognized Resources

Also, four sites within the City have been listed as California Historical Landmarks:²⁷

- *Old Landing (No. 198)*—Established by Captain Dunnells in the 1870s, it was the site of the first shipping business in Newport Bay.
- *Site of First Water-to-Water Flight (No. 775)*—Commemorates the May 10, 1912, flight of pioneer pilot Glenn L. Martin who flew from the waters of the Pacific Ocean at Balboa to Catalina Island on a primitive hydroplane the first water-to-water flight. Today a plaque at the foot of the Balboa Pier honors the memory of Glenn Martin.
- *McFadden Wharf (No. 794)*—The site of the original wharf built in 1888 by the McFadden brothers.
- *Balboa Pavilion (No. 759)*—described above.

Four additional properties are also listed in the CHRIS database:²⁸

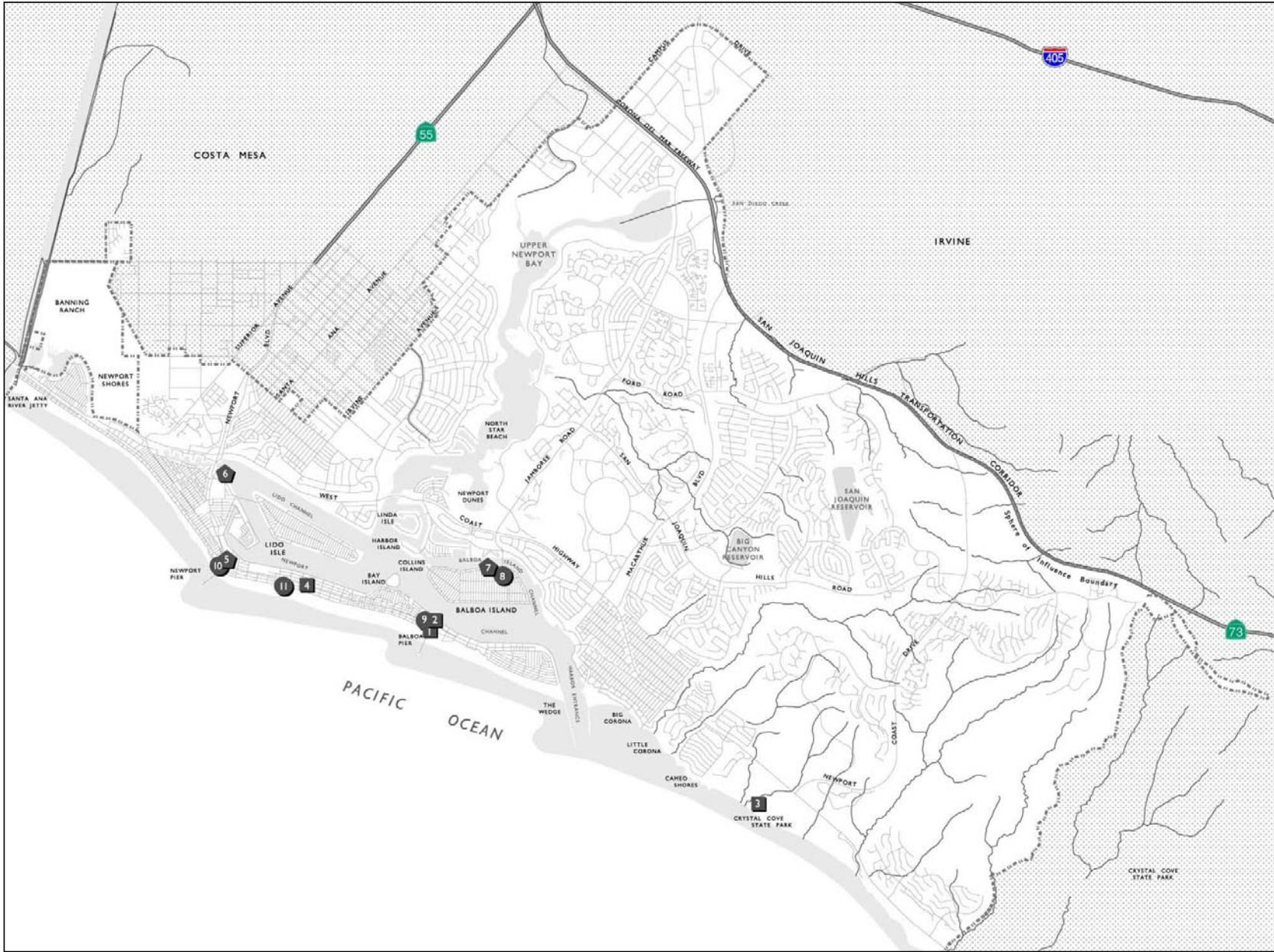
- *B.K. Stone Building*—one of the oldest commercial structures in Newport Beach.
- *Balboa Island Firehouse No. 4*—early police and fire station for the Balboa Peninsula (now demolished)
- *Bank of Balboa/Bank of America*—Bank of Balboa, Bank of America, provided services from 1928-1984 (now demolished)
- *Our Lady of Mount Carmel Church*

²⁶ Newport Beach, City of. 2003. *Draft Local Coastal Program Coastal Land Use Plan*, 20 January, 4-58.

²⁷ Newport Beach, City of. 2003. *Draft Local Coastal Program Coastal Land Use Plan*, 20 January, 4-58.

²⁸ California. Office of Historic Preservation. 2003. California Historic Resources Information System records check, December.

CITY of NEWPORT BEACH
 GENERAL PLAN UPDATE EIR
Figure 4.4-1
HISTORIC
RESOURCES



Legend

Sites on National Register of Historic Places

- 1 Balboa Inn
- 2 Balboa Pavilion
- 3 Crystal Cove Historic District
- 4 Lovell Beach House

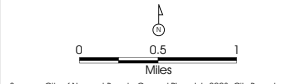
California Historical Landmarks

- 5 McFadden Wharf
- 6 Old Landing
- 7 Site of First Water-to-Water Flight

Other Historic Sites or Potentially Historic Sites in the CHRIS Database

- 8 Balboa Island Fire House #4 (demolished)
- 9 Bank of Balboa/Bank of America (demolished)
- 10 B K Stone Building
- 11 Our Lady Mount Carmel

Note: GIS Data Projection - CA State Plane, Zone 6, NAD83, Feet



Sources: City of Newport Beach, General Plan, July 2003; City Boundary, May 2003; Counties, May 2003; Civic Facilities, October 2003; US Census Bureau, other City Boundaries, 2000; ESRI, Major Roads, February 2002; and EP Associates, GIS Program, November 2003.

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Locally Recognized Resources

The City has listed seven properties in the City Register, as shown in Figure 4.4-1, in recognition of their local historical or architectural significance, as described above. In addition to the Balboa Pavilion and the Balboa Inn, which are also listed in the NRHP and CRHR, the City Register includes the following:

- *Rendezvous Ballroom Site*—A popular Balboa dance hall that featured numerous famous Big Bands of the 1930s and 1940s. It was destroyed by fire in 1966.
- *Wilma's Patio (formerly Pepper's Restaurant)*—Located on Balboa Island, the exposed structural components of Pepper's Restaurant are timbers used in the original Balboa Island Bridge and McFadden Wharf.
- *Balboa Theater*—Built in 1928, the Balboa Theater is a former vaudeville theater that at one time housed an infamous speakeasy during the prohibition period. Currently, the theater is planned for renovation.
- *Balboa Saloon*—The 1924 building is representative of the nautical history and Main Street commercial masonry style of Newport Beach.
- *Dory Fishing Fleet*—The Dory Fishing Fleet is located adjacent to Newport Pier. The fleet and open-air fish market have operated at this location since the founding of the fleet in 1891 by Portuguese fishermen. The last remaining fleet of its type, it is a historical landmark designated by the Newport Beach Historical Society. It is a City Council Policy that an area immediately west of the Newport Pier be reserved for the Newport Dory Fishing Fleet.

In addition to the formally recognized resources described above, the Historic Resource Inventory compiled by the AHHPAC includes 61 properties in five designated levels of significance, as described above. The full inventory was never officially adopted by the City, but it still serves as a useful guide to potentially historic properties that may have historic or cultural significance to the City.

4.4.3 Regulatory Framework

The treatment of cultural resources is governed by Federal, State, and local laws and guidelines. There are specific criteria for determining whether prehistoric and historic sites or objects are significant and/or protected by law. Federal and State significance criteria generally focus on the resource's integrity and uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. Some resources that do not meet Federal significance criteria may be considered significant by State criteria. The laws and regulation seek to mitigate impacts on significant prehistoric or historic resources. The Federal, State, and local laws and guidelines for protecting historic resources are summarized below.

■ Federal Regulations

The National Historic Preservation Act of 1966

The National Historic Preservation Act of 1966 established the NRHP as the official Federal list of cultural resources that have been nominated by State Offices for their historical significance at the local, State, or national level. Properties listed in the NRHP, or “determined eligible” for listing, must meet

certain criteria for historical significance and possess integrity of form, location, and setting. Significance is determined by four aspects of American history or prehistory recognized by the NRHP Criteria, which are listed above under “Definitions of Historical Resources.” Eligible properties must meet at least one of the criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character, the degree to which the original fabric has been retained, and the reversibility of changes to the property.

■ State Regulations

The California Register of Historic Resources (Public Resources Code Section 5020 et seq.)

State law also protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources in CEQA documents. A cultural resource is an important historical resource if it meets any of the criteria found in Section 15064.5(a) of the CEQA Guidelines. These criteria are nearly identical to those for the NRHP, which are listed on page 4.4-2 of this document under “Definitions of Historical Resources.”

The State Historic Preservation Office (SHPO) maintains the CRHR. Properties listed, or formally designated eligible for listing, on the NRHP are nominated to the CRHR and then selected to be listed on the CRHR, as are State Landmarks and Points of Interest.

California Health and Safety Code (Sections 7050.5, 7051, and 7054)

These sections collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the Public Resources Code), as well as the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, treatment of the remains prior to, during and after evaluation, and reburial procedures.

Public Resources Code §5097.98

This bill addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the Native American Heritage Commission to resolve disputes regarding the disposition of such remains. It has been incorporated into Section 15064.5(e) of the State CEQA Guidelines.

■ Local Regulations

Newport Beach City Council Policy Manual

The Newport Beach City County Policy Manual identifies policies applicable to cultural resources. These policies are discussed below.

Places of Historical and Architectural Significance (K-2)

This regulation establishes City Council authority to designate any building, object, structure, monuments, or collection having importance to the history or architecture of the City of Newport Beach and provides procedure for listing. Accordingly, the City Clerk is required to maintain the City of Newport Beach Register of Historical Property. The City Council may at any time repeal, revise, or modify any such designation upon reconsideration of the historical or architectural importance if the structure.

Paleontological Guidelines (K-4)

Under this guideline, the City is required to prepare and maintain sources of information regarding paleontological sites and the names and addresses of responsible organizations and qualified individuals who can analyze, classify, record, and preserve paleontological findings. If determined necessary by the Planning Director, it is the responsibility of a developer to examine the proposed site in order to determine the existence and extent of paleontological resources. Qualified observers are to prepare and submit a written report describing the findings and making recommendations for further action. Based on the report and recommendations, the City is required to assure that the findings or sites are recorded, preserved, and protected.

Archaeological Guidelines (K-5)

The policies set forth within this guideline are used to guide the development or redevelopment of land within the City. The City is required to, through its planning policies and permit conditions, ensure the preservation of significant archaeological resources and require that the impact caused by any development be mitigated in accordance with CEQA. The City is to prepare and maintain sources of information regarding archaeological sites and the names and addresses of responsible organizations and qualified individuals who can analyze, classify, record, and preserve archaeological findings.

If determined necessary by the Planning Director, it is the responsibility of the developer to examine the site to determine the existence and extent of archaeological resources. Qualified observers are to prepare and submit a written report describing the findings and making recommendations for further action, which may include monitoring. Based on the report and recommendations, the City is required to assure that the findings or sites are recorded, preserved, and protected.²⁹

²⁹ Newport Beach, City of. City Council Policy Manual. Webpage <http://www.city.newport-beach.ca.us/Councilpolicies/toc.htm>

Local Coastal Program—Coastal Land Use Plan

The Coastal Land Use Plan sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its sphere of influence, with the exception of Newport Coast and Banning Ranch. Thus, development in the City's Coastal Zone would be subject to these policies.

- Policy 4.5.1-1** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources. If avoidance of the resource is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.
- Policy 4.5.1-2** Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/ archaeological resources, require the paleontologist/ archeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/ archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resource areas in open space.
- Policy 4.5.1-3** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.
- Policy 4.5.1-4** Where in situ preservation and avoidance are not feasible, require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Orange County, whenever possible.
- Policy 4.5.1-5** Where there is a potential to affect cultural or paleontological resources, require the submittal of an archeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archaeological and Native American monitors and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation, and mitigation.
- Policy 4.5.1-6** Continue to protect Upper Newport Bay cliff faces to serve as a reference section for micropaleontological studies.

- Policy 4.5.2-1** Continue to maintain the Newport Beach Register of Historical Property for buildings, objects, structures, and monuments having importance to the history or architecture of Newport Beach.
- Policy 4.5.2-2** Allow the application of the State Historical Building Code to buildings or structures listed in the *Newport Beach Register of Historical Property*.
- Policy 4.5.2-3** Provide incentives, such as granting reductions or waivers of applications fees, permit fees, and/or and liens placed by the City to properties listed in the Newport Beach Register of Historical property in exchange for preservation elements.
- Policy 4.5.2-4** Continue to allow the Dory Fishing Fleet to be launched and stored and to sell fish on the public beach adjacent to Newport Pier within reasonable limits to protect the historical character of the fleet, the coastal access and resources, and the safety of beach users in the vicinity.

4.4.4 Thresholds of Significance

The following thresholds of significance are based on Appendix G of the 2005 CEQA Guidelines. For purposes of this EIR, implementation of the proposed General Plan Update may have a significant adverse impact on cultural resources if it would result in any of the following:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 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

4.4.5 Project Impacts, Mitigation Measures, and Proposed Policies

■ Effects Not Found to Be Significant

The IS/NOP prepared for the proposed project did not identify any effects not found to be significant associated with Cultural Resources. Therefore, all thresholds are addressed in this section.

■ Project Impacts

Threshold	Would the proposed project cause a substantial adverse change in the significance of a historical resource?
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Impact 4.4-1 Development under the proposed General Plan Update would result in the demolition of historic structures.

As described previously, the City of Newport Beach has a variety of historic resources, including Federal, State, and local resources. Eleven properties in the City have been listed or designated eligible for listing on the NRHP or CRHR, or otherwise listed as historic or potentially historic in the CHRIS maintained by the Office of Historic Preservation. In addition, the City Register also formally recognizes five structures or properties of local historical or architectural significance, most of which are not listed in the NRHP and CRHR. These structures meet the definition of historical resources under Section 15064.5(a) of the CEQA Guidelines. Section 15064.5(b) states that a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. In addition to the formally recognized resources described above, the City’s Historic Resource Inventory includes 61 properties, which while not officially adopted, serves as a useful guide to potentially historic properties that may have historic or cultural significance to the City.

Redevelopment to enable a different or more intensive use of a site could result in the demolition of historic or potentially historic structures. Additionally, infrastructure or other public works improvements could result in damage to or demolition of other historic features. As detailed in the Regulatory Framework Section above (Section 4.4.3), there are a number of Federal, State, and local policies, regulations, and institutions in place to protect historical resources in the City. For example, the Newport Beach City Council Policy Manual encourages the preservation of the City’s cultural and historic heritage through establishing City Council authority over designating resources as having importance to the history or architecture of the City.

In addition, Policies HR 1.1 through HR 1.5 in the proposed General Plan Update are in place to protect historically significant landmarks, sites, and structures through requiring that the Historical Resources Inventory be maintained and updated, encouraging the preservation and adaptive reuse of historic structures, promoting the placement of historical landmarks throughout the City, encouraging adaptive reuse, and mandating the incorporation of historical elements in new redevelopment projects in the City. Specifically, Policy HR 1.2 focuses on preserving structures listed in the National Register of Historic Places, the List of California Historic Landmarks, and the Newport Beach Register of Historic Property through offering incentives such as grading reductions or waivers of various fees, including application and permit fees. In addition to encouraging the placement of historical landmarks, photographs, markers, and plaques at areas of historical interest or value, Policy HR 1.3 would create a Landmark Plan to recognize and designate culturally important heritage sites that are eligible for the placement of historical landmarks or plaques and would also identify funding opportunities to support the program. Policy HR 1.4 encourages alternatives to demolition of historical sites through providing incentives including fee waivers and free technical advice for adaptive reuse, such as architecturally compatible rehabilitation of

historic structures. In the case that preservation or adaptive reuse is not possible, Policy HR 1.5 requires that a proposed project incorporates a physical link to the past within the site or structural design, be it incorporation of historical photographs or artifacts, or preservation of existing elements of the site, such as existing pathways or viewing vantage points. A comparison of Figure 3-3 (Chapter 3, Project Description) and Figure 4.4-1, most of the subareas within the Planning Area where changes could occur as a result of the proposed General Plan Update, do not have historic resources, including the Airport Area, Newport Center, West Newport Mesa and Mariners' Mile. Balboa Peninsula is an exception, and policies associated with Goal 6.8 of the proposed General Plan Update are in place to preserve the historic character of Balboa Peninsula's districts by offering incentives for the preservation of historic buildings and requiring that new development be compatible with the scale, mass, and materials of existing structures, while allowing opportunities for architectural diversity.

With the policy framework discussed above combined with the lack of historic resources in the subareas where most development would occur, the probability of demolition of historic structures would be minimized. However, the policies afford only limited protection to historic structures and would not ultimately prevent the demolition of a historic structure. Additionally, some structures that are not currently considered for historical value (as they must generally be at least 50 years or older) could become worthy of consideration during the planning period of the proposed General Plan Update. Because the demolition of a historic structure constitutes a physical effect on the environment and the proposed General Plan Update does not propose policies that would effectively prevent the demolition of historic structures, this impact is considered *significant*. Implementation of proposed General Plan Update Policy HR 1.6 would reduce this impact by requiring the developers of a property containing a historic resource retain a qualified consultant to record the structure in accordance the U.S. Secretary of Interior guidelines, and HR 1.7 would require the developer of a project that would demolish a historic structure to offer the structure for relocation, which could result in the preservation of the structure. However, these mitigation measures would not reduce this impact to a less-than-significant level.

Threshold	Would the proposed project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?
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Impact 4.4-2 Ground-disturbing activities associated with development under the proposed General Plan Update could result in damage to or destruction of archaeological and/or Native American cultural resources.

The City of Newport Beach and its SOI have a long cultural history and is known to have been home to Native American groups prior to settlement by Euro-Americans. Archaeological materials associated with occupation of the Planning Area are known to exist and have the potential to provide important scientific information regarding history and prehistory. Ground-disturbing activities, particularly in areas that have not previously been developed with urban uses have the potential to damage or destroy historic or prehistoric archaeological resources that may be present on or below the ground surface. Such resources are generally considered to be historical resources, as defined in Section 15064.5(a)(3)(D) (“[h]as yielded, or may be likely to yield, information important in history or prehistory”). In addition to the status of archaeological resources as historical resources, a resource may also be a “unique

archaeological resource,” as defined in Section 21083.2(g)(1)–(3) of CEQA. Further, archaeological resources are often of cultural or religious importance to Native American groups, particularly if the resource includes human and/or animal burials. Consequently, damage to or destruction of these resources could occur as a result of development under the proposed General Plan Update. The Banning Ranch site is currently developed with oil production uses and associated structures, including large storage tanks and may have a greater potential to contain undisturbed archaeological sites or sites of cultural significance. Vacant parcels located within the City could also contain these cultural resources.

However, policies within Goal HR 2 and NR 18 of the proposed General Plan Update would protect these resources. For example, Policy HR 2.1 and Policy NR 18.1 require that any new development protect and preserve archaeological resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. Other policies under Goal HR 2 and Goal NR 18 ensure that information resources are maintained regarding these resources; grading and excavation activities where there is a potential to affect cultural or archaeological resources be monitored by a qualified archaeologist; cultural organizations, including Native American organizations, are notified of all developments that have the potential to adversely impact these resources; and that any new development donates scientifically valuable archaeological resources to a responsible public or private institution. The Newport Beach City Council has also established “Archaeological Guidelines (K-5)” to ensure the preservation of significant archeological resources and require that the impact caused by any development be mitigated with CEQA.

The Historical Resources Element of the proposed General Plan Update also contains policies that ensure the protection of archaeological resources. For example, policy HR 2.1 would require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, this policy would ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA. Policy HR 2.2 would ensure that sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings would continue to be maintained. A qualified paleontologist/archeologist would be required to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

Consequently, implementation of the proposed General Plan Update policies would ensure that impacts to archaeological and Native American cultural resources would be *less than significant*, by requiring the scientific recovery and evaluation of any archaeological resources that could be encountered during construction of future development. This would ensure that important scientific information that could be provided by these resources regarding history or prehistory would not be lost.

Threshold	Would the proposed project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
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Impact 4.4-3 Ground-disturbing activities associated with development under the proposed General Plan Update could result in damage to or destruction of unique paleontological resources within rock units or geologic features.

As described previously, paleontological resources may be present in fossil-bearing soils and rock formations below the ground surface. A number of localities in the City have a variety of known significant paleontological resources, including portions of the Vaqueros formation that underlie the Newport Coast, the Newport Banning Ranch portion of the SOI, the Topanga and Monterey Formations, and Fossil Canyon in the North Bluffs area of the Planning Area. Ground-disturbing activities in these fossil-bearing soils and rock formations have the potential to damage or destroy paleontological resources that may be present below the ground surface. Therefore, any activities resulting from implementation of the proposed General Plan Update, including construction-related and earth-disturbing actions, could damage or destroy fossils in these rock units. As with archaeological resources, paleontological resources are generally considered to be historical resources, as defined in Section 15064.5(a)(3)(D) (“[h]as yielded, or may be likely to yield, information important in history or prehistory”). Consequently, damage or destruction to these resources could cause a significant impact.

Policies within Goal HR 2 and NR 18 of the proposed General Plan Update are in place to protect paleontological resources. For example, Policy HR 2.1 and Policy NR 18.1 require any new development to protect and preserve archaeological resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. These steps are in place to ensure that paleontological resources are preserved, and that any impact caused by development be mitigated in accordance with CEQA. As detailed in Impact 4.1-3, other policies under Goal HR 2 and Goal NR 18 ensure that information resources are maintained regarding these resources; grading and excavation activities where there is a potential to affect cultural or archaeological resources be monitored by a qualified archaeologist; cultural organizations, including Native American organizations, are notified of all developments that have the potential to adversely impact these resources; and that any new development donates scientifically valuable archaeological resources to a responsible public or private institution. The Newport Beach City Council has also established “Paleontological Guidelines (K-4)” requiring that the City prepare and maintain sources of information regarding paleontological sites.

Compliance with policies within Goal NR 18 and the policies under Goal HR 2 would reduce this impact to a *less-than-significant* level by ensuring paleontological resources would be subject to scientific recovery and evaluation, which would ensure that important scientific information that could be provided by these resources regarding prehistory is not lost.

Threshold	Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?
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Impact 4.4-4 Ground-disturbing activities associated with development under the proposed General Plan Update could result in damage to or destruction of human burial grounds.

Archaeological materials, including human burials, have been found in the City. Human burials outside of formal cemeteries often occur in prehistoric archeological contexts. Particularly in the areas of the City that are still mostly underdeveloped for urban uses, such as the Banning Ranch area, the potential still exists for these resources to be present. It is the City’s intent to preserve Banning Ranch, which has not been subject to substantial development and therefore has a higher potential to yield intact sites. However if open space preservation is not feasible in Banning Ranch, the area will be developed for residential and commercial uses. Excavation during construction activities in the City would have the potential to disturb these resources, including Native American burials.

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code. Disturbing human remains would destroy the resources and could potentially violate the health code. The California Health and Safety Code (Sections 7050.5, 7051, and 7054) described in section 4.4.3, “Regulatory Framework” of this section, also has specific provisions for the protection of human burial remains. Existing regulations address the illegality of interfering with human burial remains, and protects them from disturbance, vandalism, or destruction, and established procedures to be implemented if Native American skeletal remains are discovered. Public Resources Code §5097.98 also addresses the disposition of Native American burials, protects such remains, and established the Native American Heritage Commission to resolve any related disputes.

Additionally, policies within Goal HR2 and Goal NR17 of the proposed General Plan Update are in place to protect archaeological resources, including human remains. Policies HR 2.1 and Policy NR 18.1 would require that any new development under the proposed General Plan Update protect and preserve archaeological resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. Other policies under Goal HR2 and Goal NR 18 ensure that information resources are maintained regarding these resources, that all grading and excavation activities where there is a potential to affect cultural or archaeological resources be monitored by a qualified archaeologist; that cultural organizations, including Native American organizations, are notified of all developments that have the potential to adversely impact these resources; and that any new development donates scientifically valuable archaeological resources to a responsible public or private institution.

Consequently, compliance with existing Federal, State, and local policies would ensure that the impact of the proposed General Plan Update on human burial grounds would be reduced to a ***less-than-significant*** level by ensuring appropriate examination, treatment, and protection of human remains, as required by law.

■ Cumulative Impacts

The geographic context for the analysis of cumulative cultural resources impacts is Orange County, which includes all cumulative growth within the County. This cumulative impact analysis considers implementation of the proposed General Plan Update, in conjunction with other development in the vicinity of the City of Newport Beach, as represented by full implementation of the proposed General Plan Update.

Historical Resources

Potential future development in the City of Newport Beach and the SOI could include the demolition or destruction of historic resources. Though historic resources may be listed in the NRHP or CRHR, or otherwise listed as historic or potentially historic in the CHRIS maintained by the Office of Historic Preservation, the listing itself often grants little or no inherent protection. Development in the City of Newport Beach would be subject to the requirements of CEQA. However, even with these requirements, full mitigation of impacts to every historical resource in the City could be considered infeasible and the impact overridden to allow for future project approval. It is therefore possible that cumulative development in the vicinity of the City of Newport Beach could result in the adverse demolition or destruction of historic buildings, which could contribute to the erosion of the historic and architectural fabric of the City. The cumulative impact of development under the proposed General Plan Update would, therefore, be considered ***significant and unavoidable***.

Archaeological and Paleontological Resources

Potential future development in the City of Newport Beach and the SOI could include excavation and grading that could potentially impact the archaeological and paleontological resources and human remains. The cumulative effect of this future development is the continued loss of these resources. The potential loss of paleontological and archaeological resources with this future development would contribute to the degradation of the historic fabric of the City of Newport Beach. However, policies under the proposed General Plan Update and assigned mitigation measures would be implemented as appropriate to reduce the effect of this development by ensuring the evaluation and – where appropriate – scientific recovery and study of any resources encountered. CEQA requirements for the protection of archaeological and paleontological resources and human remains are applicable to development in the City of Newport Beach. If subsurface cultural resources are protected as they are discovered – as is required by law – impacts to these resources would be ***less than significant***. As indicated above, given the mitigation measures that would be imposed and enforced throughout construction, the contribution of potential impacts from the proposed General Plan Update to the cumulative destruction of subsurface cultural resources throughout Newport Beach would not be cumulatively considerable, and would, therefore, be ***less than significant***.

■ Proposed General Plan Update Policies

The Historical Resources and Natural Resources Elements of the proposed General Plan Update include policies that would address issues related to historical resources within the City of Newport Beach. The policies that are applicable to the project are included below.

Goal HR 1 Recognize and protect historically significant landmarks, sites, and structures.

Policy HR 1.1 Historical Resources Inventory

Maintain and periodically update the Newport Beach Register of Historical Property for buildings, objects, structures, and monuments having importance to the history or architecture of Newport Beach and require photo documentation of inventoried historic structures prior to demolition.

Policy HR 1.2 Preservation or Re-Use of Historical Structures

Encourage the preservation of structures listed on the National Register of Historic Places and/or the list of California Historical Landmarks, and/or the Newport Beach Register of Historical Property. Provide incentives, such as grading reductions or waivers of application fees, permit fees, and/or any liens placed by the City to properties listed in the National or State Register or the Newport Beach Register of Historical Property in exchange for preservation easements.

Policy HR 1.3 Historical Landmarks

Encourage the placement of historical landmarks, photographs, markers, or plaques at areas of historical interest or value. Create a Landmark Plan that will recognize and designate culturally important heritage sites that are eligible for the placement of historical landmarks or plaques. The Plan will also identify funding opportunities to support the program such as development fees, corporate or civic sponsorships, donations, or utilizing General Funds.

Policy HR 1.4 Adaptive Re-use

Encourage alternatives to demolition of historical sites or structures by promoting architecturally compatible rehabilitation or adaptive re-use. Provide incentives such as permit and application fee waivers, flexible building requirements and free technical advice by person(s) qualified in historical preservation.

Policy HR 1.5 Historical Elements within New Projects

Require that proposed development that is located on a historical site or structure incorporate a physical link to the past within the site or structural design, if preservation or adaptive reuse is not a feasible option. For example, incorporate historical photographs or artifacts within the proposed project or preserve the location and structures of existing pathways, gathering places,

seating areas, rail lines, roadways, or viewing vantage points within the proposed site design.

Policy HR 1.6 Documentation

Require that, prior to the issuance of a demolition or grading permit, developers of a property that contains an historic structure as defined by CEQA retain a qualified consultant to record the structure in accordance with U.S. Secretary of Interior guidelines (which includes drawings, photographs, and written data) and submit this information to the Newport Beach Historical Society, Orange County Public Library, and City Planning Department.

Policy HR 1.7 Offer for Relocation of Historic Structure

Require that, prior to the demolition of a historic structure, developers offer the structure for relocation by interested parties.

Goal HR 2 Identification and protection of important archeological and paleontological resources within the City.

Policy HR 2.1 New Development Activities

Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize mitigate impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

Policy HR 2.2 Grading and Excavation Activities

Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings.

Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

Policy HR 2.3 Cultural Organizations

Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.

Policy HR 2.4 Paleontological or Archaeological Materials

Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

Goal LU 6.8 A series of commercial, visitor-serving, marine related, civic, and residential neighborhoods that are vibrant throughout the year, differentiated by their historic and functional characteristics, and architectural style, yet integrated by streetscape amenities.

Policy LU 6.8.6 Historic Character

Preserve the historic character of Balboa Peninsula's districts by offering incentives for the preservation of historic buildings and requiring new development to be compatible with the scale, mass, and materials of existing structures, while allowing opportunities for architectural diversity.

Goal NR 18 Protection and preservation of important paleontological and archaeological resources.

Policy NR 18.1 New Development

Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

Policy NR 18.2 Maintenance of Database Information

Prepare and maintain sources of information regarding paleontological or archaeological sites and the names and addresses of responsible organizations and qualified individuals who can analyze, classify, record, and preserve paleontological and archaeological findings. [Council Policy Manual]

Policy NR 18.3 Potential for New Development to Impact Resources

Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.

Policy NR 18.4 Donation of Materials

Require new development, where in situ preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological

materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

■ Impacts and Mitigation Measures

No feasible mitigation measures beyond what the proposed General Plan Update policies require are available as the desired result (no demolition of historic resources) cannot be ensured and even if the structure were moved, the integrity of setting and location of the structure would still be lost, because the structure would be removed from its original site.

Level of Significance After Policies/Mitigation Measures

Development under the proposed General Plan Update could include the modification, demolition or destruction of historical resources. As no additional feasible mitigation measures are available to ensure the complete protection of historical resources from future development, the impact would be ***significant and unavoidable***. However, all other project impacts associated with historic, archeological, paleontological resources, and human remains would be ***less than significant*** under the proposed Newport Beach General Plan Update. Policies in the General Plan would protect and preserve important paleontological and archaeological resources by requiring that new development under the proposed General Plan Update protects and preserves these resources from destruction. Through protections such as planning policies, permit conditions, maintenance of information resources, and the inclusion of cultural organizations in any development projects that have the potential to adversely impact these resources, the overall impacts to historic, archeological, and paleontological resources, and human remains would be ***less than significant***.

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