

4. ENVIRONMENTAL IMPACT ANALYSIS

D. CULTURAL RESOURCES

1. INTRODUCTION

The purpose of this section is to evaluate potential impacts on cultural resources including archaeological, historical, and paleontological resources that could occur with implementation of the proposed project. The analysis of cultural resources presented in this section is derived from technical reports prepared by PCR Services Corporation, including a *Cultural and Paleontological Resources Assessment* (CPRA) prepared in February 2013 and a *Historic Resources Assessment* (HRA) prepared in March 2013. Both reports are provided for reference in Appendix D of this Draft EIR.

2. ENVIRONMENTAL SETTING

a. Regulatory Framework

(1) Federal Level

(a) National Register of Historic Places

The National Register of Historic Places (National Register) was established by the National Historic Preservation Act (NHPA) of 1966, as “an authoritative guide to be used by federal, State, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment.” The National Register recognizes properties that are significant at the national, state, and/or local levels.

To be eligible for listing in the National Register, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Four criteria for evaluation have been established to determine the significance of a resource:

- A. It is associated with events that have made a significant contribution to the broad patterns of our history;
- B. It is associated with the lives of persons significant in our past;
- C. It embodies the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
- D. It yields, or may be likely to yield, information important in prehistory or history.

Districts, sites, buildings, structures, and objects of potential significance that are 50 years in age must meet one or more of the above criteria. However, the National Register does not prohibit the consideration of properties less than fifty years in age whose exceptional contribution to the development of American history, architecture, archeology, engineering, and culture can be clearly demonstrated.

A property achieving significance within the past fifty years is eligible only if it is of exceptional importance, or if it is an integral part of a district that is eligible for listing in the National Register. Fifty years is a general estimate of the time needed to develop historical perspective and to evaluate significance. *National Register Criteria Consideration G: Properties that have Achieved Significance within the Past Fifty Years* guards against the listing of properties of passing contemporary interest and ensures that the National Register is a list of truly historic places.

In addition to meeting the Criteria for Evaluation, a property must have integrity. “Integrity is the ability of a property to convey its significance.” According to *National Register Bulletin 15* (NRB), the National Register recognizes seven aspects or qualities that, in various combinations, define integrity. To retain historic integrity a property will always possess a majority of these seven aspects. Thus, the retention of the specific aspects of integrity is paramount for a property to convey its significance. The seven factors that define integrity are location, design, setting, materials, workmanship, feeling, and association. In assessing a property's integrity, the National Register criteria recognize that properties change over time, therefore, it is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity.

For properties that are considered significant under National Register Criteria A and B, the *National Register Bulletin, How to Apply the National Register Criteria for Evaluation* states that a property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s).

In assessing the integrity of properties that are considered significant under National Register Criterion C, the *National Register Bulletin, How to Apply the National Register Criteria for Evaluation* provides that a property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique.

Given the age of some existing on-site structures, the National Historic Preservation Act of 1966 is relevant to the proposed project.

(2) State Level

(a) California Register of Historical Resources

Created by Assembly Bill 2881 which was signed into law on September 27, 1992, the California Register of Historical Resources (California Register) is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.”¹ The criteria for eligibility for the California Register are based upon National Register criteria.² Certain resources are determined by the statute to be automatically included in the California

¹ *California Public Resources Code Section 5024.1(a).*

² *California Public Resources Code § 5024.1(b).*

Register, including California properties formally determined eligible for, or listed in, the National Register of Historic Places.³

To be eligible for the California Register of Historical Resources, a pre-historic or historic property must be significant at the local, state, and/or federal level under one or more of the following criteria:

- a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- b. Is associated with the lives of persons important in our past;
- c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- d. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the California Register must meet one of the criteria of significance described above and retain enough of its historic character or appearance (integrity) to be recognizable as a historical resource and to convey the reason for its significance. It is possible that a historic resource may not retain sufficient integrity to meet the criteria for listing in the National Register, but it may still be eligible for listing in the California Register.

Additionally, the California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register of Historic Places and those formally Determined Eligible for the National Register of Historic Places.
- California Registered Historical Landmarks from No. 770 onward.
- Those California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the California Register.

Other resources that may be nominated to the California Register include:

- Historical resources with a significance rating of Category 3 through 5.⁴
- Individual historical resources.
- Historical resources contributing to historic districts.
- Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

³ *California Public Resources Code § 5024.1(d).*

⁴ *Those properties identified as eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, and/or a local jurisdiction register.*

The California Register is applicable to the proposed project due to the potential presence of archaeological resources on-site.

(b) California Environmental Quality Act

CEQA is the principal statute governing environmental review of projects occurring in the State. CEQA requires lead agencies to determine if a proposed project would have a significant effect on archaeological resources (PRC Sections 21000 et seq.). As defined in Section 21083.2 of the Public Resources Code a “unique” archaeological resource is an archaeological artifact, object, or site, about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In addition, CEQA Section 15064.5 broadens the approach to CEQA by using the term “historical resource” instead of “unique archaeological resource.” The *CEQA Guidelines* recognize that certain archaeological resources may also have significance. The Guidelines recognize that a historical resource includes: (1) a resource in the California Register of Historical Resources; (2) a resource included in a local register of historical resources, as defined in Public Resources Code §5020.1 (k) or identified as significant in a historical resource survey meeting the requirements of Public Resources Code §5024.1 (g); and (3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California by the lead agency, provided the lead agency’s determination is supported by substantial evidence in light of the whole record.

If a lead agency determines that an archaeological site is a historical resource, the provisions of §21084.1 of the Public Resources Code and §15064.5 of the *CEQA Guidelines* apply. If an archaeological site does not meet the criteria for a historical resource contained in the *Guidelines*, then the site is to be treated in accordance with the provisions of Public Resources Code §21083.2, which refer to a unique archaeological resource. The *Guidelines* note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. (Guidelines §15064.5(c)(4)).

The *CEQA Guidelines* and PRC are applicable to the project site due to the potential presence of archaeological resources on-site.

(c) California Coastal Act

The California Coastal Act of 1976 (California Public Resources Code §§30000 et seq.) establishes policies guiding development and conservation along the California coast. Consistent with Section 30001 and the basic goals of Section 30001.5, and except as may be otherwise specifically noted in the California Coastal Act

(CCA), the policies of Section 30200 of the CCA constitute the standards by which the adequacy of local coastal programs and the permissibility of proposed developments subject to the requirement to obtain a coastal development permit are determined. The consistency of the proposed project with applicable CCA policies is provided below under Consistency with Regulatory Framework.

(d) Senate Bill 18

Senate Bill (SB) 18 (California Government Code §65352.3) incorporates the protection of or mitigation of impacts to California traditional tribal cultural places into land use planning for cities, counties, and agencies. It establishes responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 requires public notice to be sent to tribes listed on the Native American Heritage Commission's (NAHC's) SB 18 Tribal Consultation List within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the California Public Resources Code that may be affected by the proposed adoption of or amendment to a general or specific plan.

The proposed project requires consultation under SB 18. The City notified tribes and individuals listed on the NAHC contacts list.

(e) Sacred Lands File Search and Native American Consultation

The State Native American Heritage Commission (NAHC) is responsible for conducting Sacred Lands File (SLF) searches to assist in the identification of Native American or prehistoric resources that may be impacted by implementing proposed projects. The SLF refers to the inventory of Native American or prehistoric resources that the NAHC maintains. The primary source of information for the SLF is California Native American individuals and groups. They provide valuable locational information to the NAHC regarding resources that may not otherwise be shared with the California Historical Resources Information System – South Central Coastal Information Center (CHRIS-SCCIC) at California State University Fullerton, other regional information centers, or other archives that maintain records on Native American or prehistoric resources. As a result, it has been established as an industry-wide standard to conduct SLF searches for all projects subject to CEQA to ensure that an exhaustive effort has taken place to identify Native American or prehistoric resources. Moreover, the NAHC recommends follow-up contact with Native American groups and/or individuals identified by the NAHC as having affiliation with the study area vicinity. NAHC recommended procedures for follow-up contact includes distribution of a project description, location map, and request for information about Native American resources that may be affected by the proposed project. Results of the follow-up contact provide information regarding the presence of any locations in the vicinity of the study area that are culturally sensitive to Native Americans that may not be included in the SLF search and the CHRIS-SCCIC records. Native American burials in California are protected by several statutes from California Public Resources Code Chapter 1.75, Sections 5097.9 – 5097.991, and Section 7050 of the Health and Safety Code.

The proposed project is subject to the requirements of the NAHC due to the potential presence of Native American or prehistoric resources on-site.

(f) Paleontological Resources

Paleontological resources are also afforded protection by environmental legislation set forth under CEQA. Appendix G (part V) of the *CEQA Guidelines* provides guidance relative to significant impacts on paleontological resources, stating that “a project will normally result in a significant impact on the environment if it will ...disrupt or adversely affect a paleontologic resource or site or unique geologic feature, except as part of a scientific study.” Section 5097.5 of the PRC specifies that any unauthorized removal of paleontological remains is a misdemeanor. Further, the California Penal Code Section 622.5 sets the penalties for damage or removal of paleontological resources.

The *CEQA Guidelines* and PRC are applicable to the project site due to the potential presence of paleontological resources on-site.

(3) Local Level

(a) City of Newport Historic Resource Inventory and General Plan

In 1991, the Newport Beach City Council established an Ad Hoc Historic Preservation Advisory Committee (AHPAC) to investigate the historic resources of the community and to make recommendations regarding their preservation. The AHPAC completed its investigation on May 12, 1992, and reported its findings to City Council June 8, 1992. The findings resulted in a Historic Resource Inventory of 61 properties. The inventory categorized the properties surveyed in five hierarchical “classes” of significance:

- Class 1: Major Historic Landmark. A building, structure, object, site, or natural feature of major historical significance. The property exemplifies historic/architectural themes of local and statewide importance and serves as a significant part of the heritage of Newport Beach.
- Class 2: Historic Landmark. A building, structure, object, site, or natural feature of historical significance. The property is representative of historic/architectural themes of local and statewide importance and serves as a physical link to the historical past of Newport Beach.
- Class 3: Local Historic Site. A building, structure, object, site, or natural feature of local significance only. The property is representative of historic/architectural themes of local importance.
- Class 4: Structure of Historic Interest. A building, structure, object, site, or natural feature that has been altered to the extent that the historic/architectural integrity has been substantially compromised but is still worthy of recognition.
- Class 5: Point of Historic Interest. A site of a building, structure, or object that no longer exists, but is associated with historic events or persons, or architecturally significant structures.

Under this system, Class 1 to Class 3 would be eligible to use the State Historic Building Code; Class 4 and Class 5 properties would be listed for recognition purposes only. The inventory was not officially adopted by the City, and the structures were not placed on the City Register, however the Inventory still serves as a useful guide to potential historic resources that may have historic or cultural significance to the City.

The City of Newport established the Newport Beach Register of Historical Property (the “City Register”) to recognize structures or properties of local historical or architectural significance. The City has listed seven properties in the City Register in recognition of their local historical or architectural significance.

The City of Newport Beach adopted a General Plan on July 25, 2006 and the General Plan was later approved on November 7, 2006. The General Plan includes Chapter 6, Historical Resources Element.

In relation to historic resources, the goal of the General Plan is to recognize and protect historically significant landmarks, sites and structures. To achieve this goal, the City has adopted policies that address the Historic Resource Inventory; the Preservation and Re-Use of Historic Structures; Historic Landmarks; Adaptive Re-Use; Historical Elements within New Projects; Documentation; and Offer for Relocation of Historic Structure. Project consistency with applicable General Plan policies relevant to cultural resources is evaluated below under the Environmental Impacts subsection.

(b) Newport Beach City Council Policy Manual Guidelines

The City of Newport Beach has adopted archaeological and paleontological guidelines that govern the identification and evaluation of these resources and are used to guide the development or redevelopment of lands within the City.

With respect to paleontological resources, City Policy K-4 (adopted on August 26, 1974, amended on January 24, 1994, and corrected on March 22, 1999) requires that impacts to paleontological resources caused by development be mitigated in accordance with CEQA. Procedures to be used to assess paleontological resources are a walk-over site survey; review of publications and reports on the geology or paleontology of the area; analysis of all available soils information; and examination of the relationship of the proposed development site to known or potential fossil-producing areas identified in available records, as applicable.

With respect to archaeological resources, City Policy K-5 (adopted on January 13, 1975, amended on January 24, 1994, and corrected on March 22, 1999) requires that an impact to significant archaeological resources caused by any development be mitigated in accordance with CEQA. If deemed necessary by the City, the City requires a site survey and report that identifies potential impacts, alternatives, and recommendations for impact mitigation.

b. Existing Conditions

(1) Historic Resources

(a) Historic Context

(i) Development of Newport Beach

The community of Newport Beach was originally part of the Rancho San Joaquín, a 48,803-acre Mexican land grant encompassing Orange County. During the 1800s, the most prominent landowners of the area were Don Sepulveda and Don Bernardo Yorba, whose combined holdings comprised Newport Beach's upper and lower bay, and they would sell their tracts to Flint, Bixby, Irvine, and McFadden, entrepreneurs. James McFadden and James Irvine named the landing on the bay "Newport" and the bay quickly became a popular shipping hub.

In 1888, James McFadden built a wharf and three years later completed a railway connection to Santa Ana. Shipping activity increased dramatically and for the next eight years, the McFadden Wharf area was a booming commercial and shipping center and a company town began to grow. However, in 1899, the federal

government allocated funds for major improvements to a new harbor at San Pedro, which was served by the Southern Pacific Railroad and would become Southern California's major seaport. Thus, the McFadden Wharf and railroad was sold and signaled the end of Newport as a commercial shipping center. In 1902, James McFadden sold his Newport town site and about half of the Peninsula to William S. Collins, who saw Newport Bay's resort and recreation potential. Collins took on Henry E. Huntington as a partner in the Newport Beach Company.

Soon after, the Pacific Electric Railroad established itself in Newport Beach in 1905, connecting the City of Los Angeles by rail. Rapid transit "Red Cars" brought new visitors to the waterfront, and small hotels and beach cottages were developed that catered to the tourist industry. Between 1902 and 1907, many of Newport Beaches' waterfront communities were subdivided, including West Newport, East Newport, Bay Island, Balboa, Corona del Mar, Balboa Island and Port Orange (at old Newport Landing), and in August 1906, residents in the booming bay town voted to incorporate. On September 1, 1906, Newport Beach became the fifth city to incorporate in Orange County. Newport Heights and Corona del Mar were annexed in 1917. In the 1920s, the City and County began work to improve the harbor entrance and create navigable channels in the bay. Between 1934 and 1936, the federal government and the County Harbor District undertook work around the harbor. They dredged the Lower Bay, extended jetties, and created the present day contour of Newport Harbor. In 1936, community members dedicated the City's main harbor. During World War II, the harbor became a vital hub as naval ships were built and repaired in its coastal waters. Servicemen stationed at the Santa Ana Army Air Base came to Balboa to visit the entertainment hot spots. After the war, many of these men returned to build their homes in Newport Beach and the surrounding area.

The Santa Ana freeway, built in the 1950s, triggered further growth. During this time, housing development began to spread north and eastward 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 1967 and through the 1970s and 1980s, the building of shopping centers such as Fashion Island, hotels, high-scale restaurants, offices, and many new homes led to the creation of the active employment, retail, and residential areas.

(ii) Upper Bay Development

Newport Bay is divided by the Pacific Coast Highway Bridge into the Upper Bay, also known as Back Bay, and the Lower Newport Bay, also known as Newport Harbor. The Pacific Coast Highway Bridge, originally constructed in 1921 and later replaced, changed the configuration of the Back Bay. The completion of the bridge reduced the size of the channel connecting the Upper and Lower Bays. The Main Dike was constructed in 1934 to support the commercial production of sea salt. Improvements to the San Diego Creek channel occurred during the 1960s. Between 1956 and 1970, the Newport Dunes Aquatic Park, Dover Shores, and the ski-zone in the Unit II basin area were developed. These developments left the central of the Upper Bay as the last unaltered wetland area. Fish and Game undertook the management of the Upper Newport Bay Ecological Reserve (UNBER) in 1975.

(iii) Development of Bayside Village

The mobile home park Bayside Village (Parcel 2) is located to northeast and west of the encircling project site (Parcel 3). Developed by Bayside Village, Inc. and the Macco Corp in 1961, the community was advertised as having spots for 300 mobile homes, 300 boat slips for each mobile home, recreation center

with clubhouse, private beach, pool, shuffleboard court, putting green, and garages. The project designers were Walters & Son of Corona del Mar.

(iv) The Orange County Sanitation District

In 1921, the Orange County Outfall Sewer (JOS) is formed. Santa Ana and Anaheim agree to construct an outfall extending into the Pacific Ocean and construction begins in 1923. The Board of Supervisors orders an Orange County Sewerage Survey Report be undertaken; this report becomes the formation of the original sanitation district. In 1947, District 5, along with Districts 1 and 6 were formally organized. In 1954, the County Sanitation District of Orange County began operating and took over the duties of the Orange County Joint Outfall Sewer (JOS), which was the sewage outfall system that extended into the Pacific Ocean. The name changed from County Sanitation District of Orange County to Orange County Sanitation District (OCSD) in 1998 after it became a consolidated agency. The Orange County Sanitation District (OCSD) is responsible for safely collecting, treating and disposing the wastewater generated by 2.5 million people living in a 479-square-mile area of central and northwest Orange County.

(v) Orange County Sanitation District 5 Bay Bridge Station

The Los Angeles Times reported on September 28, 1965 that the Directors of the Orange County Sanitation District Number 5 awarded a contract to build the Bay Bridge pumping station and force main. The low bidder among six was Gallacher Company of Newport Beach for \$698,569. The pumping station and force main were constructed in 1966. The following year, the old Bay Bridge Pumping Station was demolished and removed.

(b) Known Historical Resources in the Project Vicinity

A historical resources investigation was conducted for the proposed project that included archival records searches and literature reviews to determine: (i) if known historical resources sites have previously been recorded within the project site or within a one-quarter mile radius of the project site; (ii) if the project site has been systematically surveyed by historians prior to the initiation of the study; and/or (iii) whether there is other information that would indicate whether or not the project site is historically sensitive. An in-house records search included a review of all previous historical resources investigations within the project area and within a quarter-mile radius of the project area. In addition, the California Points of Historical Interest (PHI), the California Historical Landmarks (CHL), the California Register of Historic Places (California Register), the National Register of Historic Places (National Register), the California State Historic Resources Inventory (HRI), Newport Beach Register, and 1992 Newport Beach Historic Resource Inventory were reviewed. The in-house records search conducted by PCR resulted in the identification of no previously recorded historic resources in the project vicinity (quarter-mile radius) or on the project site. In addition, the project site has not been surveyed previously by historians. The records search is included in the HRA Appendix (contained in Appendix D of this Draft EIR).

(2) Archaeological and Paleontological Resources

(a) Prehistoric Background

Prehistory is generally discussed chronologically in terms of environmental changes and cultural developments. Several chronologies have been proposed for coastal southern California. One of the earliest and most widely accepted is Wallace's four-part Horizon format (1955) which was later updated and revised

by Claude Warren (1968). The advantages and weaknesses of Southern California chronological sequences were reviewed and revised by Warren (in Moratto 1984), Chartkoff and Chartkoff (1984), and Heizer (1978). The following discussion is based on Warren's (1968) sequence, but the time frames have been adjusted to reflect more recent archaeological findings, interpretations, and advances in radiocarbon dating.

(i) Paleoindian Period

The cultural history of the Paleoindian period in southern coastal California (ca. 13,000-11,000 years before present [YBP]) follows that of North America in general. Recent discoveries in the Americas have challenged the theory that the first Americans migrated from Siberia following a route from the Bering Strait into Canada and the Northwest Coast some time after the Wisconsin Ice Sheet receded (ca. 14,000 YBP), and before the Bering Land Bridge was submerged (ca. 12,000 YBP). A coastal migration route somewhat before that time is also possible. The timing, manner, and location of this crossing are a matter of debate among archaeologists, but the initial migration probably occurred as the Laurentide Ice Sheet melted along the Alaskan Coast and interior Yukon.

The earliest generally accepted radiocarbon dates from the Paleoindian period in southern California come from the Arlington Springs Woman site on Santa Rosa Island. These human remains date to approximately 13,000 YBP (Johnson et al. 2002). The Los Angeles Man remains recovered in 1936 by Work Progress Administration (WPA) workers digging a storm drain along the Los Angeles River radiocarbon date to an age greater than 20,000 years old, but the small amount of collagen tested from the remains makes the date suspect. The remains were found in association with mammoth bones, however, so the remains can be considered Pleistocene or earliest Holocene in age.

Lifeways during the Paleoindian period were characterized by highly mobile hunting and gathering. Prey included megafauna such as mammoth and technology included a distinctive flaked stone toolkit that has been identified across much of North America and into Central America. Paleoindians likely used some plant foods, but the paleoindian toolkit recovered archaeologically does not include many tools that can be identified as designed specifically for plant processing.

The megafauna that appear to have been the focus of Paleoindian lifeways went extinct during a warming trend that began approximately 10,000 years ago, and both the extinction and climatic change (which included warmer temperatures in desert valleys and reduced precipitation in mountain areas) were factors in widespread cultural change. Subsistence and social practices continued to be organized around hunting and gathering, but the resource base was expanded to include a wider range of plant and game resources. Technological traditions also became more localized and included tools specifically for the processing of plants and other materials. This constellation of characteristics has been given the name "Archaic" and it was the most enduring of cultural adaptations to the North American environment.

(ii) Archaic Period

The earliest Archaic period lifeways in coastal southern California (ca. 11,000-3,500 YBP) have been given the name San Dieguito tradition after the San Diego area where it was first identified and studied (Warren 1968). Characteristic artifacts include stemmed projectile points, crescents and leaf-shaped knives, which suggest a continued subsistence focus on large game, although not megafauna of the earlier Paleoindian period. Milling equipment appears in the archaeological record at approximately 7,500 years ago (Moratto 1984:158). Artifact assemblages with this equipment include basin milling stones and unshaped manos,

projectile points, flexed burials under cairns, and cogged stones, and have been given the name La Jolla Complex (7,500–3,000 YBP). The transition from San Dieguito to La Jolla lifeways appears to have been an adaptation to drying of the climate after 8,000 YBP, which may have stimulated movements of desert peoples to the coastal regions, bringing milling stone technology with them. Groups in the coastal regions focused on mollusks, while inland groups relied on wild-seed gathering and acorn collecting.

(iii) Late Prehistoric Period

Cultural responses to environmental changes around 4,000–3,000 YBP included a shift to more land-based gathering practices during the Late Prehistoric period (ca. 3,500 YBP–A.D. 1769). This period was characterized by the increasing subsistence importance of acorn processing, which supplemented resources from other gathered plant foods and from hunting. Meighan (1954) identified the period after A.D. 1400 as the San Luis Rey complex. San Luis Rey I (A.D. 1400–1750) is associated with bedrock mortars and milling stones, cremations, small triangular projectile points with concave bases and Olivella shell beads. The San Luis Rey II (A.D. 1750–1850) period is marked by the addition of pottery, red and black pictographs, cremation urns, steatite arrow straighteners and non-aboriginal materials (Meighan 1954:223; Keller and McCarthy 1989:6). Work at Cole Canyon and other sites in southern California suggests that this complex, and the ethnographically described lifeways of the native people of the region, were well established by at least 1,000 YBP (Keller and McCarthy 1989:80).

(b) Ethnographic Context

The proposed project site lies within a boundary area between the ethnographic territories of the Native American groups known as the Gabrielino and the Juaneño. These names are derived from their association, during the Spanish period, with Mission San Gabriel Archangel and Mission San Juan Capistrano, respectively.

Gabrielino territory included the Los Angeles Basin, the coast of Aliso Creek in Orange County to the south to Topanga Canyon in the north, the four southern Channel Islands, and watersheds of the Los Angeles, San Gabriel, and Santa Ana Rivers. The Gabrielino were not the first inhabitants of the Los Angeles Basin, but arrived around 500 B.C. The Gabrielino are descendants of the Shoshonean migration, which originated out of the Great Basin and displaced the already established Hokan speakers. The Gabrielino were advanced in their culture, social organization, religious beliefs, and art and material production. Class differentiation, inherited chieftainship, and intervillage alliances were all components of Gabrielino society. At the time of European contact, the Gabrielino were actively involved in trade using shell and beads as currency. The Gabrielino were known for excellent artisanship in the form of pipes, ornaments, cooking implements, inlay work, and basketry. The Gabrielinos evolved an effective economic system which managed food reserves (storage and processing), exchanged goods, and distributed resources.

The territory of the Juaneño was bounded to the north by the Aliso Creek Watershed where they shared a tribal boundary with the Gabrielino. Their territory was bounded to the east by the crest of the Santa Ana Mountains, the south by San Onofre Creek, and west by the Pacific Ocean (Kroeber 1976:636). The Juaneño have been considered by many scholars to have had similar lifeways as their Luiseño neighbors to the south and east. Although some scholars separated Juaneño and Luiseño on the basis of linguistic differences, later studies (White 1963:91) indicate that they are ethnologically and linguistically one ethnic nationality. Like many California tribes, the Juaneño were organized in permanent villages of 50 to 250 people that were concentrated near watercourses and the coast, which allowed exploitation of not only the much-needed

water, but also the resulting floral and faunal communities that thrived in those areas. Seasonal settlements were also established to harvest acorns, a California staple, and to hunt game in the interior. Marine mammals, fish, and shellfish were also exploited on the coast and goods were traded between Juaneño clans and surrounding groups such as the Luiseño, Gabrielino, Serrano, and Cahuilla (Bean and Shipek 1978).

Women and men wore grass skirts and animal skins with elaborate jewelry made of shells and seeds. Families lived in dome-shaped huts made of willow and tule, and ate an acorn mush called wi-wush. Other foods included fish (from mountain streams and the ocean), roasted deer and rabbit, seeds, greens, roots, tubers, shellfish, fruit, and other terrestrial and marine mammals. Hunting was performed with bows and arrows, snares, and throwing sticks. In addition, elaborate stone bowls, grinding stones, tools, and baskets were made from local raw material if not traded in. The Juaneño were also a deeply spiritual people who celebrated their religion in sacred ceremonies of dance and song (Juaneño Band 2005).

(c) Archaeological and Paleontological Resources Research Results

(i) Cultural Resource Records Search

Results of the cultural resources records search revealed that no prehistoric or historic archaeological sites have been recorded on the proposed project site. Eighteen prehistoric and historic archaeological resources have been recorded within one-half mile of the proposed project site, several of which are less than a quarter-mile from the project site. Twenty-eight previous cultural resources studies have been conducted within a one-half mile of the project site and covering approximately forty percent of the one-half mile search radius. Of these, none have covered any portion of the project site itself. Nine additional studies have been conducted within the USGS Newport Beach 7.5' Quadrangle that may have been located within the one-half mile radius of the project site, however, due to insufficient locational information, they have not been mapped.

(ii) Sacred Lands File Search and Native American Consultation

The NAHC SLF records search results did not indicate the existence of known Native American cultural resources within a one-half-mile of the project site. As per NAHC suggested procedure, follow-up letters were sent via e-mail on November 5, 2012, and via certified mail on November 20, 2012, to the 14 Native American individuals and organizations identified by the NAHC as being affiliated with the vicinity of the project site. The letters requested information or concerns about Native American cultural resources that may be affected by the proposed project.

On November 27, 2012, Mr. Andy Salas, Chairman of Kizh/Gabrieleno Band of Mission Indians, replied via e-mail to express his concerns about the project. Mr. Salas stated in his e-mail that the proposed project is located within a "highly culturally sensitive area." Consequently, he requested that an "experienced and certified Native American monitor" be present during all ground disturbing activities associated with the proposed project. He also stated that even though the NAHC states that there are "no records of sacred sites," there still may be sites located within the project area because the NAHC is not the expert on the band's area. Mr. Salas finally states, "And yes there were indeed Villages within the project area," therefore their office should be contacted to coordinate having a Native American monitor on-site during any future ground disturbing activities. Further discussion of archaeological monitoring is provided below under Analysis of Project Impacts.

(iii) Paleontological Resources Records Search

Results of the paleontological resources records search through the NHMLAC indicate that no vertebrate fossil localities have been recorded on the project site, but localities have been recorded in the vicinity in the same sedimentary deposits that underlie the project site. The project site has surficial deposits consisting of younger Quaternary Alluvium derived as fluvial deposits from the San Diego Creek or tidal wetland deposits. The younger Quaternary Alluvium deposits are unlikely to contain significant vertebrate fossils in the uppermost layers. In addition, there are no vertebrate fossil localities nearby in these sediments. However, very near to the project site there are exposures of older Quaternary terrace deposits as well as marine late Miocene Capistrano Formation deposits and older marine late Miocene Monterey Formation deposits (McLeod 2012). The nearest vertebrate fossil locality in the Quaternary terrace deposits, LACM 5466, is located east-southeast of the project site, along Jamboree Road north of the Pacific Coast Highway (PCH). This vertebrate fossil locality produced a fossil specimen of horse (*Equus*). West of the project site, between Superior Avenue and Newport Boulevard in the cliffs on the north side of the PCH, LACM 6370 also produced specimens of fossil horse (*Equus*) from Quaternary terrace deposits. Localities LACM 1240 and 3408, northeast of the project site along Ford Road between Jamboree Road and MacArthur Boulevard, produced fossils of thresher shark (*Alpias superciliosus*), white shark (*Carcharodon carcharias*), sheephead fish (*Pimelometopon pulchrum*), duck (*Chendytes lawi*), tapir (*Tapiridae*), and horse (*Equus*) also in Quaternary terrace deposits. Localities farther away in the older Quaternary terrace deposits have also produced extensive fauna of primarily terrestrial vertebrates, especially LACM 1066 located further north along the Upper Newport Bay (Miller 1970).

The nearest vertebrate fossil locality in the Capistrano Formation, LACM (CIT) 580, is located northeast of the project site, on the north side of the mouth of Big Canyon. This vertebrate fossil locality produced a fossil specimen of sperm whale (*Physeteridae*). East-northeast of the project site, along Ford Road near MacArthur Boulevard, LACM 4911-4912 produced specimens of white shark (*Carcharodon*) from the Capistrano Formation deposits.

The nearest vertebrate fossil locality in the Monterey Formation, LACM 1160, is located north of the project site, in the cliffs along Backbay Drive on both sides of San Joaquin Hills Road south of Big Canyon. This vertebrate fossil locality produced a fossil specimen of bony fish (*Osteichthyes*) and baleen whales (*Mysticeti*). Underlying the older Quaternary deposits of LACM 6370 mentioned above, locality LACM 6371 produced specimens of undetermined fossil marine mammals from the Monterey Formation deposits. Numerous other vertebrate fossil localities from the Monterey Formation deposits are found in Orange County, primarily farther east, in the hills south of the San Diego Freeway and on both sides of the Golden State Freeway. The paleontological records search results letter from the NHMLAC is provided as an attachment to the CRA (Appendix D to this Draft EIR).

3. ENVIRONMENTAL IMPACTS

a. Methodology

(1) Historical Resources

The Historic Resource Assessment was conducted by PCR's Historic Resources Division staff, Margarita J. Wuellner, Ph.D., Director of Historic Resources, Murray Miller, M. Arch., Principal Historic Preservation Planner, and Amanda Kainer, M.S., Assistant Architectural Historian, who meet and exceed the *Secretary of*

the Interior's Professional Qualification Standards in history, historic architecture and architectural history. Resumes are included in the HRA Appendix (in Appendix D of this Draft EIR).

The historical resources evaluation involved a multi-step methodology. A review of the National Register of Historic Places (National Register) and its annual updates, the California Register of Historical Resources (California Register), the California Historic Resources Inventory Database maintained by the State Office of Historic Preservation (OHP), and the City of Newport Historic Resource Inventory and General Plan was performed to identify any previously recorded properties within or near the survey area. An intensive pedestrian site survey was undertaken to document the existing conditions of the property.

The National Register and California Register evaluation criteria were employed to assess the significance of the property. In addition, the following tasks were performed for the study:

- Searched records of the National Register, California Register, the California Historic Resources Inventory Database, and the City of Newport Beach.
- Conducted field inspections of the study area and subject property, and utilized the survey methodology of the State OHP.
- Photographed the subject property and examined other properties in the area that exhibited potential architectural and/or historical associations. Conducted site-specific research on the subject property utilizing building permits, assessor's records, Sanborn fire insurance maps, city directories, historical photographs, California Index, historical Los Angeles Times, archives at the Orange County Sanitation District, and other published sources.
- Reviewed and analyzed ordinance, statutes, regulations, bulletins, and technical materials relating to federal, state, and local historic preservation, designation assessment processes, and related programs.
- Evaluated potential historic resources based upon criteria used by the National Register and the California Register.

(2) Archaeological and Paleontological Resources

On October 31, 2012, PCR archaeologist Mr. Matthew Gonzalez commissioned a cultural resource records search through CRHIS-SCCIC at California State University, Fullerton. This records search included a review of all recorded historical and archaeological resources within a one-half mile radius of the project site as well as a review of cultural resource reports and historic topographic maps on file. In addition, the records search included a review of the California Points of Historical Interest (CPHI), the California Historical Landmarks (CHL), the California Register of Historic Places (CRHP), the National Register of Historic Places, and the California State Historic Resources Inventory listings (HRI). The purpose of the record search was to determine whether there are previously recorded archaeological or historical resources within the study area as a basis for assessing the sensitivity of the project site for additional and buried archaeological resources.

On October 31, 2012, Mr. Gonzalez commissioned an SLF records search for the project site through the NAHC and conducted follow-up consultation with Native American groups and/or individuals identified by the NAHC as having affiliation with the project site vicinity. Each Native American group and/or individual listed was sent a project notification letter and map, and was asked to convey any Native American cultural

resources information, issues, or concerns. The letter included information such as the project site location and a brief description of the proposed project. The purpose of the search and follow-up consultation was to obtain information regarding any locations in the vicinity of the project site which are culturally sensitive to Native Americans.

On October 31, 2012, Mr. Gonzalez commissioned a paleontological resources records search through the NHMLAC. This records search entailed an examination of current geologic maps and known fossil localities inside and within the general vicinity of the project site. The purpose of the records search was the identification of previously recorded paleontological resources within or near the project site to provide a basis for assessing the sensitivity of the project site for additional and buried paleontological resources.

b. Thresholds of Significance

Appendix G of the *CEQA Guidelines* provides a checklist of questions to assist in determining whether a proposed project would have a significant impact related to various environmental issues including cultural resources. Based on the following issue areas identified in Appendix G of the *CEQA Guidelines*, a significant impact relative to cultural resources would occur if the project would result in the following:

- Threshold 1: Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 (refer to Impact Statement 4.D-1 below);
- Threshold 2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 (refer to Impact Statement 4.D-2 below);
- Threshold 3: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (refer to Impact Statement 4.D-3 below); or
- Threshold 4: Disturb any human remains, including those interred outside of formal cemeteries (refer to Impact Statement 4.D-4 below).

As discussed above, *CEQA Guidelines* Section 15064.5 broadens the approach to CEQA by using the term “historical resource” instead of “unique archaeological resource.” If a lead agency determines that an archaeological site is a historical resource, the provisions of §21084.1 of the PRC and §15064.5 of the Guidelines apply. If an archaeological site does not meet the criteria for a historical resource contained in the *CEQA Guidelines*, then the site is to be treated in accordance with the provisions of Public Resources Code §21083.2, which refer to a unique archaeological resource.

c. Project Design Features

Implementation of the proposed project would require modification to the existing subsurface to accommodate a future development project’s building foundations and partially-subterranean parking structure. The required excavation is anticipated to extend to depths below the current ground surface with excavations up to 14 feet below the existing grade. If drilling for shoring, foundations, etc. is to take place, deeper depths are possible. According to the geotechnical report prepared for the project site, fill soils are encountered down to about six to eight feet (Leighton 2012).

d. Analysis of Project Impacts

(1) Historic Resources

Threshold	Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
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Impact 4.D-1 Implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5. This impact is considered less than significant with mitigation incorporated.

(a) Identification of Potential Historical Resources

As a result of the archival records search it was determined that no known historic resources are located on these parcels. However, the project site contains the Storage Garages & Marina/Bayside Village Guest Parking constructed in 1961, two structures comprising the Orange County Sanitation District 5 Bay Bridge Station (pump station) that were built in 1966, and Bayside Village mobile home park itself was developed in 1961. Current CEQA Guidelines establish 45 years of age as the threshold at which buildings should be evaluated as historic resources. As these structures/uses are approximately 52 and 47 years old, respectively, they require evaluation as potential historical resources. Property research was conducted, a historic context prepared, and the identified buildings were evaluated for their potential as historical resources. The results of this investigation are provided below.

(i) Storage Garages & Marina/Bayside Village Guest Parking (1961)

The subject garages located at the eastern edge of Parcel 3 (see Figures 1 and 2 of the project HRA contained in Appendix D of this Draft EIR) do not appear to possess architectural significance, such as distinctive characteristics of a type, period, or method of construction; or high artistic value. Project Planning Area 4 contains the garages that are located along the eastern edge of Parcel 3, as shown in Figure 2-2, Planning Areas, in Chapter 2, *Project Description*, of this Draft EIR. The garage structure is surrounded by surface parking to the east; mobile homes to the south and west (see Figure 3 of the project HRA); and marina to the north.

The garages are common, typical and undistinguished examples of utilitarian architecture in Southern California. The properties lack sufficient, architectural merit or historical importance to meet the threshold of significance as potential historical resources. Therefore, pursuant to CEQA the proposed project would not result in a direct significant impact with regard to the existing buildings on the subject site. The existing garages constructed in 1961 do not appear to rise to the threshold of significance for eligibility in either the National Register, California Register, or City of Newport Beach as an exceptional, distinctive, outstanding, or singular example of their type or style either individually or as a contributor to a district. The garages therefore appear ineligible as individual historical resources. A Department of Parks and Recreation (DPR) form for the Storage Garages & Marina/Bayside Village Guest Parking is included in Appendix D of this Draft EIR. Pursuant to CEQA the proposed project would result in no impact to historical resources with regard to the storage garages and guest parking area.

(ii) Orange County Sanitation District 5 Bay Bridge Station (Pump House) (1966)

The two pump station structures (Figure 4 of the project HRA), located adjacent to the southern edge of Parcel 3 adjacent to East Coast Highway would be retained and incorporated into the design of a future

development on-site. They do not appear to possess architectural significance, such as distinctive characteristics of a type, period, or method of construction; or high artistic value. The pump station is located outside of Parcel 3, and therefore is not included in Planning Area 1 of the project site. The structures are surrounded by outside storage/mobile home parking to the east, north and south (see Figure 5 of the project HRA).

The pump station structures replaced earlier pump houses and are not considered to be historically important in the history of the Orange County Sanitation District. They are common, typical and undistinguished examples of utilitarian architecture in Southern California. The properties lack sufficient architectural merit or historical importance to meet the threshold of significance as potential historical resources. Therefore, pursuant to CEQA the proposed project would not result in a direct significant impact with regard to the existing buildings on the subject site. The existing structures constructed in 1966 do not appear to rise to the threshold of significance for eligibility in either the National Register, California Register, or City of Newport Beach as an exceptional, distinctive, outstanding, or singular example of their type or style either individually or as a contributor to a district. The pump station structures are therefore recommended ineligible as individual historical resources. A DPR form for the Orange County Sanitation District 5 Bay Bridge Station is included in Appendix D of this Draft EIR. Pursuant to CEQA the proposed project would result in no impact to historical resources with regard to the pump station structures.

(iii) Bayside Village (1961)

The mobile home structures (see Figure 3 of the project HRA contained in Appendix D of this Draft EIR), located within Parcel 2, are situated to the northeast, south, and west of the encircling project site (Parcel 3). They do not appear to possess architectural significance, such as distinctive characteristics of a type, period, or method of construction; or high artistic value. The mobile homes are bounded by outside storage/marina parking lot to the southwest; the storage garages and guest parking to the east; existing marina and marina access road to the north, and mobile home residences to the southeast.

The mobile homes are not considered to be historically important. They are common, typical and undistinguished examples of domestic architecture in Southern California. The properties lack sufficient architectural merit or historical importance to meet the threshold of significance as potential historical resources. Therefore, pursuant to CEQA the proposed project would not result in a direct significant impact with regard to the existing mobile homes adjacent to the subject site. The existing structures constructed in 1961 do not appear to rise to the threshold of significance for eligibility in either the National Register, California Register, or City of Newport Beach as an exceptional, distinctive, outstanding, or singular example of their type or style either individually or as a contributor to a district. The mobile homes are therefore recommended ineligible as individual historical resources or as an historic district. Pursuant to CEQA the proposed project would result in no impact to historical resources as relates to the Bayside Village mobile home park.

(iv) Impact Conclusion

The development of the proposed project would have no impact to historical resources. The storage garages, Bayside Village mobile home park, and the pump station structures do not possess sufficient historical or architectural importance to reach the threshold of significance as historical resources for the following reasons:

- They are not associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- They are not associated with the lives of persons important in California's past;
- They do not embody the distinctive characteristics of a type, period, region, or method of construction, nor do they represent the work of an important creative individual, nor do they possess high artistic values; or
- The subject property has not yielded, nor is it likely to yield, information important in California's prehistory or history; and
- The subject structures would not reach the threshold of a Class 3: Local Historic Site because they are not of local significance nor are they considered representative of historic/architectural themes of importance to Newport Beach.

In addition, no known adjacent historic resources or eligible contributors to a historic district are within a quarter-mile of the subject property. Therefore, pursuant to CEQA, the proposed future redevelopment of the project site would result in no impact to historical resources. No further analysis of this issue is necessary.

Also, the proposed redevelopment would not impact any historical resources in the surrounding setting. The project area was developed during the mid-20th century with a mobile home park, parking lots, and docks; therefore the area has been redeveloped and lacks integrity for consideration as a potential historical resource or cultural landscape. Furthermore, Newport Bay has undergone substantial alterations over the years including changes in configuration, introduction of industrial and commercial activities, as well as construction of transportation, recreational and residential improvements. As such, no indirect impacts to historic resources would result from future project implementation, and no further analysis of this issue is necessary.

(2) Archaeological Resources

Threshold	Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
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Impact 4.D-2 Implementation of the proposed project would not a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. This impact is considered less than significant with mitigation incorporated.

Results of the cultural resources records search revealed that no prehistoric or historic archaeological sites have been recorded on the project site itself. However, 18 prehistoric and historic archaeological resources have been recorded within one-half mile of the project site, several of which are less than a quarter-mile from the project site.

The project site is located within an urbanized area, and the entire site has been subject to disruption by both development and flooding activities over the years. Thus, surficial archaeological resources that may have existed at one time have likely been previously disturbed or displaced. Nevertheless, the project proposes excavation of the project site which would extend beyond the six to eight feet of fill material that covers the majority of the project site, thus encountering previously undisturbed soils and sediments. While discovery of

prehistoric archaeological remains in the fill deposits on the project site are unlikely, excavation occurring below the fill levels could potentially encounter prehistoric archaeological remains. This conclusion is supported by comments from Mr. Andy Salas, the Chairman of Kizh/Gabrieleno Band of Mission Indians. Mr. Salas reported the existence of prehistoric village sites within the project area. Consequently, cultural resources may be present within the project site at depth. However, with implementation of applicable mitigation measures, provided below, impacts to archaeological and Native American resources would be reduced to less than significant. Although Mr. Salas has recommended the presence of a Native American monitor during ground-disturbing activities, the degree of sensitivity of the project site with respect to buried archaeological resources, in this case, does not warrant the presence of a Native American monitor. The City considers the presence of an archaeological monitor during ground-disturbing activities to be sufficient enough to address impacts to archaeological resources. However, if resources are encountered, Mitigation Measure D-1 will require that affiliated Native American groups be invited to contribute to a treatment plan for such resources.

(3) Paleontological Resources

Threshold	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
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Impact 4.D-3 Implementation of the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. This impact is considered less than significant with mitigation incorporated.

The project site is located on fill material which ranges in depth due to disturbances from previous on-site development and demolitions. Although the project site has been previously disturbed through grading and/or development, it is likely that the deeper excavations will encounter previously undisturbed native soil/sediment that may contain intact paleontological resources. Therefore, if deeper excavations occur, there may be the possibility of encountering significant vertebrate fossils per the results of the paleontological records search through NHMLAC. However, mitigation provided below would be implemented, as necessary, to reduce impacts to less than significant.

(4) Human Remains

Threshold	Would the project disturb any human remains, including those interred outside of formal cemeteries?
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Impact 4.D-4 Implementation of the proposed project would not disturb any human remains, including those interred outside of formal cemeteries. This impact is considered less than significant with mitigation incorporated.

As discussed earlier, a Sacred Lands File search for the project site requested by PCR from the NAHC in Sacramento failed to indicate the presence of Native American cultural resources in the SLF database within the project site. The NAHC results also noted, however, that the "NAHC [SLF] inventory is not exhaustive and does not preclude the discovery of cultural resources during any project groundbreaking activity." The cultural resources records search through the SCCIC revealed that no recorded human remains have been identified within the project site. The project site is currently developed with multiple uses and it is likely that resources that may have once existed have now been displaced by disturbances associated with the current development. As a result, the overall sensitivity of the project site with respect to buried human remains appears to be low. If such resources are accidentally encountered during project implementation,

mitigation provided below would ensure that potential impacts to the resources are reduced to a less than significant level.

(5) Consistency With Regulatory Framework

Threshold	Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan and municipal code) adopted for the purpose of avoiding or mitigating an environmental effect?
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Impact 4.D-3 Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.

The proposed project would comply with all applicable State and federal regulations regarding cultural resources as described above, and therefore no significant impacts regarding conflicts with such laws would result from project implementation. Furthermore, the proposed project would not conflict with applicable policies contained in the City’s General Plan regarding cultural resources, as discussed below in **Table 4.D-1, General Plan Consistency Analysis**. Similarly, the proposed project’s consistency with the applicable policies of the City’s Local Coastal Program Coastal Land Use Plan (CLUP) is evaluated below in **Table 4.D-2, Coastal Land Use Plan Consistency Analysis**, Additionally, the proposed project’s consistency with the applicable policies of the California Coastal Act relative to cultural resources is evaluated below in **Table 4.D-3, California Coastal Act Consistency Analysis**. As discussed in Tables 4.C-1, 4.C-2, and 4.C-3, the proposed project would not conflict with the applicable policies of the City’s General Plan, CLUP, or the CCA, and as such impacts in this regard would be less than significant.

Table 4.D-1

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
Historical Resources Element	
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.	Consistent. All on-site structures over 45 years old were evaluated by PCR and have been determined not to be eligible for listing as historical resources under the National Register or California Register, or for inclusion in the City’s list of historical landmarks.
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	Consistent. No on-site structures have been determined to be of substantial historic value, and as such, all structures to be removed as part of a future development on-site would not require inclusion in any form in the design of the project.

Table 4.D-1 (Continued)

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
<p>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.</p>	
<p>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.</p>	<p>Consistent. Because the on-site structures to be removed as part of future project implementation are not considered historic resources, no documentation of these structures is necessary.</p>
<p>Policy HR 2.1: New Development Activities. Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. 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.</p>	<p>Consistent. As noted above, mitigation measures provided in this section require that any paleontological and archaeological resources discovered during project implementation are protected and preserved in accordance with applicable policies and regulations.</p>
<p>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.</p> <p>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.</p>	<p>Consistent. Future grading or trenching activities on-site would be monitored by qualified professionals, and any resources discovered properly treated pursuant to applicable standards of practice and regulatory requirements.</p>
<p>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.</p>	<p>Consistent. Both the City of Newport Beach and PCR staff have engaged in consultation with Native American organizations regarding the proposed project in accordance with this policy and with SB 18.</p>
<p>Policy HR 2.4: Paleontological or Archaeological Materials. Require new development to donate</p>	<p>Consistent. Any resources recovered during project site preparation or grading activities would be donated or</p>

Table 4.D-1 (Continued)

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
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.	otherwise preserved, as appropriate.
Natural Resources Element	
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.	Consistent. As noted above, mitigation measures provided in this section require that any paleontological and archaeological resources discovered during project implementation are protected and preserved in accordance with applicable policies and regulations.
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.	Consistent. Both the City of Newport Beach and PCR staff have engaged in consultation with Native American organizations regarding the proposed project.
NR 18.4: Donation of Materials. Require new development, where on site 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.	Consistent. Any resources recovered during project site preparation or grading activities would be donated or otherwise preserved, as appropriate.

Source: PCR Services Corporation, 2013.

Table 4.D-2

Coastal Land Use Plan Consistency Analysis

4.5 Paleontological Cultural Resources	
4.5.1 Paleontological and Archaeological Resources	
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.	Consistent. As noted above, mitigation measures provided in this section require that any paleontological and archaeological resources discovered during project implementation are protected and preserved in accordance with applicable policies and regulations.
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.	Consistent. Future grading or trenching activities on-site would be monitored by qualified professionals, and any resources discovered properly treated pursuant to applicable standards of practice and regulatory requirements.
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.	Consistent. Both the City of Newport Beach and PCR staff have engaged in consultation with Native American organizations regarding the proposed project.
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.	Consistent. If in situ preservation and avoidance are not feasible during future project construction activities, all scientifically valuable paleontological or archaeological materials would be donated to a responsible public or private institution with a suitable repository, as required by this policy.
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 archeological 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	Consistent. As noted above, future grading or trenching activities on-site would be monitored by qualified professionals, and any resources discovered properly treated pursuant to applicable standards of practice and regulatory requirements. As required mitigation measures provided below, an archaeological/cultural resources monitoring plan would be prepared and submitted for future construction activities.

Table 4.D-2 (Continued)

Coastal Land Use Plan Consistency Analysis

4.5 Paleontological Cultural Resources	
4.5.1 Paleontological and Archaeological Resources	
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.	

Source: PCR Services Corporation, 2013.

Table 4.D-3

California Coastal Act Consistency Analysis

Coastal Act Policy	Project Consistency Statement
Land Resources	
Section 30244: Archaeological or paleontological resources. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.	Consistent. As noted above, mitigation measures provided in this section require that any paleontological and archaeological resources discovered during project implementation are protected and preserved in accordance with applicable policies and regulations.

Source: PCR Services Corporation, 2013.

4. MITIGATION MEASURES

a. Historical Resources

No potentially significant impacts relative to the future implementation of the proposed project have been identified. As such, no mitigation measures are necessary.

b. Archaeological Resources

Based on the moderate potential to encounter prehistoric archaeological resources, PCR recommends the following mitigation measures to reduce impacts to archaeological resources to a less than significant level:

Mitigation Measure D-1: A qualified archaeologist shall be retained by the applicant to review grading plans and geotechnical information and prepare a monitoring plan for all ground-disturbing activities in previously undisturbed soils and sediments. A qualified

archaeologist is defined as an archaeologist meeting the Secretary of the Interior Professional Qualification Standards for Archaeology. Ground-disturbing activities include primary construction-related activities and any associated secondary activities for support services such as utilities. In the event that archaeological resources are identified during monitoring or unexpectedly during excavations in fill sediments, all work proximal to the discovery shall halt until the qualified archaeologist has evaluated the find. If the archaeologist determines that the find is significant or may qualify as significant, the archaeologist shall prepare a treatment plan. If the find is prehistoric or includes Native American materials, affiliated Native American groups shall be invited to contribute to the treatment plan. Results of monitoring and any archaeological treatment shall be reported in an appropriate technical report to be filed with the applicant, the City of Newport Beach, and the CHRIS-SCCIC. The applicant, in consultation with the lead agency and archaeologist, shall designate repositories (e.g. museums) in the event that resources are recovered.

c. Paleontological Resources

PCR recommends the following mitigation measure to reduce impacts to paleontological resources to a less than significant level:

Mitigation Measure D-2: A qualified paleontologist shall be retained by the applicant to perform periodic inspections of excavation and grading activities on the project site where excavations into the older Quaternary Alluvium, Capistrano Formation, and/or Monterey Formation may occur. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. Monitoring shall consist of visually inspecting fresh exposures of sediment for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and other excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Accompanying notes, maps, and photographs shall also be filed at the repository. Following the completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and fossil finds, if any, the methods used in these efforts, as well as a description of the fossils collected and their significance, if any. The report shall be submitted by the applicant, the City of Newport Beach, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies.

d. Human Remains

PCR recommends the following mitigation measure to reduce impacts to human remains to a less than significant level:

Mitigation Measure D-3: If human remains are unearthed during construction activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur

until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who shall then help determine what course of action shall be taken in dealing with the remains. The Applicant shall then take additional steps as necessary in accordance with CEQA Guidelines Section 15064.5(e) and Assembly Bill 2641.

5. CUMULATIVE IMPACTS

Based on available information to date, it appears the proposed project would not cause a significant impact to archaeological and historical resources. Although ground-disturbing activities associated with future development pursuant to the legislative approvals have the potential to destroy, damage, or displace surface or previously undiscovered subsurface archaeological and historical resources, implementation of applicable mitigation measures would serve to reduce the significance of such impacts. Similarly, impacts to archaeological and historical resources associated with past, present, and reasonably foreseeable future projects in the vicinity of the project site could be potentially significant since these projects would generally include ground-disturbing activities associated with land development that has the potential to destroy, damage, or displace surface or previously undiscovered subsurface archaeological and historical resources. Therefore, the proposed project, in combination with the identified cumulative projects, would have the potential to result in a significant cumulative impact associated with archaeological and historical resources. There are physical impacts associated with future site development pursuant to the proposed project that would be mitigated to a less than significant level with the implementation of mitigation measures, as discussed in this EIR section, and it can be reasonably assumed that similar mitigation measures (i.e., data recovery, avoidance, documentation and recordation, treatment in accordance with the Secretary of Interior's *Standards*, construction monitoring, etc.) would be implemented on the identified cumulative projects thus mitigating cumulative impacts to historical and archaeological resources to a less than significant level. Accordingly, cumulative impacts would be less than significant with mitigation and the proposed project's contribution to such impacts would not be considerable.

In addition, with regard to paleontological resources, it is likely that the majority of related projects in the area would be subject to environmental review and if the potential for significant impacts on paleontological resources is identified, mitigation measures similar to those proposed for the project would be implemented. With implementation of mitigation measures by related projects and the proposed project, cumulative impacts on paleontological resources would be less than significant, and the proposed project's contribution to such impacts would not be considerable.

6. LEVEL OF SIGNIFICANCE AFTER MITIGATION

a. Historical Resources

As the proposed project would not result in physical impacts to any known historic resources, either directly or indirectly, impacts would be less than significant.

b. Archaeological Resources

With implementation of mitigation identified above, potentially significant impacts to archaeological resources would be reduced to a less than significant level.

c. Paleontological Resources

With implementation of mitigation identified above, potentially significant impacts to paleontological resources would be reduced to a less than significant level.

d. Human Remains

With implementation of mitigation identified above, potentially significant impacts to human remains would be reduced to a less than significant level.