

## 5. Environmental Analysis

### 5.3 CULTURAL RESOURCES

This section of the Draft Supplemental Environmental Impact Report (SEIR) evaluates potential impacts to cultural resources in areas proposed for land use changes under the Newport Beach General Plan LUE Amendment. Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, and architectural activities or paleontological fossils. Such resources provide information on scientific progress, environmental adaptations, group ideology, and human advancements. The analysis in this section is based, in part, upon the following information:

- *Cultural Resources Assessment for the Newport Land Use Element, City of Newport Beach, Orange County, California*, Cogstone, February 2014

A complete copy of this study is included as Appendix E to this Draft SEIR.

#### 5.3.1 Environmental Setting

##### 5.3.1.1 REGULATORY BACKGROUND

###### Federal

###### *National Historic Preservation Act*

The National Historic Preservation Act of 1966 authorized the National Register of Historic Places and coordinates public and private efforts to identify, evaluate, and protect the nation's historical and archaeological resources. The National Register includes districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties. Section 106 Review refers to the federal review process designed to ensure that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process, with assistance from State Historic Preservation Offices.

###### *Archaeological Resources Protection Act*

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands.

###### *Native American Graves Protection and Repatriation Act*

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law passed in 1990 that provides a process for museums and federal agencies to return Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants and culturally affiliated Indian tribes.

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#### State

##### *California Health and Safety Code*

The discovery of human remains is regulated per California Health and Safety Code Section 7050.5:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation...until the coroner...has determined...that the remains are not subject to...provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible.... The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and...has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

##### *California Public Resources Code*

Archaeological, paleontological, and historical sites are protected pursuant to a wide variety of state policies and regulations enumerated under the California Public Resources Code. Cultural and paleontological resources are recognized as nonrenewable resources and receive additional protection under the California Public Resources Code and CEQA.

- **California Public Resources Code 5020–5029.5** continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for the designation of State Historical Landmarks and Historical Points of Interest.
- **California Public Resources Code 5079–5079.65** defines the functions and duties of the Office of Historic Preservation (OHP). The OHP is responsible for the administration of federally and state-mandated historic preservation programs in California and the California Heritage Fund.
- **California Public Resources Code 5097.9–5097.991** provides protection to Native American historical and cultural resources and sacred sites, and identifies the powers and duties of the Native American Heritage Commission (NAHC). It also requires notification to descendants of discoveries of Native American human remains, and provides for treatment and disposition of human remains and associated grave goods.

##### *California Senate Bill 18*

Existing law provides limited protection for Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places. These places may include sanctified cemeteries, religious or ceremonial sites, shrines,

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burial grounds, prehistoric ruins, archaeological or historic sites, Native American rock art inscriptions, or features of Native American historic, cultural, and sacred sites.

Senate Bill 18 was signed into law in September 2004 and went into effect on March 1, 2005. It places new requirements upon local governments for developments within or near traditional tribal cultural places (TTCP). SB 18 requires local jurisdictions to provide opportunities for involvement of California Native Americans tribes in the land planning process for the purpose of preserving TTCPs. The Final Tribal Guidelines recommends that the NAHC provide written information as soon as possible but no later than 30 days to inform the lead agency if the proposed project is determined to be near a TTCP and another 90 days for tribes to respond to a local government if they want to consult with that government to determine whether the project would have an adverse impact on the TTCP. There is no statutory limit on the consultation duration. Forty-five days before the action is publicly considered by the local government council, the local government refers action to agencies, following the CEQA public review time frame. The CEQA public distribution list may include tribes listed by the NAHC who have requested consultation or it may not. If the NAHC, the tribe, and interested parties agree upon the mitigation measures necessary for the proposed project, it would be included in the project's EIR. If both the City and the tribe agree that adequate mitigation or preservation measures cannot be taken, then neither party is obligated to take action.

SB 18 instituted a new process that requires a city or county to consult with the NAHC and Native American tribes before the adoption, revision, amendment, or update of a city's or county's general plan. In addition, SB 18 provided a new definition of TTCP, requiring a traditional association of the site with Native American traditional beliefs, cultural practices, or ceremonies or the site must be shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. Previously, the site was defined to require only an association with traditional beliefs, practices, lifeways, and ceremonial activities. In addition, SB 18 amended Civil Code Section 815.3 and added California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.

#### 5.3.1.2 EXISTING CONDITIONS

##### Study Methodology

The cultural resources assessment prepared by Cogstone in February 2014 involved a search for archaeological and historical records at the South Central Coastal Information Center (SCCIC) of California State University, Fullerton (CSUF), on October 15, 2013. A paleontological record search and literature review were conducted by staff of the Natural History Museum of Los Angeles County (LACM) in November 2013.

In addition to the records at the SCCIC and LACM, a variety of other sources were consulted by Cogstone in October 2013 to obtain additional cultural resources information regarding the City of Newport Beach. Sources include the NRHP, California Register of Historic Resources (CRHR; 1992–2010), California Historical Resources Inventory (CHRI; 1976–2010), California Historical Landmarks (CHL; 1995 & supplements to 2010), California Points of Historical Interest (CPHI; 1992–2010), Bureau of Land Management General Land Office Records, Historical United States Department of Agriculture aerial photos, and Historical United States Geological Survey topographic maps.

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A Sacred Lands File search was requested by Cogstone from the NAHC on October 9, 2013. On October 14, the NAHC replied that there are no known Native American cultural resources within the planned land use change areas; however, there are Native American sacred sites in close proximity to them. The NAHC recommended contact with 14 Native American tribes or individuals who may have additional knowledge of the religious and cultural significance of historic properties within or immediately adjacent to the study area.

Letters containing maps and project description material were sent by post on October 31, 2013, to the 14 Native American contacts requesting information on any heritage sites. A second attempt at consultation was made on November 26, 2013. The responses are summarized below:

- The United Coalition to Protect Panhe considers any area of ground that has not been disturbed to be culturally sensitive and requests that appropriate archaeological investigation be implemented and to be kept informed of the project (Cogstone 2014).
- The Juaneño Band of Mission Indians Acjachemen Nation does not oppose the land use amendment but wants to be notified of proposed projects for the increased development areas (Cogstone 2014).
- The Gabrielino Band of Mission Indians/Kizh Nation of the Los Angeles Basin, Orange County, and Channel Islands stated that the proposed project is within a known highly culturally sensitive area and requests that one of their experienced and certified Native American monitors be onsite during all ground disturbances (Salas 2013).
- The Gabrielino Tongva Nation fully endorses the proposed project, but requests that appropriate measures be taken to identify and assess any unanticipated archaeological discoveries that may be encountered during future development (Dunlap 2014).

No other responses were received.

### Natural Setting

The City of Newport Beach is situated in the northern Peninsular Ranges Geomorphic Province. This province consists of a series of mountain ranges separated by northwest-trending valleys and paralleling faults that branch off from the San Andreas Fault to the east. The Peninsular Ranges Province is in the southwestern corner of California and is bounded by the Transverse Range Province to the north and the Transverse Range and Colorado Desert to the east (Cogstone 2014).

Newport Beach is at the eastern margin of Orange County's Coastal Province and is mapped for certain geologic material—Recent artificial fill; Holocene very young wash, landslide, eolian, marine, and estuarine deposits; Holocene and late Pleistocene young alluvial-fan, axial-channel, and landslide deposits; late to middle Pleistocene old paralic deposits; middle to early Pleistocene very old axial channel and very paralic deposits; Pliocene Niguel Formation; early Pliocene and Miocene Capistrano Formation; Miocene Monterey Formation; middle Miocene San Onofre Breccia, Topanga Group (Paulerino, Los Trancos, and Bommer formations), and volcanic intrusive rock; and the early Miocene to late Eocene Vaqueros Formation (Cogstone 2014).

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The City consists of open lagoons, estuaries, and seasonal freshwater wetlands surrounded by coastal plain. Freshwater sources are natural springs, runoff from the Santa Ana Mountains, seasonal flooding of the Santa Ana River, and rainwater pooling in lowland areas.

#### Cultural Setting

The Gabrielino (Tongva) peoples arrived in southern California about 3,500 years ago. The Juaneño (Acjachemen) moved into southern Orange County later, and are likely to have inhabited the Newport Beach area at some point. The village of *Kengaa* is within the City of Newport Beach; records from Mission San Juan Capistrano indicate that it may have been occupied as late as 1830 (Cogstone 2014). Multiple prehistoric archaeological sites are known within the project area (see Table 5.3-1). The Native American tribes were hunter/gatherers whose main food came from the marine, woodland and grassland of the area (Cogstone 2014). Plant foods were, by far, the greatest part of the traditional diet at contact, and acorns were the most important single food source. Villages were near the water sources necessary for leaching acorns, which was a daily occurrence. Grass seeds were the next most abundant plant food, used along with chia. Seeds were parched, ground, and cooked as mush in various combinations according to taste and availability. Greens and fruits were eaten raw or cooked or sometimes dried for storage. Bulbs, roots, and tubers were dug in the spring and summer and usually eaten fresh (Cogstone 2014).

The principal game animals were deer, rabbit, jackrabbit, woodrat, mice, ground squirrels, antelope, quail, dove, ducks, and other birds. Trout and other fish were caught in the streams, and salmon were available when they ran in the larger creeks. Marine foods were extensively utilized. Sea mammals, fish, and crustaceans were hunted and gathered from both the shoreline and the open ocean, using reed and dugout canoes. Shellfish were the most common resource, including abalone, turban, mussels, clams, scallops, bubble shells, and others (Cogstone 2014).

#### *Archaeological Resources*

The cultural resources records and literature search for archaeological and historical records completed at the SCCIC indicate that 352 cultural resources studies have been completed previously within the City (Appendix C of the Cultural Resource Assessment Report). Within the areas proposed for land use change under the General Plan LUE Amendment, the record search results found that 23 cultural resources studies have previously been conducted and 16 cultural resources have been recorded (see Table 5.3-1). The cultural resources include 15 prehistoric sites that consist of shell middens with varying artifacts and one historical resource, the National Boy Scout Jamboree, which is a California Point of Historical Interest.

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**Table 5.3-1 Previously Recorded Cultural Resources within the Project Subareas**

Primary No. (P-30-)	Trinomial (CA-ORA-)	Date Recorded	Site Description	Quad
68	68	1966	Prehistoric site with shell midden	Newport Beach
69	69	1949	Possible prehistoric camp site	Newport Beach
138	138	1965	Prehistoric site with shell midden and flakes	Laguna Beach
139	139	1965	Prehistoric site with shell midden and flakes	Laguna Beach
140	140	1965	Prehistoric site with shell midden and flaked knife	Newport Beach
141	141	1965	Prehistoric site with shell midden	Newport Beach
157	157	1966	Prehistoric site with shell midden and some chert debitage	Newport Beach
158	158	1966	Prehistoric site with small amounts of shell and some ground stone	Newport Beach
159	159	1966	Prehistoric site with small amounts of shell and some flaked artifacts	Newport Beach
167	167	1966	Prehistoric site with shell midden and various artifacts	Laguna Beach
665	665	1977	Prehistoric site with lithic artifacts and shell	Laguna Beach
673	673	1977	Prehistoric site with shell midden and lithics	Laguna Beach
797	797	1979	Prehistoric site with shell and other artifacts	Laguna Beach
1112	1112	1986	Prehistoric site with artifacts and some shell	Laguna Beach
1120	1120	1988	Prehistoric site with shell and artifacts	Tustin
162284		1977	National Boy Scout Jamboree	Newport Beach

Source: Cogstone 2014.

Other source searches found eight previously recorded archaeological resources listed in the NRHP (Status Code 1S & 1CL), and two sites were determined eligible for listing in the NRHP or CRHR (2CS & 2D2). Four sites are listed as a CHL and one site is listed as a CPHI. The resources are listed in Table 5.3-2.

**Table 5.3-2 Archaeological Resources within the City of Newport Beach**

Resource	NRHP	CHL	CPHI
Balboa Island Fire House #4: 323 Marine Avenue, Newport Beach, CA	2CS		
Crystal Cove Historic District	1S		
Lovell Beach House: 1289 W. Ocean Front, Newport Beach	1S		
The Balboa Pavilion: 400 Main Street, Balboa	1S	X	
Balboa Inn: 105 Main Street, Newport Beach	1S		
Crystal Cove Bridge: 1402 Coast Highway	2D2		
First water to water site	1CL	X	
McFadden Wharf	1CL	X	
National Boy Scout Jamboree	7L		X
Old Landing	7L	X	
Wild Goose Yacht: 2431 West Coast Highway, Newport Beach	1S		

Source: Cogstone 2014.

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### *Paleontological Resources*

The record search conducted at LACM determined that there are vertebrate fossil localities within the City boundaries from most of the sedimentary deposits mapped at the surface. There are also fossils known from the same sediments nearby (Cogstone 2014).

Most of the fossils were collected from the older Quaternary deposits (late to middle Pleistocene old paralic deposits; middle to early Pleistocene very old axial channel deposits and very old paralic deposits) mapped within the City boundaries (Cogstone 2014). Older Quaternary sediments on the eastside of Newport Bay have also produced a large array of significant paleontological resources. Fossil specimens belonging to 111 taxa of mammals, sharks, rays, fish, amphibians, reptiles, and birds, including fossils belonging to 17 extinct taxa, have been recovered from the 15 fossil localities recorded in the Newport Bay area.

There have been no fossils recovered from the younger Quaternary deposits, Miocene San Onofre Breccia, or the intrusive igneous rock. Younger Quaternary deposits are too young at the surface to contain fossils; however, they are likely to be underlain by paleontologically sensitive older Quaternary deposits. The San Onofre Breccia is too coarse grained to be considered paleontologically sensitive. Igneous rocks are also not considered sensitive for fossil resources (Cogstone 2014).

### 5.3.2 Thresholds of Significance

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14 CCR, Section 4852), including the following:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated the with lives of persons important in our past;
- 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
- Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, or is not included in a local register of historical resources, does not preclude a lead agency from determining that the resource may be a historical resource.

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

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- C-1 Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.
- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- C-3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- C-4 Disturb any human remains, including those interred outside of formal cemeteries.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold C-1
- Threshold C-4

These impacts will not be addressed in the following analysis.

### 5.3.3 Environmental Impacts

#### 2006 General Plan EIR

The City of Newport Beach has 11 properties listed or designated eligible for listing on the NRHP or CRHR, or otherwise listed as historic or potentially historic in the records maintained by the Office of Historic Preservation. The City Register also formally recognizes five properties of local historical or architectural significance, which meet the definition of historical resources under Section 15064.5(a) of the CEQA Guidelines. In addition, the City's Historic Resource Inventory includes 61 properties with cultural significance to the City. In order to ensure historic resources are not adversely affected, the 2006 General Plan has policies to protect these historic resources. For example, Policies HR 1.1 through HR 1.5 protect historically significant landmarks, sites, and structures; require maintenance and updating of the Historical Resources Inventory; encourage adaptive reuse and preservation of historic structures; promote historical landmark placement throughout Newport Beach; and mandate incorporation of historical elements in new redevelopment projects. While these policies would minimize the probability of historic structures being demolished, none of the policies effectively prevent the demolition of historic structures. Therefore, the 2006 General Plan EIR concluded that impacts on historic resources would be considered significant.

Archaeological and paleontological resources were also analyzed in the 2006 General Plan EIR, which concluded that impacts would be less than significant. Archaeological resources that are often culturally or religiously important to Native American groups would be protected; information resources would be maintained; grading and excavation activities where there is a potential to affect cultural, archaeological or paleontological resources would be monitored by a qualified archaeologist/paleontologist; cultural organizations, including Native American groups, would be notified of all potentially adverse impacts; and all scientifically valuable archeological/paleontological resources would be donated to responsible public or private institutions (per Goal HR 2 and NR 18 of the 2006 General Plan). The Newport Beach City Council

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also established “Archaeological Guidelines (K-5)” and “Paleontological Guidelines (K-4),” requiring the City to prepare and maintain sources of information regarding archaeological and paleontological sites. Thus, impacts to archaeological and paleontological resources would be less than significant.

Excavation during construction activities consistent with the 2006 General Plan has the potential to disturb human burial grounds, including Native American burials, in underdeveloped areas of the City. Human burials have specific provisions for treatment in Section 5097 of the California Public Resources Code, which authorizes the Native American Heritage Commission to resolve any disputes related to the disposition of Native American burials. The California Health and Safety Code (Sections 7050.5, 7051, and 7054) also have provisions protecting human burial remains from disturbance, vandalism, or destruction. Therefore, compliance with these regulations would ensure impacts to human burial grounds remain less than significant.

### General Plan LUE Amendment (Proposed Project)

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

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**Impact 5.3-1:** In comparison to the 2006 General Plan, future projects consistent with the proposed General Plan LUE Amendment would not adversely affect archaeological resources. [Threshold C-2]

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**Impact Analysis:** According to the cultural resource assessment report prepared by Cogstone, there are 23 previously recorded cultural resource studies with 16 recorded resources in the subareas proposed for land use change under the General Plan LUE Amendment (see Table 5.3-1). However, there are no new impacts to archaeological resources relative to the 2006 General Plan EIR. The proposed project would only change development capacities or land use designations on already developed properties. No new undisturbed areas are included in the project.

If future developments in accordance with the General Plan LUE Amendment require additional ground-disturbing activities (e.g., deeper excavation) that may impact previously undisturbed grounds, the City of Newport Beach City Council has established “Archaeological Guidelines (K-5)” to ensure that if cultural resources are found, the developer would be required to preserve any significant archaeological resources and mitigate any impacts. Furthermore, various policies within the 2006 General Plan under Goals HR 2 and NR 18 specify requirements to identify, protect, and preserve important archaeological and paleontological resources. These policies are reproduced below in Section 5.3.4. Thus, compliance with the City’s “Archaeological Guidelines (K-5)” and policies in the 2006 General Plan would ensure that impacts to archaeological resources remain less than significant.

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**Impact 5.3-2:** In comparison to the 2006 General Plan, development in accordance with the proposed General Plan LUE Amendment would not adversely affect any paleontological resources. [Threshold C-3]

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**Impact Analysis:** The City of Newport Beach has a variety of known significant paleontological resources in its soils and rock formations below the ground surface. However, as with archaeological resources, no new

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impacts to paleontological resources would occur relative to the 2006 General Plan. The proposed land use changes are on developed properties and would consist of infill development or redevelopment.

If any paleontological resources are discovered from construction and grading activities for future developments in accordance with the General Plan LUE Amendment, developers would be required to comply with policies in the City's "Paleontological Guidelines (K-4)" and the 2006 General Plan (reproduced in Section 5.3.4).

Thus, compliance with the City's 2006 General Plan policies and "Paleontological Guidelines (K-4)" would ensure that any impacts to paleontological resources from the proposed project are reduced to less than significant.

### 5.3.4 Relevant General Plan Policies

#### Existing Policies

##### *Historical Resources Element (HR)*

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

- **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.
- **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.

- **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.
- **HR 2.4 - Paleontological or Archaeological Materials:** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private

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institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

### *Natural Resources Element (NR)*

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

- **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.
- **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.
- **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.

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.

### **New and/or Modified Policies**

The proposed General Plan LUE Amendment includes the following new and/or revised policies that are relevant to cultural resources. The proposed changes are shown in underlined/strikeout for new and eliminated text, respectively. The goal for a revised policy is provided, even if the goal itself is unchanged.

**Goal LU 4:** Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach's natural setting.

- **LU 4.3 - Transfer of Development ~~Rights~~ Allocations:** Permit the transfer of development ~~allocations~~ rights from a property to one or more other properties when:
  - a. The donor and receiver sites are within the same Statistical Area.
  - b. The reduced density/intensity on the donor site provides benefits to the City such as, but not limited to, the (1) provision of ~~extraordinary~~ open space exceeding standard requirements, public visual

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corridor(s), parking or other amenities; (2) preservation of a historic building or property or natural landscapes; (3) improvement of the area's scale and development character; (4) consolidation of lots to achieve a better architectural design than could be achieved without lot consolidation; and/or (5) reduction of local vehicle trips and traffic congestion;

- c. The increment of growth transferred to the receiver site complements and is in scale with surrounding development, complies with community character and design policies contained in this Plan, and does not materially degrade local traffic conditions and environmental quality.
- d. Transfer of Development ~~Rights-Allocations~~ in Newport Center is governed by Policy 6.14.3 and those for the Airport Area by Policy 6.15.X.

**Goal LU 6.1:** A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach's neighborhoods.

- **LU 6.1.1 - Adequate Community Supporting Uses:** Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, ~~schools~~, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach's residents and businesses.

#### 5.3.5 Existing Regulations

- National Historic Preservation Act of 1966 Section 106 (Protection of Historic Properties)
- Archaeological Resources Protection Act of 1979
- Native American Graves Protection and Repatriation Act
- California Health and Safety Code Section 7050.5
- California Public Resources Code 5020–5029.5, 5079–5079.65, and 5097.9–5097.991
- California Senate Bill 18

#### 5.3.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements, the following impacts would be less than significant: 5.3-1 and 5.3-2.

#### 5.3.7 Mitigation Measures

Impacts are less than significant and mitigation measures are not required.

#### 5.3.8 Level of Significance After Mitigation

No mitigation measures are required and impacts would remain less than significant.

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### 5.3.9 References

Cogstone. 2014, February. Cultural Resources Assessment for the Newport Land Use Element, City of Newport Beach, Orange County, California.

Dunlap, Sam (cultural resource director). 2014, January 23. E-mail correspondence to City of Newport Beach regarding tribal consultation. Gabrielino Tongva Nation.

Salas, Andy (chairman). 2013, December 5. E-mail correspondence to City of Newport Beach regarding tribal consultation. Gabrieleno Band of Mission Indians/Kizh Nation of the Los Angeles Basin, Orange County and the Channel Islands.

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