

## **Appendix E: Cultural Resources**

**Phase I Cultural Resources Assessment,  
Significance Evaluations, and  
Paleontological Records Review  
Marina Park Project  
City of Newport Beach, Orange County, California**

Newport Beach, California, USGS 7.5-minute Topographic Quadrangle Map  
Section 33, Township 6 South, Range 10 West  
10.45-Acre Study Area

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19<sup>th</sup> Street Restroom, Southern California Edison Property

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## MANAGEMENT SUMMARY

This report documents a California Environmental Quality Act (CEQA)-level Phase I cultural resources assessment for 10.45 acres located in the City of Newport Beach, Orange County, California. This includes an archaeological and paleontological resources assessment, as well as significance evaluations and determinations of eligibility for several historic-age structures found within the project area, and near the project area boundaries. The proposed action is the construction of Marina Park, which includes a public park and beach, a public marina, and the Balboa Sailing Center containing a restaurant and tennis courts. The purpose of the study was to determine if cultural resources more than 45 years old were visible and to determine the cultural resource sensitivity of the project area for the purposes of generating mitigation measures consistent with the provisions of CEQA. In addition, this report provides the documentation of Michael Brandman Associates' (MBA's) effort to identify the effect of the proposed action on Historic Properties in accordance with Section 106 of the National Historic Preservation Act (NHPA). Assessor's Parcel Numbers (APNs): 047-181-01, 890-230-50, 890-230-09, 890-230-12, 890-230-25, 890-230-28, 890-230-49, 890-230-24, 890-230-06, 890-230-03, 890-230-53, 890-230-35, 890-230-02, 890-230-22, 890-230-04, 890-230-16, 890-230-54, 890-230-34, 890-230-17, 890-230-56, 047-190-06, 047-222-08, 047-222-02, 047-222-03 and an additional unnumbered parcel located on a Southern California Edison property addressed at 1516 Balboa Boulevard constitute the project area for this report.

A cultural resource literature search was conducted by MBA Project Archaeologist Jennifer M. Sanka at the South Central Coastal Information Center (SCCIC), which is located on the campus of California State University, Fullerton on July 10, 2008. A search radius of 1 mile was used. The Phase I survey was performed on July 11, 2008 with positive results for historic-age resources. The historic-age resources were documented and evaluated for significance between July and August 2008.

MBA contacted the Native American Heritage Commission (NAHC) on June 26, 2008 requesting a Sacred Lands File search for traditional cultural properties. The response from the NAHC was received on June 27, 2008. The NAHC response indicated that no sacred lands or traditional cultural properties are known for the project area. MBA subsequently sent information-request letters to each tribal entity named by the NAHC on July 15, 2008. All correspondence is incorporated into Appendix A.

MBA contacted Dr. Samuel McLeod of the Natural History Museum of Los Angeles County on July 15, 2008 requesting a paleontological records check. The response was received on August 6, 2008. The paleontological review indicated that the entire project area is situated upon surface deposits of younger Quaternary Alluvium, which potentially overlie older Quaternary terrace deposits at an unknown depth. The surface deposits have low potential to yield significant fossil resources, while there is an increased potential for adverse impacts to paleontologic resources in the older Quaternary

terrace deposits if present within the subsurface. Thus, there is moderate potential for impacts to buried paleontological resources if the project area contains older Quaternary terrace deposits at depth.

During the pedestrian survey, no prehistoric-age resources and numerous previously undocumented historic-age resources were detected. The following properties were identified as historic-age resources:

- American Legion Property (Only the American Legion Veterans Memorial Park is located within the project area. The American Legion Great Hall, Yacht Club Building and any structures contained within the fenced parking lot are considered off-site.)
- Marina Park Mobile Home Park
- 19<sup>th</sup> Street Restroom
- Las Arenas Park

These resources were recorded onto Department of Parks and Recreation (DPR) 523 Forms and were submitted to the SCCIC for the assignment of primary numbers. The evaluation process found the off-site American Legion Great Hall Building and the off-site Yacht Club Building contained within the American Legion Property to be locally significant historical resources, but ineligible for inclusion in the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). The remaining properties did not meet any of the criteria for significance at the local, State or federal levels. Therefore, none of the structures or structure complexes found within or near the project area are considered Historic Properties for the purposes of Section 106 of the NHPA.

Based upon the high level of urbanization present within the project area and the resultant ground disturbance, in conjunction with the environmental setting where the project area has been subject to historic-era ground disturbance from the movement of nearby ocean waters, MBA finds a low probability that significant, intact subsurface deposits will be uncovered during development. For this reason, MBA does not recommend archaeological monitoring during development. However, given the location of the project area along the culturally sensitive California coast, the cultural resource sensitivity of the project area was determined to be moderate to high for potential impacts to resources of concern to Native American groups. Thus, while MBA does not recommend archaeological monitoring, Native American Tribal monitoring is recommended during development.

Archaeological monitoring is not required during development; however, Native American Tribal monitoring is recommended and paleontological monitoring is required during development. Specific monitoring recommendations are carefully detailed in this report.

## SECTION 1: INTRODUCTION

At the request of the City of Newport Beach, MBA conducted a cultural and paleontological resources assessment for a property located in the City of Newport Beach, Orange County, California. Totalling 10.45 acres, the proposed use of the project area is for the future development of Marina Park, which is a public park and beach, marina and Sailing Center with a restaurant and tennis courts.

The purpose of this report is to identify the presence or absence of potentially significant cultural and paleontological resources, and to determine the probability for encountering subsurface cultural resources within a specific project area. This report includes recommendations for cultural and paleontological mitigation programs, where necessary. In addition, this report documents MBAs effort to identify whether Historic Properties will be affected by the proposed action.

Federal, state, and local agencies have developed laws and regulations designed to protect significant cultural resources that may be affected by projects regulated, funded, or undertaken by an agency. These laws govern the preservation of historic and archaeological resources of national, state, regional, and local significance. The cultural and paleontological resource survey was performed in compliance with CEQA, and in accordance with Section 106 of the NHPA.

This report closely follows the California Office of Historic Preservation (OHP) procedures for cultural resource surveys and the OHP's Archaeological Resource Management Report (ARMR) reporting format for archaeological reports. This report is organized into sections and appendices, which are summarized as follows:

- Section 1 introduces the project, the location, and the cultural resources team.
- Section 2 presents the research design and investigative methods.
- Section 3 summarizes cultural setting.
- Section 4 provides cultural resources records searches and survey results.
- Section 5 provides management recommendations.
- Section 6 contains the project certification.
- Section 7 presents a reference list.
- Appendix A provides required cultural resource compliance documents.
- Appendix B provides personnel qualifications.
- Appendix C presents the regulatory framework.
- Appendix D provides recent photographs of the project area.

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### 1.1 - Project Location

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Situated in the southwestern portion of the City of Newport Beach in Orange County, California, the project area is generally located south of Interstate (I) 405 and southeast of the intersection of State Route (SR) 55 and Pacific Coast Highway (SR-1) (Exhibit 1). It can be found on the Newport Beach,

California, United States Geological Survey (USGS) 7.5-minute topographic quadrangle map, in Section 33 of Township 6 South, Range 10 West (Exhibit 2). Specifically, the project area is bound to the south by West Balboa Boulevard, to the west by 19<sup>th</sup> Street and 18<sup>th</sup> Street, and to the east by 15<sup>th</sup> Street (Exhibit 3). The project site consists of APNs: 047-181-01, 890-230-50, 890-230-09, 890-230-12, 890-230-25, 890-230-28, 890-230-49, 890-230-24, 890-230-06, 890-230-03, 890-230-53, 890-230-35, 890-230-02, 890-230-22, 890-230-04, 890-230-16, 890-230-54, 890-230-34, 890-230-17, 890-230-56, 047-190-06, 047-222-08, 047-222-02, 047-222-03 and an additional parcel located on a Southern California Edison property addressed at 1516 Balboa Boulevard.

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## 1.2 - Project Description

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The proposed project includes the construction of Marina Park, which consists of a public park and beach, a public short-term visiting vessel marina, and the Balboa Sailing Center, which includes a restaurant and tennis courts. The public park includes an open lawn area, water feature, children's play area and a half-court basketball court. The public short-term visiting vessel marina will accommodate visiting vessels for up to 30 days with onsite utility hook-ups, and nearby bathroom and laundry areas. The Balboa Sailing Center includes rooms for educational classes and community events, as well as a roof-top restaurant and two tennis courts adjacent to 15<sup>th</sup> Street. In addition, an existing bathroom on 19<sup>th</sup> Street will be renovated as part of this project (Exhibit 4).

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## 1.3 - Environmental Setting

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### 1.3.1 - Topography, Geology, and Soils

The project area is generally flat, and is situated between approximately 5 and 10 feet above mean sea level. Located on the south side of the Newport Bay, the northern portion of the project area exhibits a public sand beach known as Mother's Beach, which extends into Newport Bay. The remaining portions of the project area are paved with asphalt, covered by mobile homes, community buildings, and tennis courts, or exhibit manicured lawns within park space. As a result of this high level of urbanization, the original ground surface and the soils are not observable within the project area.

Previous geologic mapping indicates that the project area is situated upon surface deposits of younger Quaternary Alluvium derived as either fluvial deposits associated with Newport Bay or as beach sands from Newport Beach. These deposits may overlie Quaternary terrace deposits at an unknown depth (McLeod 2008).

### 1.3.2 - Vegetation and Wildlife

The project area contains highly developed areas exhibiting ornamental vegetation, including manicured trees, shrubs, flowers, and grasses.

Several avian species were observed during the pedestrian survey.

### **1.3.3 - Land Use**

The entirety of the project area is presently developed, and includes a variety of residential structures, community buildings, parks, paved roads, walkways and parking lots. The project area contains the following buildings or building complexes: the American Legion Property (only the American Legion Veterans Memorial Park is considered on-site, while the Great Hall and Yacht Club are considered off-site), Marina Park Mobile Home Park, 19<sup>th</sup> Street Restroom, and Las Arenas Park. The Associated Realty Building, a multi-family residential property addressed at 1510 West Balboa Boulevard, and the Southern California Edison Property are all located directly southeast of the project area, near the intersection of 15<sup>th</sup> Street and West Balboa Boulevard. The off-site American Legion Great Hall and Yacht Club Building are located directly to the north and northeast of the project area, and exhibit associated docking facilities. Newport Bay is situated to the north of the American Legion Property, as well as the western extension of the project area. The northern edge of the project area is presently used as a public beach. Numerous commercial, residential, and retail properties are located to the east, west and south, across West Balboa Boulevard. The entire area generally exhibits similar mixed-use development.



Source: Census 2000 Data, The CaSIL, MBA GIS 2008.



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## Exhibit 1 Regional Location Map

CITY OF NEWPORT BEACH • MARINA PARK  
PHASE I CULTURAL RESOURCES ASSESSMENT  
SIGNIFICANCE EVALUATIONS AND PALEONTOLOGICAL RECORDS REVIEW

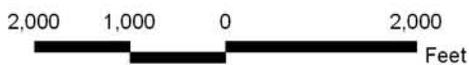


Source: TOPO! USGS Newport Beach OES (1981) 7.5' DRG.

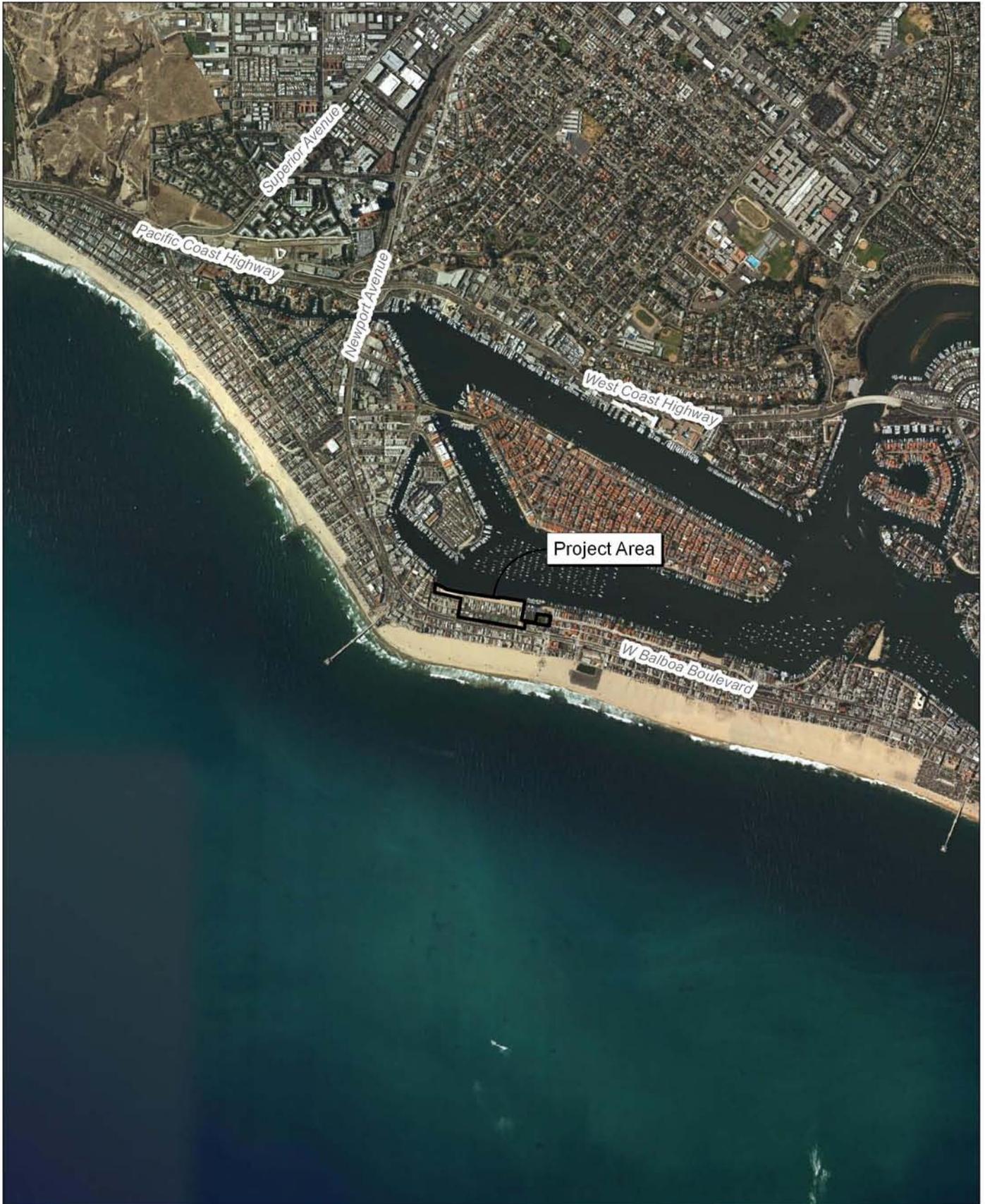


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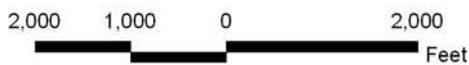
## Exhibit 2 Local Vicinity Map Topographic Base



Source: Google Earth Pro.



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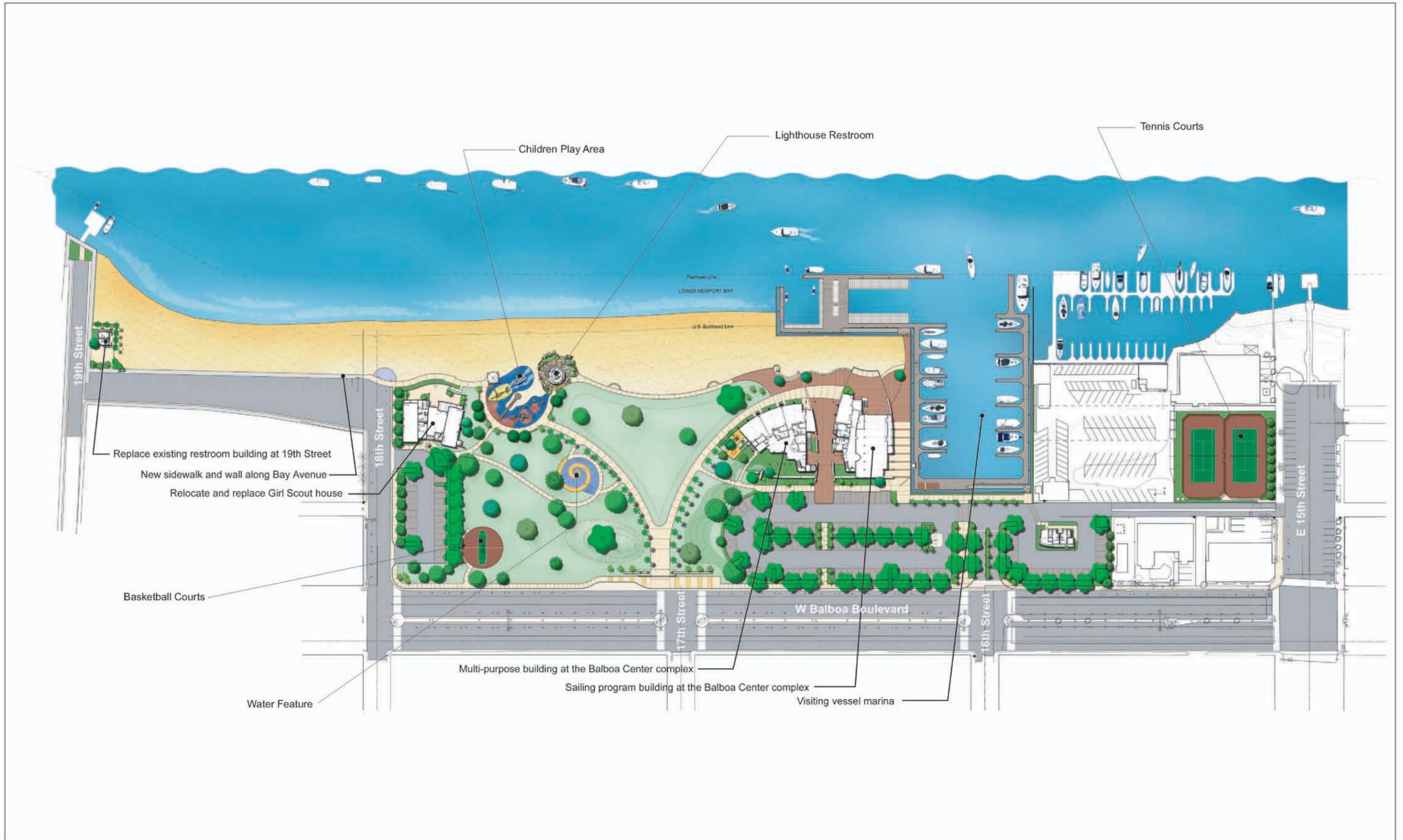
### Exhibit 3 Local Vicinity Map Aerial Base

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## **1.4 - Assessment Team**

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MBA Project Archaeologist Jennifer M. Sanka conducted the cultural resources existing literature search at the SCCIC on July 10, 2008. Ms. Sanka and MBA Consulting Architectural Historian Kathleen Crawford performed the pedestrian survey on July 11, 2008. Professional qualifications for all team members are located in Appendix B.



Source: Rabben/Herman Design office.



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## Exhibit 4 Site Plan

## SECTION 2: CULTURAL SETTING

The following is a brief overview of the prehistoric and historic context in which to understand the relevance of sites found in the general vicinity of the project area. This section is not intended to be a comprehensive review of the current resources available; rather this section serves as a generalized overview. Descriptions that are more detailed can be found in ethnographic studies, mission records, and major published sources including Kroeber (1925), Wallace (1955), Warren (1968), Heizer (1978), Moratto (1984), and Chartkoff and Chartkoff (1984).

### 2.1 - Prehistoric Background

The ultimate purpose of establishing a cultural sequence is to allow for the meaningful comparison of material culture attributes on an intra- and inter-site basis, and to provide the basis for culture-model building. To this end, regional archaeologists generally follow Wallace's Southern California format (1955 and 1978) for discussing the prehistoric chronology of the project area. However, the established chronologies are often augmented or even abandoned. For example, Fagan (2003) does not use the traditional archaeological cultural sequences for his regional analysis, instead he describes the stages as generalized models related to recent environmental change and socio-economic models, all associated with an ever-changing environment. Thusly, it should be noted that all of the presented cultural sequences are regularly challenged, as are the meanings of the individual frames of reference. Wallace's prehistoric format is as follows:

- Early Period (before 6000 B.C.)
- Millingstone Period (6000 to 3000 B.C.)
- Intermediate Period (3000 B.C. to A.D. 500)
- Late Prehistoric Period (A.D. 500 to A.D. 1769)

Wallace also argued (Wallace, in Heizer 1978) that the stages prior to 2000 B.C. in southern California could be assigned to:

- San Dieguito Period (Period I: 9000 to 6000 B.C.)
- Standard Millingstone Period (Period II: 6000 to 3000 B.C.)
- Modified Millingstone Period (Period III: 3000 to 2000 B.C.)

Warren (1968) uses the following terms to subdivide the periods.

- San Dieguito Tradition (before 5500 B.C.)
- Encinitas Tradition (5500 B.C. to A.D. 600)
- Shoshonean Tradition (A.D. 600 to A.D. 1769)

The Late Period has been further subdivided into the San Luis Rey I (A.D.500 to A.D. 1500) and the San Luis Rey II (post 1500). The difference between the latter two is the introduction of locally made brownware pottery, the first indigenous pottery in southern California (Cameron 1999).

### **2.1.1 - Early Period (before 6000 B.C.)**

Beginning with the first human presence in California, prehistoric artifacts and cultural activities appear to represent a big-game hunting tradition. Very few sites from the Early Period exist, especially in inland areas. Of the Early Period sites that have been excavated and dated, most exhibit a refuse assemblage suggesting short-term occupation. Such sites have been detected in caves and around fluvial lakes fed by streams that existed near the end of the last glaciation. Chipped stone tools at these sites are surmised to reflect a specialized tool kit used by hunters. Large-stemmed bifaces are common. Millingstones and dart points are not part of the Early Period tool assemblage.

### **2.1.2 - Millingstone Period (6000 to 3000 B.C.)**

The onset of the Millingstone Period appears to correspond with an interval of warm and dry weather known as the Altithermal (Wallace 1978). Artifact assemblages begin to reflect an emphasis on plant foods and foraging subsistence systems, as evidenced the grinding tools found at these sites, and additionally include choppers and scraper planes. Notably, there is a reduced number of large bifaces in the excavated assemblages. Sites are occupied for a greater duration than Early Period sites, based on an increase in occupational debris.

Although numerous Millingstone sites have been identified in Orange County, few are actually dated. The best understood of these is CA-ORA-64, which has been radiometrically dated to about 6000 B.C. (Breece et al. 1988 and 1989). Excavations at this site located near Newport Bay, have been essential to the formulation of local research models (Koerper 1981). Although this site is not located within the 1-mile search radius of the project area, this site is found nearby. Research at this site suggests a settlement-subsistence system during the Millingstone Period reflecting a semi-sedentary lifestyle. The regional distribution of Millingstone sites reflects the theory that aboriginal groups may have followed a modified central-based wandering settlement pattern. Under this model, large groups would have occupied a base camp for a portion of the year, with smaller bands occupying subsidiary camps in order to exploit resources not generally available near the base camp. Sedentism apparently increased in areas possessing an abundance of resources that were available for longer periods. Arid inland regions would have provided a seasonally and spatially dispersed resource base, restricting sedentary occupation, compared to the coastal areas. Generally, the Millingstone assemblage in the Los Angeles basin is typified by large and heavy deep-basin metates, wedge-shaped manos and large choppers and scrapers. Flaked lithic tools are slightly larger and cruder than in later periods, and cogstones begin to appear.

### **2.1.3 - Intermediate Period (3000 B.C. to A.D. 500)**

Dating between roughly 3000 B.C. and A.D. 500, the Intermediate Period represents a slow technological transition, which is presumably related to the slowly drying and warming climate. Site artifact assemblages retain many attributes of the Millingstone Period. Technologically speaking, these sites are difficult to distinguish from earlier sites in the absence of radiometric dates. Additionally, these sites generally contain a reduced number of large-stemmed or notched projectile points but with an increase in portable mortars and pestles. The lack of large points combined with the mortars and pestles suggest that the indigenous populations may have preferred harvesting, processing, and consuming acorns and other seeds over hunting. Due to a general lack of data, neither the settlement and subsistence systems nor the cultural evolution of this period are well understood. It has been proposed by some researchers that group sedentarism increased with the exploitation of storable, high-yield plant food resources such as acorns. The duration and intensity of occupation at base camps increased during this period, especially in the later part of the period. Generally, the Intermediate Period artifact assemblage in the Los Angeles basin is vague, including elements of the Late Prehistoric Period and Millingstone Period, such as heavy grinding implements. A higher percentage of projectile points occur and smaller chipped stone tools are used.

### **2.1.4 - Late Prehistoric Period (A.D. 500 to A.D. 1769)**

Extending from about A.D. 500 to Spanish contact in A.D. 1769, the Late Prehistoric Period reflects an increased sophistication and diversity in technology. Village sites are common. Late assemblages characteristically contain small projectile or dart points, which imply the use of the bow and arrow. In addition, assemblages include steatite bowls, asphaltum artifacts, grave goods, and elaborate shell ornaments. Use of bedrock milling stations is purported to have been widespread during this period, as it was in the previous period. Increased hunting efficiency and widespread exploitation of acorns provided reliable and storable food resources. Pottery, previously traded into the area, is made locally during the latest stage of this Period and is of simple construction technology. Cameron (1999) names several village sites in inland Orange County that are located within Gabrieliño territory. These exhibited pottery, which suggests that the pre-contact Gabrieliño may have used pottery as a part of their lifestyle. One of these Late Prehistoric Period sites, Tomato Springs (CA-ORA-244), has been the subject of numerous excavations (Cottrell 1985) and is currently undergoing excavation.

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## **2.2 - Native American Background**

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The project area is situated within an area that has been ethnographically mapped as the Gabrieliño traditional use area. The Gabrieliño tribal territory is mapped as extending north from Aliso Creek to just beyond Topanga Canyon along the Pacific Coast, and inland to the City of San Bernardino (Bean and Smith 1978). Their territory would have included portions of the Santa Ana River, and several islands, such as Catalina. It is likely that these tribal boundaries were fluid, and allowed for contact, trade, and diffusion of ideas between neighboring groups.

### 2.2.1 - The Gabrieliño

Kroeber (1925) and Bean and Smith (1978) form the primary historical references for this tribal group. The arrival of Spanish explorers and the establishment of missions and outposts during the eighteenth century ended the prehistoric period in California. At this time, traditional Gabrieliño society began to fragment as a result of foreign diseases and the mass removal of local Indian groups to the Mission San Gabriel and Mission San Juan Capistrano.

The Gabrieliño spoke a language that belongs to the Cupan group of the Takic subfamily of the Uto-Aztecan language family (a language family that includes the Shoshonean groups of the Great Basin). The total Gabrieliño population in about 1770 AD was roughly 5,000 persons, based on an estimate of 100 small villages, with approximately 50 to 200 people per village. Their range is generally thought to have been located along the Pacific coast from Malibu to San Pedro Bay, south to Aliso Creek, then east to Temescal Canyon, then north to the headwaters of the San Gabriel River. Also included were several islands, including Catalina. This large area encompasses the City of Los Angeles, much of Rancho Cucamonga, Corona, Glendale, and Long Beach. By 1800, most traditional Gabrieliños had either been killed, or subjugated by the Spanish.

The first modern social analyses of Gabrieliño culture took place in the early part of the twentieth century (Kroeber 1925). By this time, acculturation and disease had devastated this group, and the population studied was a remnant of their pre-contact form. Nonetheless, the early ethnographers viewed the Gabrieliño as a chief-oriented society of semi-sedentary hunter-gatherers. Influenced by coastal and interior environmental settings, their material culture was quite elaborate and consisted of well-made wood, bone, stone, and shell items. Included among these was a hunting stick made to bring down numerous types of game.

Located in an area of extreme environmental diversity, large villages may have been permanent, such as that found on or near Red Hill in Rancho Cucamonga, with satellite villages utilized seasonally. Their living structures were large, domed, and circular thatched rooms that may have housed multiple families. The society exhibited ranked individuals, possibly chiefs, who possessed a much higher level of economic power than unranked persons.

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### 2.3 - Historic Background: The City of Newport Beach

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The earliest European explorers to enter the Alta California region were the Spanish who navigated along the Pacific coast during the 17<sup>th</sup> and 18<sup>th</sup> centuries. During the latter portion of the 18<sup>th</sup> century, the Spanish sent Father Junipero Serra to Alta California to create a chain of Missions and Mission outposts to bring Christianity to the indigenous population, and create a foundation for colonization of the region. Between 1769 and 1823, Spanish explorers and missionaries established 21 missions, four presidios, and four pueblos between San Diego and Sonoma (Bean and Rawls 1983), and in 1776 the Franciscan fathers of the San Juan Capistrano Mission began administration of the Newport Bay area (City of Newport Beach Chronology 2008). Also during this period, American explorations

occurred when trappers traveled west in search of abundant sea otter and beaver pelts. In 1805, when Lewis and Clark crossed the Rocky Mountains and continued on to the Pacific coast, they reported that the area was richer in beaver and otter than any other country on earth. The fur trappers were close behind the explorers, and by 1840, the beaver was over-exploited and was no longer worth hunting (Bean and Rawls 1983).

By the early decades of the 19<sup>th</sup> century, the Missions began establishing ranchos for the purpose of expanding their agricultural holdings. On July 1, 1810, the Spanish land grant of the Rancho Santiago de Santa Ana was awarded to Jose Antonio Yorba and Juan Pablo Peralta (City of Newport Beach Chronology 2008; Lech 2004). This 75,000-acre grant was made by Governor Arrellaga, and encompassed the majority of the Santa Ana Canyon of eastern Orange County, as well as much of northern Orange County and Newport Bay.

After Mexico achieved its independence from Spain in 1821, and Alta California became the northern frontier of Mexico, the Mission padres were forced to swear allegiance to Mexico. Secularization of the missions took place over the next decade, and the former mission lands were transferred to Mexican families that had settled in the area (Gunther 1984). In 1842, the Mexican land grant of Rancho San Joaquin was made to Jose Andres Sepulveda. This grant included the Newport Upper Bay and most of the mainland shoreline of lower bay (City of Newport Beach Chronology 2008).

The City of Newport Beach then began in the mid-1800s, when the State of California sold several of the small islands and peninsula areas as swamp and overflow land for a \$1 an acre. Harbor, Balboa, and Lido Islands formed the foundation for the eventual development of the City of Newport Beach. In 1870, Captain Samuel S. Dunnells brought his river steamer, the Vaquero, into the upper Newport Bay. The successful maneuvering of this 105-ton river steamer through the upper Bay brought attention to the bay area, as many had previously considered the area too treacherous for travel (Orange County 2008; City of Newport Beach Chronology 2008). Thereafter, the principal landowners in the Newport Bay area, James and Robert McFadden and James Irvine, believed the area could be prosperous. The group conceived the area as a "new port," and this is how the area gained its modern name according to the Newport Beach Historical Society (Orange County 2008). However, other sources maintain that a Mrs. Perkins suggested the name (City of Newport Beach Chronology 2008).

By 1888 or 1889, the McFadden brothers and James Irvine moved their shipping business from the inner shores of Newport Bay to the deeper waters of the oceanfront area (City of Newport Beach Chronology 2008; Orange County 2008). The McFadden wharf soon became the largest business in the region, shipping agricultural products and manufactured goods eastward from the beach areas. Growth in the area continued to increase as the Santa Ana and Newport Railway was completed in 1891, and as a result of the Pacific Electric Railway Company line reaching Newport in 1905 (City of Newport Beach Chronology 2008). The Pacific Electric Railway connected the Newport Beach area with Los Angeles, and the advent of this rapid transit system attracted new residents, commuters, and

tourists. Shortly thereafter, small hotels and cottages developed along the beaches, and villages such as West Newport, East Newport, Bay Island, and Balboa Island began to form along the coast and peninsula areas.

In 1906, the City of Newport Beach was incorporated by combining the existing small communities (City of Newport Beach Chronology 2008; Orange County 2008), and the City of Corona Del Mar was officially annexed in 1924. The City and region continued to grow as the Pacific Coast Highway was opened in 1926, the North Harbor was dedicated in 1936, and the Newport Beach area functioned as a vital hub for warships and defense industries in the 1940s. By the 1950s, growth in the area dramatically increased with the advent of the Santa Ana Freeway (I-5), and by the 1970s rapid urbanization occurred with new businesses, residential growth and tourism.

## SECTION 3: RESEARCH DESIGN AND METHODS

The primary purpose of this cultural resources assessment is to determine whether cultural resources are located within the project area, determine whether or not any existing cultural resources should be considered significant resources, and develop specific mitigation measures that will address potential impacts to existing or potential resources. In addition, this report documents MBAs effort to identify the effect of the proposed action on Historic Properties. Thus, this study consists of nine distinct efforts:

1. Review of regional history and previous cultural resource sites and studies in the vicinity of the project area.
2. Request of an NAHC Sacred Lands File record search and contact with appropriate tribal groups and individuals.
3. Request review of existing paleontological records and assessment of paleontological sensitivity.
4. Examination of archived topographic maps, road maps, and aerial photographs.
5. Conduct a pedestrian survey of the project area.
6. Completion of DPR forms for discovered resources.
7. Evaluation of historic-age buildings and structures.
8. Evaluation of cultural resource sensitivity and the potential for the proposed action to effect Historic Properties.
9. Development of recommendations associated with mitigation monitoring and/or impacts to existing cultural resources following CEQA Guidelines.

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### 3.1 - Record Search

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#### 3.1.1 - Information Center Search

The primary purpose of cultural resource record search is to determine what cultural resources more than 45 years old have been recorded in the vicinity of or within the project area, and whether such resources will be or could be impacted by development. A records search was conducted at the SCCIC, which is located at California State University, Fullerton, to determine the existence of previously documented cultural resources in the City and County. This records search included reviews of archival maps and examinations of current inventories of the:

- National Register of Historic Places (NRHP)
- California Register of Historical Resources (CR)
- California Historical Landmarks (CHL)
- California Points of Historical Interest (CPHI)

- California State Historic Resources Inventory (HRI)

### **3.1.2 - Native American Heritage Commission Record Search**

A Sacred Lands File search request was sent to the NAHC to determine whether any sacred sites are recorded within the project area or in the general vicinity. Information request letters were sent to the tribal groups and individuals named by the NAHC as having potential knowledge of sacred properties. These information request letters were associated with CEQA-level scoping only, and were not affiliated with formal, government-to-government SB 18 consultations.

### **Tribal Consultation Overview and Responsibilities**

The following overview is provided to assist the City in meeting its responsibilities for compliance with Tribal Consultation legislation, which is required when a project results in adopting a Specific Plan or a General Plan Amendment.

As of March 1, 2005, California Government Codes 65092; 65351; 65352; 65352.3; 65352.4; 65352.5 and 65560, formerly known as Senate Bill (SB) 18, require city and county governments to consult with California Native American tribes before individual site-specific, project-level land use decisions are made. In particular, this process applies to General Plan Amendments and adoptions of Specific Plans. The intent of this legislation is to provide all tribes, whether federally recognized or not, an opportunity to consult with local governments for the purpose of preserving and protecting their sacred places. See Appendix C for more information.

### **3.1.3 - Paleontological Records Search**

The primary purpose of a paleontological analysis is to determine the potential for impacts to significant paleontological resources in the project area. Thus, an information request was made to the Vertebrate Paleontology Section at the Natural History Museum of Los Angeles. The results of the paleontology literature and records review assist in determining the need or lack thereof for additional paleontological studies or mitigation measures.

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## **3.2 - Pedestrian Survey**

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The purpose of the cultural resource pedestrian survey is to locate and document previously recorded or new cultural resource sites or isolates that are more than 45 years old within the project area, and to determine whether such resources will be or could be impacted by development. Due to the highly urbanized nature of the project area, and the resultant lack of surface visibility, the project area was not examined using the standard protocol block-transect technique. Instead, the paved areas were walked trending from the eastern to the western boundary. Emphasis was placed upon visual examination of the structures located within the project area.

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### **3.3 - Sites and Isolates**

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Prehistoric and historic cultural resources can vary from area to area. Prehistoric and historic cultural resources are defined as three or more items, such as lithics, stone tools, glass, cans, etc., that are not from a single source or material found within a 10 square meter area. Historic items must be more than 45 years old or have the potential to be more than 45 years old. This definition assumes that items found in an area with a diversity of materials represent more than a single activity at a location. Sites could also be loci if they presumably represent repeated discrete activity, such as a milling station, hearth, or isolated structure.

## SECTION 4: RESULTS

### 4.1 - Record Search

#### 4.1.1 - Information Center Search

On July 10, 2008, MBA Project Archaeologist Jennifer M. Sanka conducted a records search at the SCCIC, which is located on the campus of California State University, Fullerton. To identify any Historic Properties, Ms. Sanka examined the current inventories of the NRHP, CR, CHL, and CPHI. In addition, Ms. Sanka reviewed the HRI and archival maps for the County and the City to determine the existence of previously documented local historical resources.

Review of the 1896 USGS Santa Ana 30 minute, the 1901 (reprinted 1945) Santa Ana, California, 15 minute, and the 1902 (reprinted 1946) USGS Corona, California 30 minute topographic maps revealed neither structures nor any other development within the project area boundaries. All of the listed maps do depict the intersection of the Southern Pacific Railroad (SPRR) Newport Beach Branch and the SPRR Smeltzer Branch to the west-northwest of the project area. One of the SPRR branches then continues southerly to Newport Beach proper, within 0.25 mile of the project area. These maps also depict numerous structures near the SPRR branches; however, all of these structures appear to be mapped to the south of modern Balboa Boulevard.

According to SCCIC files, the project area has not been previously surveyed, and minimal surveys have been conducted near the project area boundaries. A total of 15 studies have been conducted within a 1-mile radius, and the majority of these studies were completed along Pacific Coast Highway and SR-55. In addition, there are no known cultural resources located within the project area boundaries. However, there are nine cultural resources known within the 1-mile search radius, including four prehistoric age and five historic age resources. Two of the resources are California Historical Landmarks, one is an NRHP listed property and one resource is considered a historical landmark by the Newport Beach Historical Society, but is not recognized by the City of Newport Beach as a landmark building. The following table outlines these previously recorded resources, as found in the 1-mile search radius on the Newport Beach, California topographic quadrangle.

**Table 1: Previously Recorded Cultural Resources**

Site Name	Type	~1-mile radius	~0.5-mile radius	~0.25-mile radius	On Site?
CA-Ora-59	Prehistoric age - the traces of a "camp site" recorded in 1912 as a mound of shell.	●	—	—	No
CA-Ora-60	Prehistoric age - the traces of a "camp site" recorded in 1912 as a scatter of clam, oyster and univalve shell.	●	—	—	No

Site Name	Type	~1-mile radius	~0.5-mile radius	~0.25-mile radius	On Site?
CA-Ora-61	Prehistoric age - the traces of a "camp site" recorded in 1912 as a scatter of shell. The presence of a small, wood-frame house was noted at the site, and the prehistoric age of the shell scatter was considered potentially suspect by the original recorder as a result.	●	—	—	No
CA-Ora-62	Prehistoric age - the traces of a "camp site" recorded in 1912. Oral tradition (1912) noted the presence of numerous skeletons, mortars, pestles, and other artifacts detected at this location.	●	—	—	No
30-176654	Historic age - the Our Lady Mount Carmel church built in 1951. The recorders note that the structure does not appear to be eligible for inclusion in the NRHP. (NR-6Y)	—	—	●	No
30-179867	Historic age - the South Coast Shipyard, comprised of three groups of buildings built at various dates. The recorder/evaluator notes that none of the buildings appear to be individually eligible for listing in the CR. However, the grouping of buildings are referenced as a historic district, and are considered eligible for listing at the local level. The South Coast Shipyard is recognized as a historical landmark by the Newport Beach Historical Society, but is not recognized by the City of Newport Beach as a landmark building.	—	—	●	No
30-162261/ CHL 198	Historic age - the Old Landing site, where the area was named Newport by James Irvine, Benjamin Flint, James McFadden and Robert McFadden in 1870. This is also the site of a shipping	●	—	—	No

Site Name	Type	~1-mile radius	~0.5-mile radius	~0.25-mile radius	On Site?
	service run by the McFadden's in the 1870s and 1880s. (NR-7L)				
30-162258/ CHL 794	Historic age - The site of the McFadden Wharf, originally constructed in 1888 by the McFadden brothers. (NR-1CL)	—	—	●	No
30-158585/ NR 74000545	Historic age - the Lovell Beach House, built in 1926. (NR-1S)	—	—	●	No

#### 4.1.2 - Native American Heritage Commission Record Search

On June 26, 2008, MBA sent a letter to the NAHC to determine whether any sacred sites are listed in their Sacred Lands File for this portion of the City of Newport Beach. Our efforts were associated with information scoping. The response from the NAHC was received on June 27, 2008. To ensure that all potential Native American resources are adequately addressed, letters to each of the 12 listed tribal contacts were sent on July 15, 2008. All responses received at the MBA office are incorporated into Appendix A. Letters received subsequent to the date of the final report will be forwarded to the City of Newport Beach as they are received.

MBA received an email response from John Tommy Rosas, Tribal Administrator for the Tongva Ancestral Territorial Tribal Nation dated July 16, 2008. Mr. Rosas indicated that he saw the need for Section 106 consultations, that the proposed project posed an indigenous rights issue, and that the Tribe objected to any development within their territory. He additionally requested more information about the proposed project. MBA Project Archaeologist Jennifer M. Sanka responded to this email on July 17, 2008, to recognize Mr. Rosas concerns and to provide him with additional project-related information. Mr. Rosas then responded again on July 17, 2008. This email correspondence is included in Appendix A.

MBA also received a telephone message from Anita Espinoza of the Juaneno Band of Mission Indians. Ms. Espinoza stated that she was generally concerned with the high cultural sensitivity of the region and the project area, and saw a direct need for a Juaneno tribal monitor during development. Specifically, Ms. Espinoza suggested an Acjachemen tribal monitor for the project. She indicated that she would be out of town for several weeks, and would probably not be able to respond to a return phone call. MBA Project Archaeologist Jennifer M. Sanka attempted to return her phone call on July 28, 29, and 31, 2008 and August 11, 2008; however, a busy signal was received on each attempt.

MBA then received a telephone call from Anthony Morelos, Chairperson of the Gabrieliño/Tongva San Gabriel Band of Mission Indians on July 30, 2008. Mr. Morelos requested additional information on the proposed project. MBA Project Archaeologist Jennifer M. Sanka returned his phone call in the following weeks, and was able to discuss the project with Mr. Morelos on August 18, 2008. Mr. Morelos indicated that the project area was located in an area of high cultural sensitivity for his Tribe, and strongly recommended Native American Tribal monitoring during development. Specifically, Mr. Morelos suggested a Gabrieliño Tribal monitor for the project. The presence of a Tribal monitor, and specifically a Gabrieliño monitor, was of the utmost importance to Mr. Morelos to ensure the proper treatment of any encountered resources in accordance with their belief system.

#### 4.1.3 - Paleontological Records Search

The paleontological records check was requested on July 15, 2008. A response was received on August 6, 2008 from Dr. Samuel McLeod of the Vertebrate Paleontology Section at the Natural History Museum of Los Angeles County (McLeod 2008). The paleontological review showed that the entire project area is situated upon surface deposits of younger Quaternary Alluvium derived as either fluvial deposits associated with Newport Bay, or as beach sands from nearby Newport Beach. There are no known fossil vertebrate localities known nearby from younger Quaternary Alluvium deposits, and it is unlikely that such deposits will contain significant vertebrate fossils. However, these deposits may overlie older Quaternary terrace deposits at an unknown depth. These older Quaternary terrace deposits have been known to yield fossil resources within the region. Locality LACM 6370 produced a fossil specimen of the extinct horse *Equus* from older Quaternary terrace deposits, which may be present within the project area.

Based upon the results of this review, it is possible that significant paleontological resources may be adversely impacted by development-related ground disturbance. Therefore, MBA has determined that the project area has moderate paleontologic sensitivity if the project area contains older Quaternary terrace deposits at depth. For this reason, MBA recommends a paleontologic monitoring program to mitigate potential adverse impacts to paleontological resources. MBA suggests that a qualified paleontologist review any available bore/geotech samples to determine the existence of Quaternary terrace deposits. This data can then be used to determine the need or lack thereof for paleontologic monitoring, or the intensity of the monitoring program. If bore samples are not available, then a mitigation-monitoring program should commence at approximately 5 feet from the modern ground surface. Monitoring may be reduced or eliminated if the sensitivity can be reduced from moderate to low, and MBA suggests that the project area be re-evaluated for sensitivity once 50 percent of all earthmoving activities have been completed. This evaluation should focus on the presence or absence of older Quaternary terrace deposits, and should assist in determining the need or lack thereof for additional monitoring. A monitoring program for excavation should be developed prior to any grading within the project area, and should be consistent with the provisions of CEQA.

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## 4.2 - Pedestrian Survey

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MBA Project Archaeologist Jennifer M. Sanka and MBA Consulting Architectural Historian Kathleen Crawford surveyed the project area on July 11, 2008. The project area was not examined using the standard block-transect technique generally employed for archaeological pedestrian surveys. Rather, the paved and park portions of the project area were walked trending from east to west. This modified technique was employed based upon the negligible original ground surface visibility, due to the highly urbanized nature of the project area.

The project area is generally flat, and the original ground surface is not observable due to the presence of various structures, paved areas and parks. The project area consists of a rectangular shaped extension occupied by the American Legion Veterans Memorial Park, which is bound by 15<sup>th</sup> Street to the east. Las Arenas Park and associated properties are located to the west of the Park, and are bound by West Balboa Boulevard to the south. The Marina Park Mobile Home Park is bound by Newport Bay to the north and 18<sup>th</sup> Street to the west. An additional “L-shaped” portion of the project area extends to the west from 18<sup>th</sup> Street to 19<sup>th</sup> Street, along West Bay (Appendix D: Photograph 7). This western extension includes the beach along Newport Bay and an outdoor public restroom building at 19<sup>th</sup> Street. The project area is easily accessible from West Balboa Boulevard to the south, and then from any of north-south trending roads or various paved parking lots.

The entirety of the project area is presently developed, including residential properties, community buildings, tennis courts, parks, paved roads, and parking lots. Based upon the pedestrian survey, the properties were grouped for ease in discussion and in some cases for recordation and significance evaluation purposes. The project area contains the following buildings or building complexes:

- American Legion Property (Only the American Legion Veterans Memorial Park is included within the project area. The Great Hall, Yacht Club Building and the structures included in the American Legion parking lot are considered off-site.)
- Marina Park Mobile Home Park
- 19<sup>th</sup> Street Restroom
- Las Arenas Park

The off-site Associated Realty Building, 1510 West Balboa Boulevard, the Southern California Edison Property and the Bayshores Peninsula Hotel were also considered during this study (Exhibit 5).

The Marina Park Mobile Home Park, 19<sup>th</sup> Street Restroom, Las Arenas Park and a portion of the American Legion Property are considered on-site historic-age resources and are discussed in detail below. The off-site 1510 West Balboa Boulevard location (Appendix D: Photographs 1 and 13) consists of a three-story, asymmetrical, U-shaped, Modern style, apartment building built in 2004 (City of Newport Beach 2008). The off-site Associated Realty Building is located at 1500 West

Balboa Boulevard and is a two-story, asymmetrical, rectangular shaped, Modern style commercial building (Appendix D: Photograph 13). This building was constructed in 1989, and prior to its construction, the property was occupied by a Mobil gas station from the 1940s to the 1980s (City of Newport Beach 2008). These properties do not meet the 45-year age criteria for consideration as historic-age resources.

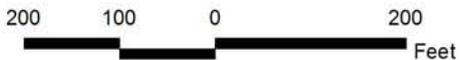
The off-site Bayshores Peninsula Hotel is a three-story, asymmetrical, irregular shaped, Modern Spanish Eclectic building constructed in 1962 (City of Newport Beach 2008). The off-site Southern California Edison (SCE) Property is comprised of two sections. The northern portion is a vacant lot surrounded by a chain link fence, with a brick wall and two chain link gates on the west elevation. The wall extends up the sides of the property, and a pair of chain link gates are also present on the east portion of the lot. The southern portion of the property contains a continuation of a chain link fence, and encompasses a structure designed to mimic a residential building. This building does not meet the 45-year age criteria for consideration as a historic-age resource, as it was constructed in the 1990s. The two-story, rectangular shaped, Modern style, SCE structure is asymmetrical in design. The building has a concrete foundation, stucco exterior, and flat roof with a single door entrance and a second floor balcony with a flat roof. The balcony is accessed by large sliding glass doors. Collectively, these two sections comprise the SCE utility facility (Appendix D: Photograph 14).

The Bayshores Peninsula Hotel and the SCE Property were recorded onto DPR 523 Forms, which were subsequently submitted to the SCCIC for the assignment of Primary Numbers. These resources were then evaluated for significance and found to be ineligible for inclusion in any local, State or federal registers (Crawford 2008).

The project area exhibited negligible original surface visibility, due to the high level of urbanization (Appendix D: Photographs 1 to 14). The only observed soils consisted of fine-grained, light brown-yellow beach sands present within the public beach along Newport Bay. The remainder of the surface area within the project area was obscured by development and ornamental vegetation.



Source: Google Earth Pro.



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## Exhibit 5 Project Area Building Complexes

CITY OF NEWPORT BEACH • MARINA PARK  
PHASE I CULTURAL RESOURCES ASSESSMENT  
SIGNIFICANCE EVALUATIONS AND PALEONTOLOGICAL RECORDS REVIEW

During the pedestrian survey, no prehistoric-age archaeological resources were detected; however, several historic-age structures and structure complexes were observed. The following resources were recorded on DPR 523 Forms and evaluated for significance:

- American Legion Property (Only the American Legion Veterans Memorial Park is included within the project area. The Great Hall, Yacht Club Building and the structures included in the American Legion parking lot are considered off-site.)
- Marina Park Mobile Home Park
- 19<sup>th</sup> Street Restroom
- Las Arenas Park

These properties were researched and evaluated by MBA Consulting Architectural Historian Kathleen A. Crawford, and the following sections are based upon the results of the research contained within each of the unpublished DPR 523 Forms (Crawford 2008).

#### **4.2.1 - American Legion Property**

The American Legion Property (Post 291) is located in the eastern portion of the project area, and includes the on-site Memorial Park and modern shelter, as well as the off-site Great Hall Building, utility buildings, a parking lot and boat storage area, and the Yacht Club Building. The entire American Legion Property is bound by 15<sup>th</sup> Street to the east, Newport Bay to the north and Marina Park Mobile Home Park to the west.

Located in the far northeastern corner of the American Legion Property, the off-site American Legion Great Hall building is a one-story, rectangular shaped, asymmetrical, Modern style, community center building. The building has a concrete foundation, stucco exterior, and bi-level hipped and shed roof. The building has a centered main entrance with glass and metal doors covered by a canvas awning. A chimney is present on the south façade and a terrace is present on the east façade. The windows vary in size, shape, and placement around the façades and include metal or wood framed, fixed pane, and slider style windows. The property contains four small utility buildings at the rear of the structure. The original building was constructed in the 1940s, was heavily damaged by a fire in 1979, and was subsequently reconstructed. The building is presently in good condition, but has been altered by the addition of new windows and doors and other major components following the 1979 fire (Appendix D: Photograph 2).

The American Legion Veterans Memorial Park property is located immediately south of the American Great Hall Building, and within the eastern-most portion of the project area (Appendix D: Photograph 2). The park includes a large grassy area and an L-shaped structure with round concrete posts topped by a wood trellis roof. This shelter structure is located at the northwest corner of the property on a concrete pad (Appendix D: Photograph 1). The structure was probably built about 1980 and is in good condition.

The western portion of the American Legion Property consists of a parking lot and a boat storage structure (Appendix D: Photograph 3). The boat storage structure was probably built in about 1980, and is contained within the private, fenced parking lot. The Yacht Club Building is also located within the fenced parking lot, at the far southwestern corner of the American Legion Property, and outside of the project area boundaries (Appendix D: Photograph 4). The Yacht Club Building is a small Craftsman-style building constructed around 1925. This building was the original American Legion building, which was moved to the present location in 1940 from a property on 10<sup>th</sup> Street. The building has a wood foundation, wood horizontal shiplap siding exterior and a front gabled roof. The entrance is recessed into the main mass of the structure and retains a pair of wood doors. A chimney is present at the rear of the structure, and a small utility building is present behind the structure. Windows are wood framed, double hung sash style windows placed symmetrically on the south and west façades. The building appears to be in fair condition.

### **Significance Evaluation**

The following information was obtained through an oral interview with Commander Steven Spriggs, the American Legion Post 291 website, Newport Beach City Directories, and the City of Newport Beach Planning Department (American Legion 2008; Oral Interviews 2008; City of Newport Beach 2008).

The American Legion Post 291 was founded in 1924 by 30 World War I veterans. These veterans were all residents in the Newport Beach area. Raymond Hitchcock was elected the first commander of the post, and a decision was made to obtain a site for the post. Through fundraising activities, a site was purchased from the City of Newport Beach for \$1,500, providing a 25-year lease for the property and adjoining tidelands. This original site was located at the intersection of 10<sup>th</sup> Street and West Balboa Boulevard (originally Center Street). Additional fundraising activities then were held to finance a hut for the post, and in October of 1925, construction began on a one-story structure. Though the building was originally conceived as a two-story structure, the funding limited the building program to one-story. The \$1,900 building was built almost entirely by members of the Post, and the first meeting was held in the building known currently as the Yacht Club on December 2, 1925.

Thereafter, the Post decided to sponsor a Boy Scout Troop on its property. However, at this time the rules for the Boy Scouts stated that they had to be at least 12 years old. In an effort to include children under the age of 12 in the organization, Scoutmaster A.J. Twist created the “Cubs.” By 1929, the National Council of Boy Scouts of America had ruled on the organization, and the Cub Scouts of America were officially recognized. This new important branch of American Scouting began in the original Post Building on 10<sup>th</sup> Street.

The Newport Beach City Directories list the American Legion Post 291 as occupying an address at Center Avenue and 10<sup>th</sup> Street in 1938, and the post is listed at the current address in 1942.

On September 20, 1940, the City of Newport Beach granted a new lease to the Post at 15<sup>th</sup> Street, and permanently set aside the tidelands for the facility. The public marina was constructed in 1958-1959. The original meeting building was completed in 1940, but was replaced by the Great Hall in 1949. The construction of the 1949 Great Hall was completed almost exclusively by Post members and their friends. Fire destroyed much of the Great Hall on December 14, 1979, due to a malfunctioning floor furnace. Many volunteers worked long hours to rebuild the hall in 1980, and it was reopened on July 4, 1980. The City of Newport Beach continues to extend the American Legion's 25-year lease as the property will be used by the group into the future.

In discussing the American Legion Property with City of Newport Beach Planner, Patrick Alpert, he stated that the American Legion Post 291 property was not listed on the official Newport Beach Historic Inventory, but had been listed as locally significant on a volunteer historic inventory conducted in 1982 (Oral Interviews 2008).

### **Integrity Statement**

With regard to the seven aspects of integrity of location, design, setting, materials, workmanship, feel and association, the ca. 1925 Yacht Club Building has not retained its location as it was moved from 10<sup>th</sup> Street. The ca. 1949 Great Hall Building has retained its original location, as it has not been moved. The other buildings on the property were moved onto the site at an unknown time. The setting, feel and association of the buildings have not remained intact since their construction. The setting has been altered extensively by the construction of numerous buildings in the surrounding area from 1940 to the present. The integrity level of the property is fair and the condition of the buildings is good.

### **Application of Register Criteria**

The property was assessed under NRHP Criterion A for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history.

The building was constructed as part of the social/military history of the Newport Beach area. There is no significant historic trend or event that is associated with this property that would allow the property to be considered significant at the federal level. Therefore, the property does not appear to qualify for the NRHP under Criterion A.

The property was considered under Criterion B for its association with the lives of persons significant in our past.

There is no evidence to suggest that any of the persons associated with the construction or development of the property were considered important in the history of this property. None of the persons associated with this building appear to have made any significant contributions to the development of the area. Therefore, the property does not appear to qualify for the NRHP under Criterion B.

The property was evaluated for Criterion C for embodying the distinctive characteristics of a type, period, or method of Modern style construction, or representing the work of a master, or possessing high artistic values, or representing a significant and distinguishable entity whose components lack individual distinction.

The Great Hall building was designed in a basic Modern style, typical of mid-20<sup>th</sup> century construction for structures, such as social buildings. The building does not represent a significant and distinguishable entity whose components may lack individual distinction. The building does not serve as a good example of the 1940s style, due to its reconstruction after the fire in 1979. The building does not include distinctive elements of this style and its design does not rise to a level of architectural significance. The building does not serve as a significant example of the style to qualify for NRHP significance. The building does not include significant artistic values. In addition, the building has been altered with new, non-historic doors and windows, terraces and other elements due to the damage caused by the fire. None of the other buildings on the site are considered to have architectural significance. Therefore, the property does not appear to qualify for the NRHP under Criterion C.

The property was considered for Criterion D for the potential to yield, or may be likely to yield, information important to prehistory or history.

In order for buildings, structures and objects to be eligible under this criterion, they would need to “be, or must have been, the principal source of information.” This is not the case with this property. Therefore, the property does not appear to qualify for the NRHP under Criterion D.

**In summary, the property does not appear to qualify for the NRHP. Therefore, the property is not considered a historic property for the purposes of Section 106 of the NHPA.**

The property was also assessed for CRHR and local designation eligibility. The American Legion Post 291 ca. 1940/1979 Great Hall Building and the original ca. 1925 Yacht Club Building are considered to be locally significant for their association with the social and military history of Newport Beach under Criterion A. The ca. 1925 Yacht Club building does not meet the criteria for architectural significance, as it is a simple, non-significant example of Craftsman-style architecture. The ca. 1940/1979 Great Hall building has been altered extensively, resulting in a loss of integrity. The building is not considered to meet the criteria for architectural significance.

**The buildings do not meet any of the criteria for state-level significance, and the property is not considered eligible for inclusion in the CRHR. Therefore, the property is not considered a historical resource for the purposes of CEQA. However, the Great Hall Building and the Yacht Club Building are considered to be locally significant resources. Both of these buildings are located outside of the project area boundaries, and will not be directly affected by the proposed project.**

#### 4.2.2 - Las Arenas Park

Las Arenas Park is located along West Balboa Boulevard, extending from 16<sup>th</sup> Street on the east to 18<sup>th</sup> Street on the west (Appendix D: Photograph 9). The Park includes several components, including: a child's playground, two tennis courts, a half-court basketball court, the Neva B. Thomas Girl Scout House, a one-story garage associated with the Girl Scout House, the Balboa Community Center, a small parking lot between the community center and the girl scout building, a one-story garage building behind the community center, and a 21-space parking lot on the northeast corner of the intersection of West Balboa Boulevard and 18<sup>th</sup> Street. The Park area includes the various recreation activity centers, grass lawn, paved walkways, and planters with mature, ornamental landscaping. The Las Arenas Park property is generally in good condition.

The children's play area is located at the eastern end of the Las Arenas Park property (Appendix D: Photograph 10), and the fenced tennis courts and basketball courts are found directly to the west of the playground. The City of Newport Beach Planning Department stated that none of the components of Las Arenas Park are listed on the Newport Beach Historic Inventory and are not considered to have historical or architectural significance. The property has served the community since its development in the mid-1960s (Oral Interviews 2008; City of Newport Beach 2008).

The Neva B. Thomas Girl Scout House is situated between the parking lot at the intersection of 18<sup>th</sup> Street and West Balboa Boulevard and the Las Arenas tennis and basketball courts. The building is addressed at 1700 West Balboa Boulevard and is a one-story, L-shaped, symmetrical, Modern Minimal Traditional style, community building (Appendix D: Photograph 11). The building has a concrete foundation, stucco exterior with wood horizontal siding accents, and a mixed gable roof with shingles. A shed roof portion extends over the recessed front entrance, and a small cupola with the Girl Scout logo is present on the peak of the front gable. The entrance has a pair of wood and glass doors, and the opening is framed by wood shutters. The building also includes a brick chimney. Windows vary in size, shape, and placement around the façades and include metal framed, casement and fixed pane windows. Windows on the front façade are wood framed, double hung sash style with diamond shaped panes. Mature landscaping is present on the front façade. A one-story garage structure is present behind the building. The building appears to be in good condition.

The associated garage structure is located to the south-southeast of the Neva B. Thomas Girl Scout House. The building is a one-story, symmetrical, rectangular shaped, utilitarian garage structure. The garage has a concrete foundation, concrete block walls, and a shed style roof. The upper portions of the walls are vertical wood siding. A large wood door is present on the east façade, and the remaining three sides include wood framed, rectangular shaped fixed pane windows placed in a contiguous row just under the roof-line. The building appears to be in fair condition.

The Balboa Community Center building is situated to the east of the Neva B. Thomas Building, and is also between the parking lot at the intersection of 18<sup>th</sup> Street and West Balboa Boulevard and the Las Arenas tennis and basketball courts. Addressed at 1714 West Balboa Boulevard, the building is a

one-story, irregular shaped, asymmetrical, Modern style, community center building (Appendix D: Photograph 12). The building has a concrete foundation, wood shingle siding, and a multi-level roof. The roof has several planes and portions are gabled with shed roofs. The main entrance is a single wood door, and several other single wood doors are present around the façades, providing access to the other portions of the structure. Windows vary in size, shape and placement around the façades and include slider style and fixed pane wood or metal framed windows. Mature ornamental landscaping is present around the front façade and a small parking lot is present to the east of the building. A one-story garage structure is present behind the community center. The property appears to be in good condition.

The associated garage is a one-story building located behind the Balboa Community Center. The building is an asymmetrical, rectangular shaped, Craftsman style, garage. The building has a concrete foundation, horizontal and scalloped vertical wood siding, and a front gable roof with exposed rafters and shingles. The east façade contains a garage door style opening and a single wood door. Windows vary in size, shape and placement around the façade and include wood framed, casement and fixed pane windows. Some of the windows have canvas awnings. The building includes mature landscaping and the rear of the property includes a wood fence. The building appears to be in fair condition.

### **Significance Evaluation**

The City of Newport Beach Planning Department stated that none of the components of Las Arenas Park are listed on the Newport Beach Historic Inventory and are not considered to have historical or architectural significance (Oral Interviews 2008; City of Newport Beach). The property has served the community since its development in the mid-1960s.

### **Integrity Statement**

With regard to the seven aspects of integrity of location, design, setting, materials, workmanship, feel and association, the ca. 1965 park and associated buildings on the property have retained their original locations, as they have not been moved. The setting, feel and association have not remained intact since the construction on the property. The setting has been altered extensively by the construction of new buildings in the surrounding area from the 1950s to the present. The integrity level of the property is good and the condition of the buildings is good.

### **Application of Register Criteria**

The property was assessed under NRHP Criterion A for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history.

The park and associated elements were constructed as part of the overall continuing residential and commercial development of the Newport Beach area, which began in the 1880s and continued through the 20<sup>th</sup> century. There is no significant historic trend or event that is associated with this property. Therefore, the property does not appear to qualify for the NRHP under Criterion A.

The property was considered under Criterion B for its association with the lives of persons significant in our past.

There is no evidence to suggest that any of the persons associated with the construction or development of the property were considered important in the history of this property. None of the persons associated with this property appear to have made any significant contributions to the development of the area and do not appear to be historically significant. Therefore, the property does not appear to qualify for the NRHP under Criterion B.

The buildings on the property were evaluated for Criterion C for embodying the distinctive characteristics of a type, period, or method of Modern or Craftsman construction, or representing the work of a master, or possessing high artistic values, or representing a significant and distinguishable entity whose components lack individual distinction.

The Neva B. Thomas Girl Scout building was designed in a Modern Minimal Traditional style, typical of mid-20<sup>th</sup> century construction. The building does not represent a significant and distinguishable entity whose components may lack individual distinction. The building does not serve as a good example of the style used in Southern California for structures in the 1950s. The building does not include distinctive elements of this style and its design does not rise to a level of architectural significance. The building does not serve as a significant example of the style to qualify for NRHP significance. The associated Craftsman style garage building, the Modern style Balboa Community Building, and the associated utilitarian garage building are all lacking in distinctive elements of their styles, were heavily altered, and do not serve as good examples of their individual styles. The buildings do not include significant artistic values. Therefore, none of the buildings or elements on the property appear to qualify for the NRHP under Criterion C.

The property was considered for Criterion D for the potential to yield, or may be likely to yield, information important to prehistory or history. In order for buildings, structures and objects to be eligible under this criterion, they would need to “be, or must have been, the principal source of information.”

None of the elements contained within this property meet this minimal requirement. Therefore, the property does not appear to qualify for the NRHP under Criterion D.

**In summary, neither the property nor any associated elements appear to qualify for the NRHP. Therefore, the property is not considered a historic property for the purposes of Section 106 of the NHPA.**

The property was also assessed for CRHR and local designation eligibility, and was determined to not meet the criteria for historical or architectural significance.

**None of the elements contained within this property appear to meet any of the criteria for state-level significance, and the property is not considered eligible for inclusion in the CRHR. Therefore, the property is not considered a historical resource for the purposes of CEQA.**

#### **4.2.3 - 19<sup>th</sup> Street Restroom**

The restroom located at 19<sup>th</sup> Street is a one-story, Spanish Eclectic style building (Appendix D: Photograph 8). The building has a concrete foundation, asymmetrical façade with stucco exterior, and a flat roof, with a single metal door on the west façade and two doors on each of the south and east façades. Five small, arched, wood framed, windows are present on the north façade and a small, square, four-lite, wood framed window is present on the west façade. Small vents are present on the west, east and south façades, and concrete block walls are outside the entrances to the restrooms on the south façade. The exterior appears to have a new stucco coating, and appears to be in good condition.

#### **Significance Evaluation**

The City of Newport Beach Planning Department was contacted regarding this structure, since no building permits could be located for the property. City of Newport Beach Planner Patrick Alpert, stated that the building is not considered to be historically or architecturally significant and is not listed on the Historic Inventory of Newport Beach. The beach adjacent to the restroom was locally known as Mother's Beach (Oral Interviews 2008). No other information was located regarding the structure or its construction.

#### **Integrity Statement**

With regard to the seven aspects of integrity of location, design, setting, materials, workmanship, feel and association, the ca. 1930 19<sup>th</sup> Street restroom building has retained its original location, as it has not been moved. The building's setting, feel and association have not remained intact since its construction. The setting has been altered extensively by the construction of numerous buildings from the 1930s to the present. The urban setting has changed substantially since its construction. The integrity level of the property is fair and the condition of the building is good.

#### **Application of Register Criteria**

The property was assessed under NRHP Criterion A for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history.

The building was constructed as part of the continuing residential and commercial development of the Newport Beach area, which began in the 1880s and continued through the 20<sup>th</sup> century. There is no significant historic trend or event that is associated with this property. Therefore, the property does not appear to qualify for the NRHP under Criterion A.

The property was considered under Criterion B for its association with the lives of persons significant in our past.

There is no evidence to suggest that any of the persons associated with the construction or development of the property were considered important in history. None of the persons associated with this building appear to have made any significant contributions to the development of the area, and do not appear to be historically significant. Therefore, the property does not appear to qualify for the NRHP under Criterion B.

The property was evaluated for Criterion C for embodying the distinctive characteristics of a type, period, or method of Spanish Eclectic style construction, or representing the work of a master, or possessing high artistic values, or representing a significant and distinguishable entity whose components lack individual distinction.

The building was designed in a basic Spanish Eclectic-style. The building does not represent a significant and distinguishable entity whose components may lack individual distinction. The building does not serve as a good example of the style used in Southern California for structures in the 1930s. The building does not include distinctive elements of this style, and its design does not rise to a level of architectural significance. The building does not serve as a significant example of the style to qualify for NRHP significance. The building does not include significant artistic values. Therefore, the property does not appear to qualify for the National Register of Historic Places (NRHP) under Criterion C.

The property was considered for Criterion D for the potential to yield, or may be likely to yield, information important to prehistory or history. In order for buildings, structures and objects to be eligible under this criterion, they would need to “be, or must have been, the principal source of information.”

This property cannot meet this minimal requirement. Therefore, the property does not appear to qualify for the NRHP under Criterion D.

**In summary, the property does not appear to qualify for the NRHP. Therefore, the property is not considered a historic property for the purposes of Section 106 of the NHPA.**

The property was also assessed for CRHR and local designation eligibility, and was determined to not meet the criteria for historical or architectural significance.

**The building does not meet any of the criteria for state-level significance, and the property is not considered eligible for inclusion in the CRHR. Therefore, the property is not considered a historical resource for the purposes of CEQA.**

#### **4.2.4 - Marina Park Mobile Home Park**

The Marina Park Mobile Home Park is situated on about 8.10 acres, with a public beach known as Mother’s Beach to the north-northeast, along Newport Bay (Appendix D: Photograph 5). The park contains spaces for 15 full-time residents and 41 part-time residents. The trailers are arranged in rows

and configured so that the spaces between the units are used for small garden areas with connecting walkways (Appendix D: Photograph 6). A wash-house is located in the center of the mobile home park. The wash-house is a rectangular-shaped brick building with wood doors and a flat roof with exposed rafters. The western side of the mobile home park property contains parking spaces for cars, and the property is surrounded by a block wall on the north, south and eastern sides. The property appears to be in good condition.

### **Significance Evaluation**

The Marina Park Trailer Park was constructed in 1963 along the west edge of Mother's Beach, which is a public beach (City of Newport Beach 2008). The trailer park is not listed on any local, State or federal historic inventories and according to the City of Newport Beach Planning Department, it is not considered to have historical or architectural significance (Oral Interviews 2008).

### **Integrity Statement**

With regard to the seven aspects of integrity of location, design, setting, materials, workmanship, feel and association, the ca. 1963 trailer park has retained its original location, as it has not been moved. The setting, feel and association have not remained intact since its construction. The setting has been altered extensively by the construction of numerous buildings from 1963 to the present. The urban setting has changed substantially since its construction. The integrity level of the property is fair and the condition of the trailer park is fair.

### **Application of Register Criteria**

The property was assessed under NRHP Criterion A for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history.

The property was constructed as part of the overall continuing residential and commercial development of the Newport Beach area, which began in the 1880s and continued through the 20<sup>th</sup> century. There is no significant historic trend or event that is associated with this property. Therefore, the property does not appear to qualify for the NRHP under Criterion A.

The property was considered under Criterion B for its association with the lives of persons significant in our past.

There is no evidence to suggest that any of the persons associated with the construction or development of the property were considered important in the history of this property. None of the persons associated with this property appear to have made any significant contributions to the development of the area and do not appear to be historically significant. Therefore, the property does not appear to qualify for the NRHP under Criterion B.

The property was evaluated for Criterion C for embodying the distinctive characteristics of a type, period, or method of Modern style construction, or representing the work of a master, or possessing

high artistic values, or representing a significant and distinguishable entity whose components lack individual distinction.

The trailers and wash-house were designed in a basic Modern style, typical of mid-20<sup>th</sup> century construction for structures such as trailer parks. The trailer park does not represent a significant and distinguishable entity whose components may lack individual distinction. Therefore, the property does not appear to qualify for the National Register of Historic Places (NRHP) under Criterion C.

The property was considered for Criterion D for the potential to yield, or may be likely to yield, information important to prehistory or history. In order for buildings, structures and objects to be eligible under this criterion, they would need to “be, or must have been, the principal source of information.”

This property cannot meet this minimal requirement. Therefore, the property does not appear to qualify for the NRHP under Criterion D.

**In summary, the property does not appear to qualify for the NRHP. Therefore, the property is not considered a historic property for the purposes of Section 106 of the NHPA.**

The property was also assessed for CRHR and local designation eligibility, and was determined to not meet the criteria for historical or architectural significance.

**The Marina Park Mobile Home Park does not meet any of the criteria for state-level significance, and the property is not considered eligible for inclusion in the CRHR. Therefore, the property is not considered a historical resource for the purposes of CEQA.**

## SECTION 5: SUMMARY AND RECOMMENDATIONS

### 5.1 - Summary

In accordance with CEQA and Section 106 of the NHPA, MBA assessed the effects of development for the project area. The results of the cultural resource record search indicate that there are no previously recorded resources within the project area boundaries, and nine cultural resources known within the 1-mile search radius. This includes four prehistoric age and five historic age resources. Two of the resources are California Historical Landmarks, one is an NRHP listed property and one resource is considered a historical landmark by the Newport Beach Historical Society, but is not recognized by the City of Newport Beach as a landmark building. In addition, the results of the records search indicate that the project area has not been previously surveyed, and that minimal surveys have been conducted near the project area boundaries. A total of 15 studies have been conducted within a 1-mile radius, and the majority of these studies were completed along Pacific Coast Highway and State Route 55.

Review of the 1896 USGS Santa Ana 30 minute, the 1901 (reprinted 1945) Santa Ana, California 15-minute, and the 1902 (reprinted 1946) USGS Corona, California 30-minute topographic maps revealed neither structures nor any other development within the project area boundaries.

During the pedestrian survey, no prehistoric-age resources were detected and numerous historic-age buildings or building complexes were observed. The following properties were identified as historic-age resources:

- American Legion Property (Only the modern American Legion Veterans Memorial Park is included within the project area. The Great Hall, Yacht Club Building and the structures included in the American Legion parking lot are considered off-site.)
- Marina Park Mobile Home Park
- 19<sup>th</sup> Street Restroom
- Las Arenas Park

These resources were recorded onto DPR 523 Forms and were submitted to the SCCIC for the assignment of primary numbers. All of the aforementioned resources were evaluated for significance and eligibility for inclusion in the NRHP, CRHR, and any local registers. None of the resources were found to be eligible for inclusion in the NRHP or the CRHR. Therefore, the American Legion Property, Marina Park Mobile Home Park, the 19<sup>th</sup> Street Restroom, and Las Arenas Park are not considered Historic Properties for the purposes of Section 106 of the NHPA. In addition, none of these resources are considered historical resources for the purposes of CEQA. However, the off-site Great Hall Building and the off-site Yacht Club Building contained within the American Legion Property are considered to be locally significant resources. Neither of these structures will be directly

affected by the proposed project. None of the additional resources were found to be locally significant.

Based upon the high level of urbanization present within the project area and the resultant ground disturbance, in conjunction with the environmental setting where the project area has been subject to historic-era ground disturbance from the movement of nearby ocean waters, MBA finds a low probability that significant, intact subsurface deposits will be uncovered during development. For this reason, MBA does not recommend archaeological monitoring during development. However, given the location of the project area along the culturally sensitive California coast, the cultural resource sensitivity of the project area was determined to be moderate to high for potential impacts to resources of concern to Native American groups. Thus, while MBA does not recommend archaeological monitoring, Native American Tribal monitoring is recommended during development.

Previous geologic mapping has determined that the project area is situated upon surface deposits of younger Quaternary Alluvium with low fossil bearing potential. However, these sediments may overlie sensitive older Quaternary terrace deposits at an unknown depth. Such deposits are known to yield significant vertebrate fossils within the region. Thus, MBA has determined that the project area has moderate paleontologic sensitivity within older Quaternary terrace deposits if present within the subsurface of the project area. For this reason, MBA recommends a paleontologic monitoring program to mitigate potential adverse impacts to paleontological resources. MBA suggests that a qualified paleontologist review any available bore/ geotech samples to determine the existence of Quaternary terrace deposits. This data can then be used to determine the need or lack thereof for paleontologic monitoring, or the intensity of the monitoring program. If bore samples are not available, then a mitigation-monitoring program should commence at approximately 5 feet from the modern ground surface. Monitoring may be reduced or eliminated if the sensitivity can be reduced from moderate to low, and MBA suggests that the project area be re-evaluated for sensitivity once 50 percent of all earthmoving activities have been completed. This evaluation should focus on the presence or absence of older Quaternary terrace deposits, and should assist in determining the need or lack thereof for additional monitoring. A monitoring program for excavation should be developed prior to any grading within the project area, and should be consistent with the provisions of CEQA.

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## **5.2 - Recommendations**

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Based on the results of the pedestrian survey and the significance evaluations for the historic-age resources within the project area, MBA does not recommend additional cultural resource studies and does not recommend archaeological monitoring during development. However, MBA recommends Native American Tribal monitoring, due to the location of the project area along the culturally sensitive California coast, and the concerns of local Native American groups and individuals.

In addition, MBA recommends a paleontological monitoring program to mitigate potential adverse impacts to significant fossil resources, commencing either with the review of bore/ geotech samples or at approximately 5 feet from the modern ground surface.

### **5.2.1 - Cultural Resources Recommendations**

The potential for adverse impacts to significant cultural resources as defined by CEQA is considered low. This is based upon the results of the significance evaluations, where all historic age properties were found ineligible for inclusion in the NRHP and CRHR. In addition, the high level of urbanization present within the project area and the related ground disturbance, in conjunction with the environmental setting where the project area has been subject to historic-era ground disturbance from the movement of nearby ocean waters, results in a low probability that significant, intact subsurface deposits will be uncovered during development. For these reasons, MBA does not recommend additional cultural resource studies or archaeological monitoring.

However, given the location of the project area along the culturally sensitive California coast and the concerns of local Native American groups, the cultural resource sensitivity of the project area was determined to be moderate to high for potential impacts to resources of concern to Native American groups. Thus, while MBA does not recommend archaeological monitoring, Native American Tribal monitoring is recommended during development.

### **5.2.2 - Accidental Discovery of Human Remains**

There is always the small possibility that ground-disturbing activities during construction may uncover previously unknown buried human remains. Should this occur, Federal laws and standards apply including Native American Graves Protection and Repatriation Act (NAGPRA) and its regulations found in the Code of Federal Regulations at 43 CFR 10.

In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code § 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code (PRC) § 5097.98.

### **5.2.3 - Accidental Discovery of Cultural Resources**

It is always possible that ground-disturbing activities during construction may uncover previously unknown, buried cultural resources. In the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist and shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell

artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria

If the resources are determined to be unique historic resources as defined under §15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.

In addition, reasonable efforts to avoid, minimize, or mitigate adverse effects to the property will be taken and the State Historic Preservation Officer (SHPO) and Native American tribes with concerns about the property, as well as the Advisory Council on Historic Preservation (ACHP) will be notified within 48 hours in compliance with 36 CFR 800.13(b)(3).

#### **5.2.4 - Paleontological Recommendations**

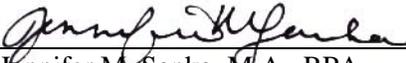
The potential for impacts to significant paleontological resources are considered moderate if older Quaternary terrace deposits are present within the subsurface of the project area. This sensitivity designation is based upon the known fossil bearing potential of such deposits in the region. MBA therefore recommends a paleontologic monitoring program to mitigate potential adverse impacts to paleontological resources. MBA suggests that a qualified paleontologist review any available bore/geotech samples to determine the existence of Quaternary terrace deposits. This data can then be used to determine the need or lack thereof for paleontologic monitoring, or the intensity of the monitoring program. If bore samples are not available, then a mitigation-monitoring program should commence at approximately 5 feet from the modern ground surface. Monitoring may be reduced or eliminated if the sensitivity can be reduced from moderate to low, and MBA suggests that the project area be re-evaluated for sensitivity once 50 percent of all earthmoving activities have been completed. This evaluation should focus on the presence or absence of older Quaternary terrace deposits, and should assist in determining the need or lack thereof for additional monitoring. A monitoring program for excavation should be developed prior to any grading within the project area, and should be consistent with the provisions of CEQA.

**Table 2: Recommended Paleontological Resource Mitigation Measures**

Mitigation No.	Mitigation Text
PR-1	<p>Monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologist. Based upon the results of this review, areas of concern include all older Quaternary terrace deposits, which may be present within the subsurface of the project area. MBA suggests that a qualified paleontologist review any available bore/ geotech samples to determine the need or lack thereof for paleontologic monitoring, or the intensity of the monitoring program. If bore samples are not available, then a mitigation-monitoring program should commence at approximately 5 feet from the modern ground surface. Paleontologic monitors should be equipped to salvage fossils, as they are unearthed, to avoid construction delays, and to remove samples of sediments likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.</p> <p>Monitoring may be reduced or eliminated if the potentially fossiliferous units described herein are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources, and MBA suggests that the project area be re-evaluated for sensitivity once 50 percent of all earthmoving activities have been completed. This evaluation should focus on the presence or absence of older Quaternary terrace deposits, and should assist in determining the need or lack thereof for additional monitoring.</p> <p>In the event that the mitigation-monitoring program results in positive findings for paleontological resources, then refer to PR-2 to PR-4.</p>
PR-2	<p>Preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts to the resources.</p>
PR-3	<p>Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until such curation into an established museum repository has been fully completed and documented.</p>
PR-4	<p>Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontologic resources.</p>

**SECTION 6: CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this archaeological report, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: February 18, 2008 Signed:   
Jennifer M. Sanka, M.A., RPA  
Michael Brandman Associates  
Irvine, CA

Date: February 18, 2008 Signed:   
Kathleen Crawford, M.A.  
Crawford Consulting  
La Mesa, CA

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## **Appendix A: Cultural Resources Correspondence**

**A-1: Native American Heritage Commission  
Sacred Lands File Search**



Michael Brandman Associates

ENVIRONMENTAL SERVICES • PLANNING • NATURAL RESOURCES MANAGEMENT

June 26, 2008

Native American Heritage Commission  
915 Capitol Mall, Suite 364  
Sacramento, CA 95814-4801

Via email: gtomei\_nahc@pacbell.net

**Subject: Request for a Sacred Lands Records Search for the Marina Park Project located on about 10 acres in the City of Newport Beach, County of Orange, California. (USGS Newport Beach, CA. quad)**

To Whom It May Concern:

Michael Brandman Associates (MBA) would like to determine whether any listed sacred sites are located within or near a project area found in the City of Newport Beach.

**The project area is located in Orange County, and is found on the USGS Newport Beach, CA. 7.5' topographic quadrangle, T.6S, R.10W, Section 33.**

Please notify us of any sacred Native American sites that may be affected by the undertaking. A full description of this project can be found in our archaeological survey report, which is forthcoming. This request is not affiliated with the SB 18 process; rather, it is an information request to be included within a cultural resources assessment compliance document.

Sincerely,

Jennifer M. Sanka M.A., RPA  
Project Archaeologist  
Michael Brandman Associates  
220 Commerce, Suite 200  
Irvine, CA. 92602  
PHONE: 714.508.4100 x.1065  
FAX: 714.508.4110

S:\JenSanka\0064.0022.0 Marina Park EIR\Appendices\006400220\_NAHC request letter.doc

Bakersfield  
661.334.2755

Irvine  
714.508.4100

Palm Springs  
760.322.8847

Sacramento  
916.383.0944

San Bernardino  
909.884.2255

San Ramon  
925.830.2733

Santa Cruz  
831.262.1731

Visalia  
559.739.0400

[www.brandman.com](http://www.brandman.com)

[mba@brandman.com](mailto:mba@brandman.com)

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



June 27, 2008

Jennifer Sanka  
Michael Brandman Associates  
220 Commerce, Suite 200  
Irvine, CA 92602

Sent by Fax: 714-508-4110  
Number of pages: 2

Re: Proposed 10 acres in the City of Newport Beach, County of Orange

Dear Ms. Sanka:

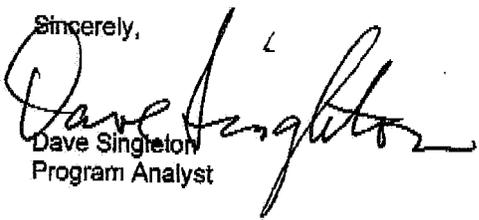
The Native American Heritage Commission was able to perform a record search of its Sacred Lands File (SLF) for the affected project area. The SLF failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any 'area of potential effect (APE).'

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the nearest tribes that may have knowledge of cultural resources in the project area. A List of Native American contacts are attached to assist you. The Commission makes no recommendation of a single individual or group over another. It is advisable to contact the person listed; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area (APE).

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

  
Dave Singleton  
Program Analyst

Attachment: Native American Contact List

**Native American Contacts**  
**Orange County**  
**June 27, 2008**

**Ti'At Society**  
**Cindi Alvitre**  
**6515 E. Seaside Walk, #C**  
**Long Beach , CA 90803**  
**calvitre@yahoo.com**  
**(714) 504-2468 Cell**

**Gabrielino**

**Juaneno Band of Mission Indians Acjachemen Nation**  
**Anthony Rivera, Chairman**  
**31411-A La Matanza Street**  
**San Juan Capistrano , CA 92675-2674**  
**arivera@juaneno.com**  
**949-488-3484**  
**949-488-3294 Fax**

**Juaneno**

**Juaneno Band of Mission Indians Acjachemen Nation**  
**David Belardes, Chairperson**  
**31742 Via Belardes**  
**San Juan Capistrano , CA 92675**  
**DavidBelardes@hotmail.com**  
**(949) 493-0959**  
**(949) 493-1601 Fax**

**Juaneno**

**Gabrielino Tongva Indians of California Tribal Council**  
**Robert Dorame, Tribal Chair/Cultural Resources**  
**5450 Slauson, Ave, Suite 151 PMB**  
**Culver City , CA 90230**  
**gtongva@verizon.net**  
**562-761-6417 - voice**  
**562-925-7989 - fax**

**Gabrielino Tongva**

**Tongva Ancestral Territorial Tribal Nation**  
**John Tommy Rosas, Tribal Admin.**  
  
**tattnlaw@gmail.com**  
**310-570-6567**

**Gabrielino Tongva**

**Juaneno Band of Mission Indians Acjachemen Nation**  
**Joyce Perry , Tribal Manager & Cultural Resources**  
**31742 Via Belardes**  
**San Juan Capistrano , CA 92675**  
**kaamalam@cox.net**  
**(949) 493-0959**  
**(949) 293-8522 Cell**  
**(949) 493-1601 Fax**

**Juaneno**

**Gabrieleno/Tongva San Gabriel Band of Mission**  
**Anthony Morales, Chairperson**  
**PO Box 693**  
**San Gabriel , CA 91778**  
**ChiefRBwife@aol.com**  
**(626) 286-1632**  
**(626) 286-1758 - Home**  
**(626) 286-1262 Fax**

**Gabrielino Tongva**

**Juaneno Band of Mission Indians**  
**Alfred Cruz, Culural Resources Coordinator**  
**P.O. Box 25628**  
**Santa Ana , CA 92799**  
**alfredgcruz@sbcglobal.net**  
**714-998-0721**  
**slfredgcruz@sbcglobal.net**

**Juaneno**

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the propose Marina Park Project located on about 10-acres in the City of Newport Beach; Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.**





July 15, 2008

Sample

Subject: **Native American Consultation Letter associated with one Cultural Resource Survey: The Marina Park Project located in the City of Newport Beach, Orange County, California. (USGS Newport Beach, CA. quad)**

Bakersfield  
661.334.2755

Fresno  
559.497.0310

Irvine  
714.508.4100

Palm Springs  
760.322.8847

Sacramento  
916.447.1100

San Bernardino  
909.884.2255

San Ramon  
925.830.2733

To Whom It May Concern:

Michael Brandman Associates completed an archaeological and historical resource survey for a project on approximately 10 acres in the City of Newport Beach. The proposed project is the construction of Marina Park, which includes a public park and beach, a public short-term visiting vessel marina, and the Balboa Sailing Center which includes a restaurant and tennis courts. The archaeological survey returned negative findings for prehistoric age resources; however, numerous historic age structures were detected. This consultation letter is not associated with the SB18 process, but is an information request that shall be included in our cultural resource survey document.

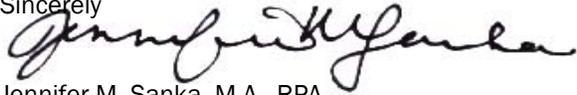
Section 106 of the National Historic Preservation Act of 1966 (NHPA) and CEQA consider the effects a project may have on historic properties. The definition of "historic properties" can include properties of traditional religious and cultural significance to Native American groups.

To determine whether the proposed project may impact any historic properties, including traditional cultural properties, MBA has reviewed background information and consulted with entities such as the NAHC. The Native American Heritage Commission does not indicate that any sacred sites are located in or near this project area, but have listed you as a tribal contact.

We have attached a map showing the location of the project area with reference to the Newport Beach, CA. topographic map. Generally, the project area is found to the south of Interstate 405 and southeast of the intersection of State Route 55 and Pacific Coast Highway (SR-1). Specifically, the project area is located to the north of Balboa Boulevard, east of 19<sup>th</sup> Street and west of 15<sup>th</sup> Street.

We wish to ask if you have any information or concerns about this project area, and/or if the proposed project may have an impact on cultural resources that are important to you. Please feel free to contact me at 714.508.4100 ext 1065 if you have any questions or information, or you may address and mail a response to my attention at the address below.

Sincerely

A handwritten signature in black ink, appearing to read "Jennifer M. Sanka". The signature is fluid and cursive, written over a light blue horizontal line.

Jennifer M. Sanka, M.A., RPA

Project Archaeologist

**Michael Brandman Associates**

220 Commerce, Suite 200

Irvine, CA 92602

Enc: USGS Topo Map

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JMS:ch



March 18, 2008

Environmental Department  
Ann Brierty  
San Manuel Band of Mission Indians  
101 Pure Water Lane  
Highland, CA 92346

Subject: **Native American Consultation Letter associated with one Cultural Resource Survey: The Victorville WinCo Project located in the City of Victorville, San Bernardino County, California. (USGS Victorville, CA. quad)**

Bakersfield  
661.334.2755

Fresno  
559.497.0310

Irvine  
714.508.4100

Palm Springs  
760.322.8847

Sacramento  
916.447.1100

San Bernardino  
909.884.2255

San Ramon  
925.830.2733

Dear Ms. Brierty,

Michael Brandman Associates completed an archaeological resource survey for a project on 12.60 acres in the City of Victorville. The proposed project is the construction of a WinCo Foods Store with associated parking. The archaeological survey returned negative findings for prehistoric age and historic age cultural resources. This consultation letter is not associated with the SB18 process, but is an information request that shall be included in our cultural resource survey document.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) and CEQA consider the effects a project may have on historic properties. The definition of "historic properties" can include properties of traditional religious and cultural significance to Native American groups.

To determine whether the proposed project may impact any historic properties, including traditional cultural properties, MBA has reviewed background information and consulted with entities such as the NAHC. The Native American Heritage Commission does not indicate that any sacred sites are located in or near this project area, but have listed you as a tribal contact.

We have attached a map showing the location of the project area with reference to the Victorville, CA. topographic map. Generally, the project area is found to the west of Interstate 15 and southwest of State Route 18. Specifically, the project area is located directly to the southeast of the intersection of Midtown Drive and Amargosa Road, and is directly north of Roy Rogers Drive.

We wish to ask if you have any information or concerns about this project area, and/or if the proposed project may have an impact on cultural resources that are important to you.

ENVIRONMENTAL SERVICES ■ PLANNING ■ NATURAL RESOURCES MANAGEMENT

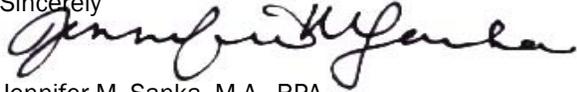
[www.brandman.com](http://www.brandman.com)



Ann Brierty  
March 18, 2008  
Page 2

Please feel free to contact me at 714.508.4100 ext 1065 if you have any questions or information, or you may address and mail a response to my attention at the address below.

Sincerely

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Jennifer M. Sanka, M.A., RPA  
Project Archaeologist  
**Michael Brandman Associates**  
220 Commerce, Suite 200  
Irvine, CA 92602

Enc: USGS Topo Map

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JMS:ch



March 18, 2008

Environmental Coordinator Anthony Madrigal, Jr.  
Cahuilla Band of Mission Indians  
P.O. Box 391760  
Anza, CA 92539

Subject: **Native American Consultation Letter associated with one Cultural Resource Survey: The Victorville WinCo Project located in the City of Victorville, San Bernardino County, California. (USGS Victorville, CA. quad)**

Bakersfield  
661.334.2755

Fresno  
559.497.0310

Irvine  
714.508.4100

Palm Springs  
760.322.8847

Sacramento  
916.447.1100

San Bernardino  
909.884.2255

San Ramon  
925.830.2733

Dear Environmental Coordinator Madrigal, Jr.,

Michael Brandman Associates completed an archaeological resource survey for a project on 12.60 acres in the City of Victorville. The proposed project is the construction of a WinCo Foods Store with associated parking. The archaeological survey returned negative findings for prehistoric age and historic age cultural resources. This consultation letter is not associated with the SB18 process, but is an information request that shall be included in our cultural resource survey document.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) and CEQA consider the effects a project may have on historic properties. The definition of "historic properties" can include properties of traditional religious and cultural significance to Native American groups.

To determine whether the proposed project may impact any historic properties, including traditional cultural properties, MBA has reviewed background information and consulted with entities such as the NAHC. The Native American Heritage Commission does not indicate that any sacred sites are located in or near this project area, but have listed you as a tribal contact.

We have attached a map showing the location of the project area with reference to the Victorville, CA. topographic map. Generally, the project area is found to the west of Interstate 15 and southwest of State Route 18. Specifically, the project area is located directly to the southeast of the intersection of Midtown Drive and Amargosa Road, and is directly north of Roy Rogers Drive.

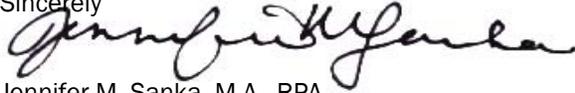
We wish to ask if you have any information or concerns about this project area, and/or if the proposed project may have an impact on cultural resources that are important to you. Please feel free to contact me at 714.508.4100 ext 1065 if you have any questions or



Anthony Madrigal, Jr.  
March 18, 2008  
Page 2

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Project Archaeologist  
**Michael Brandman Associates**  
220 Commerce, Suite 200  
Irvine, CA 92602

Enc: USGS Topo Map

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JMS:ch



March 18, 2008

Chairperson Charles Wood  
Chemehuevi Reservation  
P.O. Box 1976  
Chemehuevi Valley, CA 92363

Subject: **Native American Consultation Letter associated with one Cultural Resource Survey: The Victorville WinCo Project located in the City of Victorville, San Bernardino County, California. (USGS Victorville, CA. quad)**

Bakersfield  
661.334.2755

Fresno  
559.497.0310

Irvine  
714.508.4100

Palm Springs  
760.322.8847

Sacramento  
916.447.1100

San Bernardino  
909.884.2255

San Ramon  
925.830.2733

Dear Chairperson Wood,

Michael Brandman Associates completed an archaeological resource survey for a project on 12.60 acres in the City of Victorville. The proposed project is the construction of a WinCo Foods Store with associated parking. The archaeological survey returned negative findings for prehistoric age and historic age cultural resources. This consultation letter is not associated with the SB18 process, but is an information request that shall be included in our cultural resource survey document.

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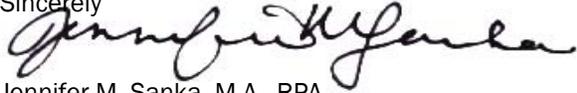
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We wish to ask if you have any information or concerns about this project area, and/or if the proposed project may have an impact on cultural resources that are important to you. Please feel free to contact me at 714.508.4100 ext 1065 if you have any questions or

Charles Wood  
March 18, 2008  
Page 2

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Sincerely

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Jennifer M. Sanka, M.A., RPA  
Project Archaeologist  
**Michael Brandman Associates**  
220 Commerce, Suite 200  
Irvine, CA 92602

Enc: USGS Topo Map

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JMS:ch



March 18, 2008

Chairperson Henry Duro  
San Manuel Band of Mission Indians  
26569 Community Center Drive  
Highland, CA 92346

Subject: **Native American Consultation Letter associated with one Cultural Resource Survey: The Victorville WinCo Project located in the City of Victorville, San Bernardino County, California. (USGS Victorville, CA. quad)**

Bakersfield  
661.334.2755

Fresno  
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714.508.4100

Palm Springs  
760.322.8847

Sacramento  
916.447.1100

San Bernardino  
909.884.2255

San Ramon  
925.830.2733

Dear Chairperson Duro,

Michael Brandman Associates completed an archaeological resource survey for a project on 12.60 acres in the City of Victorville. The proposed project is the construction of a WinCo Foods Store with associated parking. The archaeological survey returned negative findings for prehistoric age and historic age cultural resources. This consultation letter is not associated with the SB18 process, but is an information request that shall be included in our cultural resource survey document.

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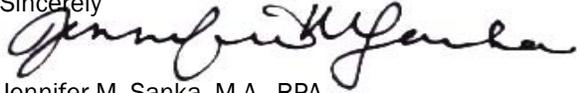
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Henry Duro  
March 18, 2008  
Page 2

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Jennifer M. Sanka, M.A., RPA  
Project Archaeologist  
**Michael Brandman Associates**  
220 Commerce, Suite 200  
Irvine, CA 92602

Enc: USGS Topo Map

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JMS:ch



March 18, 2008

Chairperson John Velenzuela  
San Fernando Band of Mission Indians  
P.O. Box 221838  
Newhall, CA 91322

Subject: **Native American Consultation Letter associated with one Cultural Resource Survey: The Victorville WinCo Project located in the City of Victorville, San Bernardino County, California. (USGS Victorville, CA. quad)**

Bakersfield  
661.334.2755

Fresno  
559.497.0310

Irvine  
714.508.4100

Palm Springs  
760.322.8847

Sacramento  
916.447.1100

San Bernardino  
909.884.2255

San Ramon  
925.830.2733

Dear Chairperson Velenzuela,

Michael Brandman Associates completed an archaeological resource survey for a project on 12.60 acres in the City of Victorville. The proposed project is the construction of a WinCo Foods Store with associated parking. The archaeological survey returned negative findings for prehistoric age and historic age cultural resources. This consultation letter is not associated with the SB18 process, but is an information request that shall be included in our cultural resource survey document.

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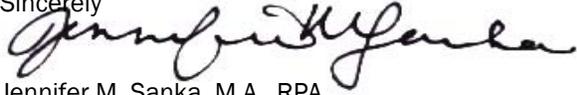
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John Velenzuela  
March 18, 2008  
Page 2

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Jennifer M. Sanka, M.A., RPA  
Project Archaeologist  
**Michael Brandman Associates**  
220 Commerce, Suite 200  
Irvine, CA 92602

Enc: USGS Topo Map

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JMS:ch



March 18, 2008

Representative Joseph Hamilton  
Ramona Band of Mission Indians  
P.O. Box 391670  
Anza, CA 92539

Subject: **Native American Consultation Letter associated with one Cultural Resource Survey: The Victorville WinCo Project located in the City of Victorville, San Bernardino County, California. (USGS Victorville, CA. quad)**

Bakersfield  
661.334.2755

Fresno  
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Palm Springs  
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Sacramento  
916.447.1100

San Bernardino  
909.884.2255

San Ramon  
925.830.2733

Dear Representative Hamilton,

Michael Brandman Associates completed an archaeological resource survey for a project on 12.60 acres in the City of Victorville. The proposed project is the construction of a WinCo Foods Store with associated parking. The archaeological survey returned negative findings for prehistoric age and historic age cultural resources. This consultation letter is not associated with the SB18 process, but is an information request that shall be included in our cultural resource survey document.

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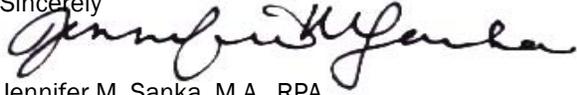
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Joseph Hamilton  
March 18, 2008  
Page 2

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Project Archaeologist  
**Michael Brandman Associates**  
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Irvine, CA 92602

Enc: USGS Topo Map

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JMS:ch



March 18, 2008

Chairperson Tim Williams  
Fort Mojave Indian Tribe  
500 Merriman Ave  
Needles, CA 92363

Subject: **Native American Consultation Letter associated with one Cultural Resource Survey: The Victorville WinCo Project located in the City of Victorville, San Bernardino County, California. (USGS Victorville, CA. quad)**

Bakersfield  
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San Ramon  
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Michael Brandman Associates completed an archaeological resource survey for a project on 12.60 acres in the City of Victorville. The proposed project is the construction of a WinCo Foods Store with associated parking. The archaeological survey returned negative findings for prehistoric age and historic age cultural resources. This consultation letter is not associated with the SB18 process, but is an information request that shall be included in our cultural resource survey document.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) and CEQA consider the effects a project may have on historic properties. The definition of "historic properties" can include properties of traditional religious and cultural significance to Native American groups.

To determine whether the proposed project may impact any historic properties, including traditional cultural properties, MBA has reviewed background information and consulted with entities such as the NAHC. The Native American Heritage Commission does not indicate that any sacred sites are located in or near this project area, but have listed you as a tribal contact.

We have attached a map showing the location of the project area with reference to the Victorville, CA. topographic map. Generally, the project area is found to the west of Interstate 15 and southwest of State Route 18. Specifically, the project area is located directly to the southeast of the intersection of Midtown Drive and Amargosa Road, and is directly north of Roy Rogers Drive.

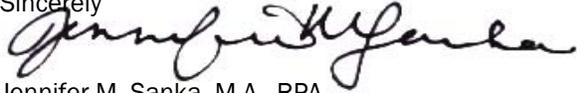
We wish to ask if you have any information or concerns about this project area, and/or if the proposed project may have an impact on cultural resources that are important to you. Please feel free to contact me at 714.508.4100 ext 1065 if you have any questions or



Tim Williams  
March 18, 2008  
Page 2

information, or you may address and mail a response to my attention at the address below.

Sincerely

A handwritten signature in black ink, appearing to read "Jennifer M. Sanka". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer M. Sanka, M.A., RPA  
Project Archaeologist  
**Michael Brandman Associates**  
220 Commerce, Suite 200  
Irvine, CA 92602

Enc: USGS Topo Map

H:\Client (PN-JN)\1266\12660019\CR\Appendices\NA letter\126600190\_NA Tribal Letter.doc

JMS:ch

**From:** "Johntommy Rosas" <tattnlaw@gmail.com>  
**To:** "Carmen Hernandez" <CHernandez@brandman.com>  
**Date:** 7/16/2008 4:31 PM  
**Subject:** Re: The Marina Park Project located in the City of

Hi It looks like you need to initiate a sec 106, as we seen in the past field survey are just that, also we have Indigenous rights issue and need more info on the proposed project, I will tell you we object to any development in our territory ,Thanks johntommy

On 7/16/08, Carmen Hernandez <CHernandez@brandman.com> wrote:

>  
> Dear Mr. Rosas:  
>  
> Please see attached consultation letter for your review/use, as requested  
> by Jen Sanka.  
>  
> Let me know if you have any trouble viewing the pdf.  
>  
>  
> Have a good day.  
>  
>  
>  
> Carmen Hernandez  
>  
> Administrative Assistant  
> Michael Brandman Associates  
> 220 Commerce, Suite 200  
> Irvine CA 92602  
> 714.508.4100, Ext. 1071  
> Fax 714.508.4110  
>  
> www.brandman.com  
>  
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> \*\*  
>  
> \*Celebrating 25 Years of Leadership \*\*Providing Environmental Planning  
> Services\*  
>  
> P "Please consider the environment before printing this email."  
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>  
>  
>

--  
JOHN TOMMY ROSAS  
TRIBAL ADMINISTRATOR  
TRIBAL LITIGATOR  
TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION  
OFFICIAL TATTN E-MAIL CONFIDENTIAL

**Jennifer Sanka - Re: Marina Park Project - City of Newport Beach**

---

**From:** "Johntommy Rosas" <tattnlaw@gmail.com>  
**To:** "Jennifer Sanka" <JSanka@brandman.com>  
**Date:** 7/17/2008 5:28 PM  
**Subject:** Re: Marina Park Project - City of Newport Beach

---

Thanks, You have done what most dont do and that is lodge ALL our comments, I really appreciate that, please list TATTN as real party in interest on any email notification lists or let me know and I can do that,Thanks again,Jophntommy

On 7/17/08, **Jennifer Sanka** <JSanka@brandman.com> wrote:

Hi John Tommy.

Thank you very much for your response to the Marina Park Project.

In your email, you mention Section 106, and it is my understanding that there will likely be Section 106 consultation in the future. This cultural resources assessment is presumably being completed prior to any actions taken by the federal agencies.

You also requested some additional information on the proposed project. The project area presently contains an American Legion Building, Veteran's Park, Las Arenas Park, several tennis courts, parking facilities, an apartment complex, the Marina Park Trailer Park, the Balboa Community building, a Girl Scout Building and another commercial property. Presently, the entire project area is either paved or has manicured lawns and plants within the parks. It is our understanding that the proposed project will remove the Trailer Park, the community building, the tennis courts, and the girl scout building to create "Marina Park". As proposed, Marina Park includes a public park and beach, a public short-term visiting vessel marina, and the Balboa Sailing Center, which includes a restaurant and tennis courts. The public park includes an open lawn area, a water feature, a children's play area and a half-court basketball court.

I have also taken note of your opposition to development within your territory, and that this project presents an Indigenous Rights Issue. Your response will be included in the Cultural Resources Assessment, to be submitted to the City of Newport Beach.

If I can provide you with any additional information, I would be happy to do so.... Please feel free to contact me with any questions or concerns.

Thank you for your time.

**Jennifer M. Sanka, M.A., RPA**  
Project Archaeologist



**Michael Brandman Associates**

220 Commerce, Suite 200  
Irvine, CA 92602  
P: 714.508.4100 ext 1065  
F: 714.508.4110

M: 714.742.5636

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--  
JOHN TOMMY ROSAS  
TRIBAL ADMINISTRATOR  
TRIBAL LITIGATOR  
TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION  
OFFICIAL TATTN E-MAIL CONFIDENTIAL

## **A-2: Paleontological Records Search**



Michael Brandman Associates

ENVIRONMENTAL SERVICES • PLANNING • NATURAL RESOURCES MANAGEMENT

July 15, 2008

Dr. Samuel A. McLeod  
The Natural History Museum of Los Angeles County  
900 Exposition Blvd.  
Los Angeles, CA 90007

Via Fax: 213-746-7431

**Subject: Request for a Paleontological Resources Records Search for the Marina Park Project located on about 10 acres in the City of Newport Beach, County of Orange, California. (USGS *Newport Beach*, CA. quad)**

Dear Dr. McLeod:

I am in need of a paleontological records search on a project area located in Section 33 of T.6S R.10W, as found on the USGS *Newport Beach*, CA. 7.5' topographic quadrangle.

Once the results have been determined, please fax the results to our office 714.508.4110 or email a PDF version to [jsanka@brandman.com](mailto:jsanka@brandman.com) and mail MBA a hard copy with the invoice. If you have any questions or need to speak with me, please feel free to call me at 714.508.4100 ext 1065. Thank you for your time and effort.

Sincerely,

Jennifer M. Sanka M.A., RPA  
Project Archaeologist  
Michael Brandman Associates  
220 Commerce, Suite 200  
Irvine, CA. 92602

Bakersfield  
661.334.2755

Irvine  
714.508.4100

Palm Springs  
760.322.8847

Sacramento  
916.383.0944

San Bernardino  
909.884.2255

San Ramon  
925.830.2733

Santa Cruz  
831.262.1731

Visalia  
559.739.0400

[www.brandman.com](http://www.brandman.com)

[mba@brandman.com](mailto:mba@brandman.com)

# Natural History

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## Museum of Los Angeles County

900 Exposition Boulevard • Los Angeles, CA 90007

Vertebrate Paleontology Section  
Telephone: (213) 763-3325  
FAX: (213) 746-7431  
e-mail: [smcleod@usc.edu](mailto:smcleod@usc.edu) or [smcleod@nhm.org](mailto:smcleod@nhm.org)

6 August 2008

Michael Brandman Associates  
220 Commerce, Suite 200  
Irvine, CA 92602

Attn: Jennifer M. Sanka, Project Archaeologist

re: Paleontological Resources for the proposed Marina Park Project, in the City of Newport Beach, Orange County, project area

Dear Jennifer:

I have conducted a thorough search of our vertebrate paleontology records for the locality and specimen data for the proposed Marina Park Project, in the City of Newport Beach, Orange County, project area as outlined on the section of the Newport Beach USGS topographic quadrangle map that you sent to me via fax 15 July 2008. We do not have any vertebrate fossil localities that lie directly within the proposed project boundaries, but we do have localities nearby from deposits that may occur subsurface in the proposed project area.

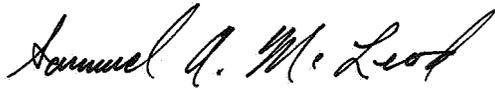
The entire proposed project has surficial deposits of younger Quaternary Alluvium, derived either as fluvial deposits associated with Newport Bay adjacent to the north or as beach sands from Newport Beach adjacent on the south. We have no fossil vertebrate localities anywhere nearby from these deposits and they are unlikely to contain significant vertebrate fossils, at least in the uppermost layers. Nearby elevated terrain, however, has older Quaternary terrace deposits and these may occur in the proposed project area at unknown depth. Our closest vertebrate fossil locality from these Quaternary terrace deposits is LACM 6370, north-northwest of the proposed project area near the intersection of Superior Avenue and the Pacific Coast Highway, that produced a fossil specimen of a horse, *Equus*.

Surface grading or shallow excavations in the proposed project area probably will not uncover significant vertebrate fossil remains. Excavations that extend down into the older Quaternary deposits, however, have a good chance of encountering significant fossil vertebrate specimens. Therefore, any substantial excavations below the uppermost layers in the proposed project area should be monitored closely to quickly and professionally recover any fossil remains discovered while not impeding development. Any fossils recovered during mitigation should be

deposited in an accredited and permanent scientific institution for the benefit of current and future generations.

This records search covers only the vertebrate paleontology records of the Natural History Museum of Los Angeles County. It is not intended to be a thorough paleontological survey of the proposed project area covering other institutional records, a literature survey, or any potential on-site survey.

Sincerely,

A handwritten signature in cursive script that reads "Samuel A. McLeod". The signature is written in black ink and is positioned above the typed name.

Samuel A. McLeod, Ph.D.  
Vertebrate Paleontology

enclosure: draft invoice

## **Appendix B: Personnel Qualifications**

**Jennifer M. Sanka, M.A., RPA**  
Project Manager, Archaeologist



**Education**

M.A., Hebrew Bible and Archaeology, Duke University. Durham, North Carolina

Graduate Certification in Women's Studies, Duke University. Durham, North Carolina

B.A., Anthropology, Comparative Religion, and Classical Humanities, Miami University. Oxford, Ohio

**Professional Affiliations**

American Schools of Oriental Research (ASOR)

Archaeological Institute of America (AIA)

Registry of Professional Archaeologists (RPA)

**Experience Summary**

Ms. Sanka is a Certified Archaeologist with eight years of archaeological field experience in both the New and Classical Worlds. Her Cultural Resource Management career began in North Carolina, directly after completing her M.A. at Duke University in 2003. Since then, Ms. Sanka has gained three years of experience in the prehistoric and historic archaeology of North Carolina, Maryland, and Southern California. She has participated in various projects, gaining familiarity with pre-field assessments, archival research, pedestrian field surveys, site evaluation and testing and data recovery and analysis. She is currently refining her ability to prepare documents that comply with the California Environmental Quality Act and National Environmental Policy Act. Ms. Sanka is a member of the American Schools of Oriental Research (ASOR), Archaeological Institute of America (AIA), and a Registered Professional Archaeologist (RPA).

**Recent Project Experience**

***Environmental Documents (CEQA and NEPA)***

**Chaffey Joint School District East Avenue Project, Rancho Cucamonga.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the Chaffey Joint School District East Avenue Project, Rancho Cucamonga, CA.

**Shandin Hills Project, San Bernardino.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the MICAL, LLC Shandin Hills Project, San Bernardino, CA.

**Wildomar Trails Project, Wildomar.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the South Coast Communities, LLC Wildomar Trails Project, Wildomar, CA.

**Sempre North Montebello Boulevard Project, Montebello.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the Sempra North Montebello Boulevard Project, Montebello, CA.

**Mesa Verdes Estates Project, Calimesa.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the Mesa Verde Estates Secondary Access Road Project, Calimesa, CA.

**Terracon Cherry Valley Boulevard Project, Cherry Valley.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the Terracon Cherry Valley Boulevard Project, Cherry Valley, CA.

**Ohio Avenue Project, San Bernardino.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the John Laing Homes Ohio Avenue Project, San Bernardino, CA.

**Merill Avenue Project, Chino.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the Watson Land Company Merrill Avenue Project, Chino, CA.

**Kasbergen Ramona Expressway and Alessandro Avenue Project, San Jacinto.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the Kasbergen Ramona Expressway and Alessandro Avenue Project, San Jacinto, CA.

**Van Buren Street Project, Coachella.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the Coachella Land Company Van Buren Street Project, Coachella, CA.



**San Sevaine Way and Wacker Drive Project, Glen Avon.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the United Strategies San Sevaine Way and Wacker Drive Project, Glen Avon, CA.

**Industrial Park Project, Redlands.** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the IDS Real Estate Group Iowa Industrial Park Project, Redlands, CA.

**Ranch Road Project, Colton** Staff Archaeologist and Author of Phase I Cultural Resources Assessment for the Medlin Tropica Ranch Road Project, Colton, CA.

**Tustin Skyline Drive Storm Drain Project, Tustin Hills** Staff Archaeologist and Author of a Phase I Cultural Component for an EIR, Tustin Skyline Drive Storm Drain Project, Tustin Hills, CA.

**El Mirage Meeks Project, Adelanto.** Author of Phase I Cultural Resources Assessment for Alpine Real Property Equity Group El Mirage Meeks Project, Adelanto, CA.

**Dean Project, Adelanto** Author of Phase I Cultural Resources Assessment for Alpine Real Property Equity Group Dean Project, Adelanto, CA.

**Jeffredo Property Project, Coachella.** Contributing Author of Phase I Cultural Resources Assessment for Brighton Properties, LLC Jeffredo Property Project, Coachella, CA.

### ***Historical, Archaeological and Paleontological Resources***

**Phase I Surveys, Various Locations in Southern California.** Field Technician for various Phase I surveys in Southern California: City of Bakersfield, Off Road Vehicle Project; Camp Pendleton, Oceanside, CA; Aerial Gunnery Range, Chocolate Mountains; China Lake Naval Air Weapons Station, Ridgecrest; and various other projects for the City of Hemet, the City of Moreno Valley and the City of Fontana.

**Twenty-nine Palms Military Training Facility.** Field Technician for Phase II Testing in Twenty-nine Palms and Barstow, Southern California.

**Fort Bragg and Randolph County.** Field Technician for Phase II Testing in Fayetteville and Greensboro, North Carolina.

**Santiago Hills Full Data Recovery.** Field Technician for Phase III, Full Data Recovery Projects in the City of Orange, Southern California:

**Downtown Los Angeles Public School #9 Project.** Excavation and Relocation of an historic cemetery, Los Angeles, CA.

**Full Data Recovery Project Maryland Pokomoke City, Maryland.** Field Technician for Phase III Project. This historic project evidenced many complex domestic features: a well, privies, middens and a sizable brick homestead with clayed floors.



**Education**

Master of Arts, History, 1987  
University of San Diego  
Valedictorian/Summa cum  
laude  
Thesis: *History of San Diego  
Transit Corporation*

Bachelor of Arts, History, 1984  
University of San Diego,  
California and Latin American  
emphasis Magna cum laude

Bachelor of Arts, Anthropology,  
1984 University of San Diego,  
California and Latin American  
emphasis Magna cum laude

Associate of Arts, General,  
1982 Grossmont College With  
Honors

**Experience**

**Recent and Selected Project Experience**

***Crawford Historic Services  
Historical Projects Consulting Services  
1985-Present***

**Sole proprietor of historical projects consulting service with clients including:**

- Michael Brandman and Associates, Orange County - Preparation of Historical and Architectural Assessments for AT&T, T-Mobile, Royal Street Communications, Paratus, Cingular and Sprint Cell Tower sites in San Diego County, Orange County, Los Angeles County and Sacramento, 2005-Present.
- Federal Aviation Administration, Quieter Home Program - Historical and Architectural Assessment of approximately 3000 homes in Point Loma and San Diego for sound retrofitting, 2002-2007
- Marie Burke Lia, Attorney at Law - Preparation of Historical and Architectural Assessments, National Register of Historic Places nominations, CEQA reports, and City of San Diego historical and architectural assessments for over two hundred properties in San Diego, La Jolla, and County of San Diego, 1987-Present
- Scott Moomjian, Attorney at Law - Preparation of Historical and Architectural Assessments for over one hundred properties in San Diego, La Jolla, and County of San Diego, 1998-Present
- Archaeos, Inc. - Preparation of Historical and Architectural Assessments of properties in San Diego County, Orange County, and Riverside County, 2003-Present
- Wright and L'Estrange, Robert Wright, Attorney at Law - Preparation of Historical and Architectural Assessments for properties in San Diego County, 2003-2005
- Hecht, Solberg, Robinson, Goldberg and Bagley, Attorneys at Law – Preparation of Historical and Architectural assessments for properties in San Diego County, 2005
- Matthew Peterson, Attorney at Law - Preparation of Historical and Architectural Assessments for properties in San Diego County, 2002-2004
- Island Architects, La Jolla - Preparation of Historical and Architectural Assessments for properties in San Diego County, 2003
- Corky MacMillan Inc.- Preparation of Historical and Architectural Assessments for Properties in San Diego; Historical assistance with San Diego Naval Training Center Historic District and base closure issues, preparation of National Register of Historic Places nomination form for San Diego Naval Training Center, 1999-2003
- County of San Diego - Preparation of Historic Survey of Sweetwater/Bonita area for over 300 properties, 1996
- Scripps Institutions for Medicine and Science - Preparation of 75th Anniversary History of Scripps Institutions for Medicine and Science, 1997

- San Diego Gas & Electric Company - Preparation of 110th Anniversary History for SDG&E, 1991
- San Diego Trust and Savings Bank - Preparation of 100th Anniversary History of bank, 1988
- Great American Savings Bank - Preparation of 100th Anniversary History of bank, 1987
- San Diego Transit Corporation - Preparation of 100th Anniversary of corporation, 1985
- Jennings, Engstrand and Hendrickson Law firm - Preparation of research for San Diego County water rights case for successful presentation to U.S. Supreme Court, 1985
- La Jolla Historical Society - Archivist for historical collection, 2006

***Ogden Environmental and Energy Services, Inc.***  
***1990-1997, Senior Historian***  
***1997-2001, Historical Consultant***

Responsible for all phases of research, analysis and preparation of cultural resources reports for compliance with Federal, state, and local agencies and regulations.

**Selected projects included:**

- San Diego Naval Training Center - Preparation of National Register nomination for property including approximately 400 buildings
- Chollas Heights Radio Station - Preparation of Historic American Buildings Survey for radio station for approximately 100 buildings
- Seal Beach Naval Weapons Station - Preparation of Historical and Architectural Assessment of properties including approximately 300 buildings
- Long Beach Naval Station and Shipyard - Preparation of Historical and Architectural Assessment of properties including approximately 750 buildings
- Marine Corps Air Station, Camp Pendleton - Preparation of History of Air Station
- Hickam Air Force Base, Hawaii - Preparation of History of Air Base
- Naval Air Station, Guam - Preparation of Base Closure Documentation for approximately 150 structures
- San Diego Naval Air Station, Coronado - Preparation of Historical and Architectural Assessment of selected air base facilities
- Naval Air Station, El Centro - Preparation of Historical and Architectural Assessment of air base properties, including approximately 100 buildings
- San Diego Naval Station, 32nd Street - Preparation of Historical and Architectural Assessment of properties including approximately 350 buildings
- Caltrans - Preparation of Historical and Architectural Assessments for approximately 200 properties in San Diego and Riverside Counties
- Kentucky Department of Transportation (KDOT) - Preparation of Historical and Architectural Assessments of approximately 100 properties in Louisville, Kentucky
- Miramar Naval Air Station - Preparation of Historical and Architectural Assessment of properties including approximately 250 buildings



***San Diego Museum of Man***  
***1984-1985; 1997-2000, Assistant Education Coordinator***

Responsible for all phases of Education Department activities including teaching anthropology courses, preparation of newsletter, lecture and film series, trips, and overall programs for museum visitors.

***San Diego Historical Society***  
***1985-1988, Assistant Curator of Collections***

Responsible for all phases of collection management and administration, research and exhibition for 20,000+ piece collection of San Diego history displayed in four local museums; supervision and management of Facade Easement Program for donation of historic building facades to Society; served as Museum Registrar which included documentation and management of all curatorial files, archival materials, object documentation, photograph collection, and art collection; supervision of volunteer program, student interns, and preparation of visitor materials and tours.

***History, Anthropology and Political Science Lecturer***  
***1987-Present***

***San Diego State University - 1989-Present***

- Early/Modern World History
- Early/Modern U.S. History
- Early/Modern Latin American History
- Early/Modern Western Civilization

***University of San Diego***  
***1987-2007***

- California History
- San Diego History
- Early/Modern World History
- Early/Modern U.S. History
- Renaissance History
- Early/Modern Western Civilization

***United States International University***  
***1990-2000***

- The American Presidency
- Introduction to Political Science
- Early/Modern History of Asia
- Early/Modern Western Civilization
- Early/Modern World History
- Intercultural Communication
- American Culture



**Grossmont College**  
**1988-2002**

- Early/Modern History of Women in Western Civilization
- Early/Modern Western Civilization
- Early/Modern World History
- Early/Modern Latin American History

**PUBLICATIONS**

Crawford, Kathleen A., "Fifty Years of the Journal of San Diego History," *Journal of San Diego History*, Fall 2005.

Engstrand, Iris H.W. and Kathleen A. Crawford, *Reflections: A History of the San Diego Gas & Electric Company, 1881-1991*, Heritage Press: Los Angeles, 1991.

Davie, Theodore and Kathleen A. Crawford, *A History of San Diego Trust & Savings Bank, 1888-1988*, San Diego Trust and Savings Bank: San Diego, 1988.

Crawford, Kathleen A, *A History of the San Diego Transit Corporation, 1886-1986*, San Diego Transit Corporation: San Diego, 1986.

Crawford, Kathleen A. "God's Garden: A History of the Grossmont Art Colony," *Journal of San Diego History*, Volume XX, Summer, 1985.

Crawford, Kathleen A. and Bruce Kammerling, "The Serra Museum and its Collections," *Some Reminiscences of Fray Junipero Serra*, Santa Barbara Mission Press: Santa Barbara, 1984.

Crawford, Kathleen A., "The General's Lady: Maria Amparo Ruiz Burton," *Journal of San Diego History*, Volume XIX, Fall, 1984.



## **Appendix C: Regulatory Framework**

## REGULATORY FRAMEWORK

Government agencies, including federal, state, and local agencies, have developed laws and regulations designed to protect significant cultural resources that may be affected by projects regulated, funded, or undertaken by the agency. Federal and state laws that govern the preservation of historic and archaeological resources of national, state, regional, and local significance include the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the California Environmental Quality Act (CEQA). In addition, laws specific to work conducted on federal lands includes the Archaeological Resources Protection Act (ARPA), the American Antiquities Act, and the Native American Graves Protection and Repatriation Act (NAGPRA).

The following Federal or CEQA criteria were used to evaluate the significance of potential impacts on cultural resources for the proposed project. An impact would be considered significant if it would affect a resource eligible for listing in the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CR), or if it is identified as a unique archaeological resource.

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### Federal-Level Evaluations

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Federal agencies are required to consider the effects of their actions on Historic Properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings under NEPA § 106. Federal agencies are responsible for initiating NEPA § 106 review and completing the steps in the process that are outlined in the regulations. They must determine if NHPA § 106 applies to a given project and, if so, initiate review in consultation with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO). Federal agencies are also responsible for involving the public and other interested parties. Furthermore, NHPA § 106 requires that any federal or federally assisted undertaking, or any undertaking requiring federal licensing or permitting, consider the effect of the action on Historic Properties listed in or eligible for the NRHP. Under the Code of Federal Regulations (CFR), 36 CFR Part 800.8, federal agencies are specifically encouraged to coordinate compliance with NEPA § 106 and the NEPA process. The implementing regulations “Protection of Historic Properties” are found in 36 CFR Part 800. Resource eligibility for listing on the NRHP is detailed in 36 CFR Part 63 and the criteria for resource evaluation are found in 36 CFR Part 60.4 [a-d].

The NHPA established the NRHP as the official federal list for cultural resources that are considered important for their historical significance at the local, state, or national level. To be determined eligible for listing in the NRHP, properties must meet specific criteria for historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are significance in American history, architecture, archaeology, engineering, and culture as present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting,

materials, workmanship, feeling, and association. In addition, a resource must meet one or all of these eligibility criteria:

- a.) Is associated with events that have made a significant contribution to the broad patterns of our history.
- b.) Is associated with the lives of persons significant in our past.
- c.) Embodies the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction.
- d.) That have yielded, or may be likely to yield, information important in prehistory or history.

Criterion D is usually reserved for archaeological resources. Eligible properties must meet at least one of the criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character.

### **Criteria Considerations**

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, buildings that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the NRHP. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a.) A religious property deriving primary significance from architectural or artistic distinction or historical importance.
- b.) A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event.
- c.) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life.
- d.) A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.
- e.) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.

- f.) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance.
- g.) A property achieving significance within the past 50 years if it is of exceptional importance.

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## Thresholds of Significance

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In consultation with the SHPO/THPO and other entities that attach religious and cultural significance to identified Historic Properties, the Agency shall apply the criteria of adverse effect to Historic Properties within the Area of Potential Effect (APE). The Agency official shall consider the views of consulting parties and the public when considering adverse effects.

### Federal Criteria of Adverse Effects

Under federal regulations, 36 CFR Part 800.5, an adverse effect is found when an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualifies the property for inclusion in the NRHP in a manner that diminishes the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration will be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for listing in the NRHP. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

According to 36 CFR Part 800.5, adverse effects on Historic Properties include, but are not limited to, those listed below:

- Physical destruction of or damage to all or part of the property.
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties per 36 CFR Part 68 and applicable guidelines.
- Removal of the property from its historic location.
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance.
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features.
- Neglect of a property that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization.

- Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long term preservation of the property's historic significance.

### **If Adverse Effects Are Found**

If adverse effects are found, the agency official shall continue consultation as stipulated at 36 CFR Part 800.6. The agency official shall consult with the SHPO/THPO and other consulting parties to develop alternatives to the undertaking that could avoid, minimize, or mitigate adverse effects to historic resources. According to 36 CFR Part 800.14(d), if adverse effects cannot be avoided then standard treatments established by the ACHP may be used as a basis for Memorandum of Agreement (MOA).

According to 36 CFR Part 800.11(e), the filing of an approved MOA, and appropriate documentation, concludes the § 106 process. The MOA must be signed by all consulting parties and approved by the ACHP prior to construction activities. If no adverse effects are found and the SHPO/THPO or the ACHP do not object within 30 days of receipt, the agencies' responsibilities under § 106 will be satisfied upon completion of report and documentation as stipulated in 36 CFR Part 800.11. The information must be made available for public review upon request, excluding information covered by confidentiality provisions.

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### **State-Level Evaluation Processes**

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An archaeological site may be considered an historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California per PRC § 5020.1(j) or if it meets the criteria for listing on the CR per California Code of Regulations (CCR) at Title 14 CCR § 4850.

The most recent amendments to the CEQA guidelines direct lead agencies to first evaluate an archeological site to determine if it meets the criteria for listing in the CR. If an archeological site is an historical resource, in that it is listed or eligible for listing in the CR, potential adverse impacts to it must be considered as stated in PRC §§ 21084.1 and 21083.2(l). If an archeological site is considered not to be an historical resource, but meets the definition of a "unique archeological resource" as defined in PRC § 21083.2, then it would be treated in accordance with the provisions of that section.

With reference to PRC § 21083.2, each site found within a project area will be evaluated to determine if it is a unique archaeological resource. A unique archaeological resource is described as 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 one or more of the following criteria:

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

As used in this report, “non-unique archaeological resource” means an archaeological artifact, object, or site that does not meet the criteria for eligibility for listing on the CR, as noted in subdivision (g) of PRC § 21083.2. A non-unique archaeological resource requires no further consideration, other than simple recording of its components and features. Isolated artifacts are typically considered non-unique archaeological resources. Historic structures that have had their superstructures demolished or removed can be considered historic archaeological sites and are evaluated following the processes used for prehistoric sites. Finally, OHP recognizes an age threshold of 45 years. Cultural resources built less than 45 years ago may qualify for consideration, but only under the most extraordinary circumstances.

Title 14, CCR, Chapter 3 § 15064.5 is associated with determining the significance of impacts to archeological and historical resources. Here, the term historical resource includes the following:

1. A resource listed in, or determined eligible by the State Historical Resources Commission, for listing in the CR (PRC § 5024.1; Title 14 CCR, § 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in PRC § 5020.1(k) or identified as significant in an historical resource survey meeting the PRC § 5024.1(g) requirements, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
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 may be considered a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be historically significant if the resource meets the criteria for listing on the California Register of Historical Resources (PRC § 5024.1; Title 14 CCR § 4852) including the following:
  - 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.
- D. Has yielded, or may be likely to yield, information important in prehistory or history.

Typically, archaeological sites exhibiting significant features qualify for the CR under Criterion D because such features have information important to the prehistory of California. A lead agency may determine that a resource may be a historical resource as defined in PRC §§ 5020.1(j) or 5024.1 even if it is:

- Not listed in or determined to be eligible for listing in the CR.
- Not included in a local register of historical resources pursuant to PRC § 5020.1(k).
- Identified in an historical resources survey per PRC § 5024.1(g).

### **Threshold of Significance**

If a project will have a significant impact on a cultural resource, several steps must be taken to determine if the cultural resource is a “unique archaeological resource” under CEQA. If analysis and/or testing determine that the resource is a unique archaeological resource and therefore subject to mitigation prior to development, a threshold of significance should be developed. The threshold of significance is a point where the qualities of significance are defined and the resource is determined to be unique under CEQA. A significant impact is regarded as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource will be reduced to a point that it no longer meets the significance criteria. Should analysis indicate that project development will destroy the unique elements of a resource; the resource must be mitigated for under CEQA regulations. The preferred form of mitigation is to preserve the resource in-place, in an undisturbed state. However, as that is not always possible or feasible, appropriate mitigation measures may include, but are not limited to:

1. Planning construction to avoid the resource.
2. Deeding conservation easements.
3. Capping the site prior to construction.

If a resource is determined to be a “non-unique archaeological resource,” no further consideration of the resource by the lead agency is necessary.

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## Tribal Consultation

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The following serves as an overview of the procedures and timeframes for the Tribal Consultation process, for the complete Tribal Consultation Guidelines, please refer to the State of California Office of Planning and Research web site.

Prior to the amendment or adoption of general or specific plans, local governments must notify the appropriate tribes of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places located on land within the local government's jurisdiction that is affected by the plan adoption or amendment. The tribal contacts for this list maintained by the NAHC and is distinct from the Most Likely Descendent (MLD) list. It is suggested that local governments send written notice by certified mail with return receipt requested. The tribes have 90 days from the date they receive notification to request consultation. In addition, prior to adoption or amendment of a general or specific plan, local government must refer the proposed action to tribes on the NAHC list that have traditional lands located within the city or county's jurisdiction. Notice must be sent regardless of prior consultation. The referral must allow a 45-day comment period.

In brief, notices from government to the tribes should include:

- A clear statement of purpose.
- A description of the proposed general or specific plan, the reason for the proposal, and the specific geographic areas affected.
- Detailed maps to accompany the description.
- Deadline date for the tribes to respond.
- Government representative(s) contact information.
- Contact information for project proponent/applicant, if applicable.

The basic schedule for this process is:

- 30 days: time NAHC has to provide tribal contact information to the local government; this is recommended not mandatory.
- 90 days: time tribe has to respond indication whether or not they want to consult. Note: tribes can agree to a shorter timeframe. In addition, consultation does not begin until/unless requested by the tribe within 90 days of receiving notice of the opportunity to consult. The consultation period, if requested, is open-ended. The tribes and local governments can discuss issues for as long as necessary, or productive, and need not result in agreement.

- 45 days: time local government has to refer proposed action, such as adoption or amendment to a general plan or specific plan, to agencies, including the tribes. Referral required even if there has been prior consultation. This opens the 45-day comment period.
- 10 days: time local government has to provide tribes of notice of public hearing.

## **Appendix D: Project Area Photographs**



Photograph 1. View of the American Legion Veterans Memorial Park and shelter structure located in the eastern-most portion of the project area, facing west.



Photograph 2. View of American Legion Veterans Memorial Park and the off-site American Legion Great Hall Building near the eastern-most portion of the project area, facing northwest.

Source: Michael Brandman Associates, 2008



Michael Brandman Associates

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## Appendix D: Project Area Photographs Marina Park Project



Photograph 3. View of fenced, off-site American Legion parking lot found to the east of the on-site American Legion Veterans Memorial Park, facing northwest.



Photograph 4. View of off-site, fenced American Legion parking lot and the off-site Yacht Club Building, facing northwest.

Source: Michael Brandman Associates, 2008



Michael Brandman Associates

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## Appendix D: Project Area Photographs Marina Park Project



Photograph 5. View of public beach located to the north of the Marina Park Mobile Home Park, facing west.



Photograph 6. View of the Marina Park Mobile Home Park, taken from the northeast corner of Park, facing southwest.

Source: Michael Brandman Associates, 2008



Michael Brandman Associates

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## Appendix D: Project Area Photographs Marina Park Project



Photograph 7. View of parking facilities located on West Bay, between 18<sup>th</sup> and 19<sup>th</sup> Streets in the western portion of the project area, facing west.



Photograph 8. View of the 19<sup>th</sup> Street Restroom, facing northeast.

Source: Michael Brandman Associates, 2008



Michael Brandman Associates

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## Appendix D: Project Area Photographs Marina Park Project



Photograph 9. Close-up of City of Newport Beach Las Arenas Park sign.



Photograph 10. View of children's play area in Las Arenas Park.

Source: Michael Brandman Associates, 2008



Michael Brandman Associates

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## Appendix D: Project Area Photographs Marina Park Project



Photograph 11. View of the Neva B. Thomas Girl Scout Building, facing north.



Photograph 12. View of the Balboa Community Center Building, facing northwest.

Source: Michael Brandman Associates, 2008



Michael Brandman Associates

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## Appendix D: Project Area Photographs Marina Park Project



Photograph 13. View of off-site 1510 West Balboa Boulevard and the Associated Reality Building, facing northeast.



Photograph 14. View of the off-site Southern California Edison Property, facing north.

Source: Michael Brandman Associates, 2008



Michael Brandman Associates

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## Appendix D: Project Area Photographs Marina Park Project

