

APPENDIX B – CULTURAL RESOURCES LETTER REPORT



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May 30, 2014
(20514)

Andy Tran, P.E.
Senior Civil Engineer
100 Civic Center Drive
City of Newport Beach, CA 92660

SUBJECT: CULTURAL RESOURCES CEQA REVIEW FOR THE NEWPORT BOULEVARD AND 32ND STREET MODIFICATION PROJECT – CITY OF NEWPORT BEACH

SUMMARY OF FINDINGS

At the request of City of Newport Beach staff (City), Chambers Group, Inc. (Chambers Group) implemented a study of the potential for cultural resources to be located within or adjacent to the project area. The investigation was conducted to consider the scope of work for the proposed Newport Boulevard and 32nd Street Modification Project and assess the potential for cultural resources to be impacted as a result of the undertaking. The following review was completed by Joel A. Levanetz, AICP, an Architectural Historian with Chambers Group, who exceeds the *Secretary of the Interior's Professional Qualification Standards* in both history and architectural history. The study was conducted in accordance with Section 15064.5(a)(2)-(3) of the California Environmental Quality Act (CEQA).

After considering the available information pertaining to cultural resources in and adjacent to the project area, it is the professional opinion of Mr. Levanetz that no properties would be potentially affected by the undertaking that retain sufficient aspects of historical integrity to appear eligible for the California Register of Historical Resources (CRHR) or to be considered historical resources for purposes of CEQA. However, whenever an undertaking requires the removal of surface materials, the possibility of uncovering subsurface cultural resources is present. As such, Chambers Group recommends several Mitigation Measures that are included below. If the Mitigation Measures are followed, it is anticipated that the undertaking will not have a substantial adverse effect on cultural resources.

PROJECT DESCRIPTION

The Newport Boulevard and 32nd Street Modification Project (proposed project), located in the City of Newport Beach, has been developed to improve the intersection of Newport Boulevard and 32nd Street in order to increase vehicular capacity and reduce existing traffic congestion to an acceptable level of service (LOS). The proposed project would add an additional northbound through lane along Newport Boulevard from 30th Street to 32nd Street and add an additional southbound through lane along Newport Boulevard from Via Lido to 32nd Street, terminating as a right-turn only lane at 32nd Street. The proposed project would introduce 6-foot-wide bike lanes along both sides of Newport Boulevard between 32nd Street and Via Lido to provide a connection to existing bike lanes along 32nd Street west of Newport Boulevard. The proposed project would include a public parking lot on the west side of Newport Boulevard between 32nd Street and Finley Avenue with a minimum of 26 parking spaces. The new public parking lot would replace the 26 curbside public parking spaces on Newport Boulevard that will be eliminated by the widening of the

roadway. The proposed project would enhance the visual quality of the project area and improve safety by introducing raised, landscaped medians on Newport Boulevard.

FIELD METHODS

The Area of Potential Effect (APE) for the proposed project was determined by examining the project footprint and the potential for impacts to cultural resources, including archaeological and built environment resources, within and adjacent to the project area. As such, the APE encompasses the project footprint, including the extent of construction activities such as staging and laydown areas.

In accordance with regulations put forth by the State Office of Historic Preservation, any properties within or near the project APE were subject to an intensive field investigation. Joel Levanetz, an architectural historian who meets the *Secretary of Interior's Professional Qualification Standards*, conducted the intensive cultural resources survey of the APE on November 11, 2013. During the field survey, each of the properties within or adjacent to the proposed project area was analyzed, photographed, and recorded.

RESEARCH METHODS

In addition to the field survey, investigators executed general contextual and site-specific research for the relevant properties and the proposed project area. Sources used to conduct this research effort include the City of Newport Beach Planning Department, the Newport Beach Historical Society, the Newport Beach Public Library, and Los Angeles Public Library databases. Investigators also consulted the Caltrans Historic Bridge Survey, California Historic Resources Inventory, and NPS Focus to determine if any properties had been previously surveyed or evaluated.

A cultural resources records search for the proposed project area and a 0.5-mile search radius around the project area was also performed at the South Central Coastal Information Center (SCCIC), at California State University, Fullerton on October 30, 2013 (SCCIC# 13463.0150). The SCCIC search included a review of all recorded sites and cultural resources reports on file for that specific area. The results from the information center indicated eight previously conducted investigations (OR643, OR644, OR666, OR1907, OR2622, OR3709, OR4160, and OR4269) within the 0.5-mile search radius. Of the eight previous investigations, the SCCIC indicated that none of the studies overlapped with the proposed project area.

The SCCIC identified two archaeological sites (30-000059, 30-000060) located within the 0.5-mile search radius. The site form for 30-000059 describes the resource as traces of a prehistoric camp site. Similarly, the site form for 30-000060 describes the resource as a prehistoric camp site with “[c]lam, oyster, and a small univalve shell form[ing] the bulk of the material.” The SCCIC did not identify any archaeological sites located within the proposed project area.

In addition, the SCCIC search identified two aboveground historic resources (30-177134, 30-179867) within the 0.5-mile search radius. The site form for 30-177134 describes the property as the Newport Beach Harbor Tower, located at 3333 Pacific Coast Highway. The building was evaluated in 2011 and was recommended for Status Code 6Y, indicating the property was determined ineligible for the National Register of Historic Places (NRHP) by consensus through the Section 106 process, but it was not evaluated for the California Register of Historical Resources (CRHR) or for local listing. The site form for 30-179867 describes the property as the South Coast Shipyard, located at 2300 Newport Boulevard. The building was evaluated in 2005 and was recommended for Status Code 3CD, indicating the property appears eligible for the CRHR as a

contributor to a CRHR-eligible historic district through a survey evaluation. According to the SCCIC search, no aboveground historic resources were mapped within the proposed project area.

The California Historic Resources Inventory (HRI) also lists 14 historic resources in the Historic Property Data File (HPDF) that are located in the City of Newport Beach. Of these resources, none appear to be located in the proposed project area or the 0.5-mile search radius. A list of the 14 historic resources identified in the HPDF is provided below.

Historic Property Data File Listings			
Primary Number	Name/Property Type	Address	Eligibility Status
30-162284	1953 National Boy Scout Jamboree Site	NA	7L – State Historical Landmark, Needs to be reevaluated using current standards.
30-158591	Bank of Balboa/Bank of America	611 East Balboa Blvd.	1S – Individual Property Listed in the NR by Keeper. Listed in the California Register of Historic Resources (CRHR).
NA	NA	4302 Ford Street	6Y – Determined ineligible for National Register of Historic Places (NRHP) by consensus through Section 106 process – Not evaluated for CRHR or Local Listing.
30-162257	First Water-to-Water Flight Site	Main St.	1CL – Automatically listed in the CRHR.
30-158590	Balboa Inn	105 Main St.	1S – Individual Property listed in the NRHP by Keeper. Listed in the CRHR.
NA	Balboa Island Fire House #4	323 Marine Ave.	2CS – Individual Property determined eligible for listing in the CRHR by the SHRC.
30-162261	Old Landing Site	State Route 1	7L – State Historical Landmark, Needs to be reevaluated using current standards.
NA	Our Lady of Mount Carmel Church	1441 West Balboa Blvd.	6Y – Determined ineligible for NRHP by consensus through Section 106 process – Not evaluated for CRHR or Local Listing.
NA	Wild Goose Historic Vessel	2431 West Coast Dr.	1S – Individual Property listed in the NRHP by Keeper. Listed in the CRHR.
30-162258	McFadden Wharf	West Ocean Front	1CL – Automatically listed in the CRHR.
30-158585	Lovell Beach House	1242 West Ocean Front	1S – Individual Property listed in the NRHP by Keeper. Listed in the CRHR.
30-158589	B.K. Stone Building, McFadden Building	2100 West Ocean Front	5S2 – Individual Property that is eligible for Local Listing or designation.
30-158587	Bridge #55-21	State Route 1	7R – Individual Property that is eligible for Local Listing or designation.
30-158586	Bridge #55-01	State Route 1	7R – Individual Property that is eligible for Local Listing or designation.

Pursuant to the revised implementing regulations of the National Historic Preservation Act (NHPA) found at 36 CFR 800.4(a) (4), investigators also contacted the California Native American Heritage Commission (NAHC) on November 20, 2013, to request a review of their Sacred Lands Files. The NAHC responded on November 21, 2013, stating that the Sacred Lands File search failed to identify Native American cultural resources at the specified site, which is presented in Exhibit 3. As an additional measure in the tribal consultation process, the NAHC provided a list of tribal governments and individuals to determine if any cultural places might be impacted by the proposed action.

Chambers Group then sent an informational letter to the groups and/or individuals identified by the NAHC. The letters were sent to the tribal representatives on November 21, 2013. Project facilitators received two responses from the informational letter recipients. On December 9, 2013, Chambers Group received an email from John Tommy Ramos, Tribal Administrator for the Tongva Ancestral Territorial Tribal Nation, expressing concern over the presence of archaeological and cultural resources on the project site. However, the email did not specify the locations of any known archaeological or cultural resources within the APE, nor did the email identify any specific measures to address potential impacts to archaeological and cultural resources.

On January 3, 2014, Chambers Group received a letter from Rebecca Robles, a member of the United Coalition to Protect Panhe, stating that undisturbed areas of the project area were considered culturally sensitive. However, the letter did not identify any known archaeological or cultural resources within the APE. The letter requested that a literature review, SCCIC record search, and an archaeological survey be conducted. Chambers Group completed the cultural resources investigations requested by Rebecca Robles prior to receipt of her letter, the results of which are presented in this report. The literature review, SCCIC record search, and an archaeological survey did not identify any significant cultural resources that would be impacted by the proposed project. Chambers Group has also prepared mitigation measures to address the possible discovery of unknown cultural resources during construction consistent with the request presented in the letter received from Rebecca Robles.

The two responses received by Chambers Group described above are presented in Exhibit 3 of this report. No further correspondence was received from the remaining letter recipients.

According to the California Points of Historical Interest (CPHI), the CRHR, the NRHP and other records available for this project, it does not appear that any eligible or listed historical resources are located within or immediately adjacent to the proposed project area.

HISTORICAL OVERVIEW

In an effort to establish a context within which to evaluate properties located in the APE, overarching historic themes were researched. These historic themes include the following:

- Early Development of Newport Beach and Newport Harbor
- Development on Balboa Peninsula and the Proposed Project Area

Early Development of Newport Beach and Newport Harbor

Following the signing of the Treaty of Guadalupe Hidalgo on February 2, 1848, much of Mexico's northern territory was transferred to the United States of America. At this time, the project area moved from being a portion of the Mexican land of Rancho San Joaquin to being part of United States holdings in what would become the 31st state in the nation. In the decades to follow, the rancho that once belonged to Jose Andres Sepulveda was divided and sold to prominent citizens including Flint, Bixby, and Irvine (NBPL 2013).

According to the Historical Resources Element of the Newport Beach General Plan, commercial activity in the area first began in 1870 when a modest ship named the "Vacquero" sailed from San Diego to present-day Newport Beach to exchange lumber for such items as hides, tallow, livestock and grain (Newport Beach 2006). The landing on the marshy bay was soon termed "Newport" by ranch owner James Irvine and James

McFadden. After nearly two decades of trading lumber for local goods at the bayside landing, in 1888 McFadden shifted the focus of commerce to the nearby peninsula. There he constructed a wharf that stretched to deeper waters, accommodating trade with larger vessels (Felton 1981).

In the decade that followed the construction of McFadden Wharf, commercial activities in the area expanded dramatically. The trend towards economic growth was further bolstered in 1891 when James McFadden and his brother finished a rail line connecting Newport with the City of Santa Ana. This early commercial expansion abruptly ended in 1899, however, when federal funding allotments were granted to establish a new harbor in San Pedro (NBPL 2013). Given its previous ties with the Southern Pacific Railroad, San Pedro soon became the primary shipping hub for the region, diverting interest away from Newport. McFadden realized his predicament, and by 1902 he sold his wharf, the Newport town site and nearly half of the modern-day Balboa Peninsula.

Seeing the potential for the seaside real estate, W.S. Collins and A.C. Hanson purchased the property from McFadden in 1902. Over the next five years, the investors subdivided the land, creating the communities of West Newport, East Newport, Bay Island, Balboa, Corona Del Mar, Balboa Islands, and Port Orange. By the end of 1906, Pacific Electric Rail lines were extended from Los Angeles to the newly formed City of Newport Beach, bringing both tourists and new residents. Also in 1916, construction on the Balboa Pavilion was completed. According to the City of Newport Beach, the Balboa Pavilion has been the site of numerous social and cultural activities over the century and stands as “one of California’s last surviving examples of great waterfront recreational pavilions” (Newport Beach 2006). The iconic structure was built by the Newport Bay Investment Company to promote the new city as a center for water recreation and remains one of the most recognized historical resources on the Balboa Peninsula.

In 1907, the physical form of Newport began to take shape when the West Newport canals were dredged to form Newport Island. Nine years later, in 1916, the City of Newport Beach annexed Balboa Island. The city again expanded its holdings in 1923 when it acquired the area of Corona del Mar. Then in 1930, one of the last large-scale development projects influencing the shape of Newport Harbor was undertaken. That year Lido Island was completed following a significant dredging effort (Newport Beach 2006).

Development of Balboa Peninsula and the Project Area

As noted above, the City of Newport Beach was officially founded in 1906. At that time much of the development for the new municipality was centered near Ocean Avenue and 21st Street (Sanborn 1907). According to historic Sanborn Fire Insurance Maps, local access to Balboa Peninsula during this time was provided by the Pacific Electric Railroad, with tracks extending through the proposed project area along Newport Boulevard (Sanborn 1907). Although Sanborn Map coverage for the project area is not available until 1929, earlier map sets indicate that development was concentrated approximately 1 mile south of the proposed project area. In the 1907 Sanborn Map, a skating rink, bowling alley, and the Newport Hotel are depicted between 22nd and 23rd Streets, immediately adjacent to the electric rail line. These attractions are situated among some of the first permanent residences built in the fledgling city.

According to the 1912 Sanborn Map, improvements continued near Ocean Avenue and 21st Street. These included the additions of numerous residential buildings, a bath house, a pool facility, a bank, and a grocery store. The city hall building is also located nearby, just south of the railway. In addition to these improvements, development on the Balboa Peninsula began expanding towards the proposed project area in 1912. New construction for this time period appears limited to low density, one-story, single-family

houses scattered between 32nd and 28th Streets, west of present-day Newport Boulevard. The measured residential development near the proposed project area continued through 1922 and into 1929, with the project area largely continuing to serve as the alignment corridor for the Pacific Electric Railway. The final Sanborn Map update for the City of Newport Beach was completed in 1949. Here, the proposed project area remains a sparsely developed train corridor; however, it appears that the area received some of its first commercial establishments by 1949. These included a printing shop, an electrical supplies warehouse, and an automotive repair shop situated near the present-day intersection of Newport Boulevard and 30th Street (Sanborn 1949).

REGULATORY FRAMEWORK: CEQA

The study was completed to comply with the provisions of the California Environmental Quality Act (CEQA), including the CEQA Statutes (Public Resources Code [PRC] §§ 21083.2 and 21084.1), the CEQA Guidelines (Title 14 California Code of Regulations [CCR], § 15064.5), and PRC § 5024.1 (Title 14 CCR § 4850 et seq.). These statutes and regulations, as amended, are summarized in an annually updated handbook (Association of Environmental Professionals 2012). Properties expected to be directly or indirectly affected by a proposed project must be evaluated for California Register of Historical Resources (CRHR) eligibility (PRC § 5024.1). The purpose of the CRHR is to maintain listings of the state's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from material impairment and substantial adverse change.

The term historical resources includes a resource listed in, or determined to be eligible for listing in, the CRHR; a resource included in a local register of historical resources; and any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (CCR § 15064.5[a]). The criteria for listing properties in the CRHR were expressly developed in accordance with previously established criteria developed for listing in the National Register of Historic Places (NRHP).

The California Office of Historic Preservation (OHP 1995:2) regards “any physical evidence of human activities over 45 years old” as meriting recordation and evaluation. According to PRC § 5024.1(c) (1–4), a resource may be considered historically significant if it retains integrity and meets at least one of the following criteria. A property may be listed in the CRHR if the resource

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

Under CEQA, if an archeological site is not a historical resource but meets the definition of a “unique archeological resource” as defined in PRC § 21083.2, then it should be treated in accordance with the provisions of that section. A unique archaeological resource is defined as follows:

- An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, it has a high probability of meeting any of the following criteria:
 - Contains information needed to answer important scientific research questions and that the public has a demonstrable interest in that information
 - Has a special and particular quality, such as being the oldest of its type or the best available example of its type
 - Is directly associated with a scientifically recognized important prehistoric or historic event or person

Resources that neither meet any of these criteria for listing in the CRHR nor qualify as a “unique archaeological resource” under CEQA PRC § 21083.2 are viewed as not significant. Under CEQA, “A non-unique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects” (PRC § 21083.2[h]).

Impacts that adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. Impacts to historical resources from a proposed project are thus considered significant if the project (1) physically destroys or damages all or part of a resource; (2) changes the character of the use of the resource or physical feature within the setting of the resource, which contributes to its significance; or (3) introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

PROPOSED ACTIONS

The following actions are proposed as part of the project. While these actions may result in changes to certain aspects of the integrity of cultural resources, if the Mitigation Measures provided below are followed, impacts to cultural resources are anticipated to be reduced to a level less than significant. As such, the actions below are not anticipated to result in a substantial adverse change in the significance of a cultural resource.

PROPOSED PROJECT ACTIONS

Introducing an additional northbound through lane along Newport Boulevard from 30th Street to 32nd Street.

Introducing an additional southbound through lane along Newport Boulevard from Via Lido to 32nd Street, terminating as a right-turn only lane at 32nd Street.

Modifying the intersection of Newport Boulevard and 32nd Street to improve traffic operations.

Introducing raised, landscaped medians to improve safety.

Introducing 6-foot-wide bike lanes along both sides of Newport Boulevard between 32nd Street and Via Lido to provide a connection to the existing bike lanes along 32nd Street west of Newport Boulevard.

Acquiring and demolishing the vacant 1974 commercial building and associated parking lot located at 3201 Newport Boulevard.

FINDINGS OF INVESTIGATION

Upon review of the site survey data and background research, it is the professional opinion of Joel Levanetz, an architectural historian who meets the *Secretary of Interior's Professional Qualification Standards*, that the properties located within the proposed project area do not appear to meet the criteria of eligibility for inclusion in the CRHR or to be considered historical resources for purposes of CEQA. Initial research has yielded no information indicating an association with significant historic events or people instrumental to the development of Balboa Peninsula, the City of Newport Beach, Orange County, or the State of California (Criteria 1 and 2). While Newport Boulevard currently extends in a manner roughly similar to the historic Pacific Electric Railroad alignment, all track features have been removed; and the area has undergone extensive nonhistoric-period development that has significantly undermined any potential historic integrity of the proposed project area.

The subject property does not significantly embody the distinctive characteristics of a style, type, or period or represent the work of a master (Criterion 3). Instead, the present streetscape appears to have numerous and significant alterations including nonhistoric-period changes to its form and massing as well as the addition of modern streetlights and adjacent commercial construction. In addition, the proposed project area lacks the character-defining features, such as large signage or the generous use of concrete masonry exteriors and glass-enclosed showrooms, to be considered a distinctive example of a historic automotive corridor or route. As a result of the undertaking, a vacant commercial building located at 3201 Newport Boulevard and its associated surface parking lot will be demolished; however, the building was constructed in 1974 and does not appear to be eligible for listing to the CRHR.

Also, the proposed project area has neither yielded, nor appears likely to yield, information important in prehistory or history (Criterion 4). Finally, the proposed project area does not appear to contribute to the significance of a larger historic district. While portions of the proposed project area were once part of the land used for the Pacific Electric Railway, the alignment was converted into a roadway in the mid-twentieth century and has since been modified through the introduction of nonhistoric-period elements including commercial construction and streetscape improvements. As a result of these significant alterations and loss of integrity, the proposed project area does not appear to meet the criteria of eligibility for inclusion in the CRHR as an individual property or as a contributor to a potentially eligible historic district. Accordingly, the proposed project is not expected to directly or indirectly affect any CRHR-eligible properties or historical resources for purposes of CEQA.

MITIGATION MEASURES

Mitigation Measure C-1: In the event that a cultural or paleontological resource is exposed during ground-disturbing activities, construction activities (e.g., grading, grubbing, or vegetation clearing) should be halted immediately near the discovery. A cultural resource specialist and/or paleontological resource specialist who meet the Secretary of the Interior's Professional Qualifications Standards (National Park Service 1983) should then be retained to evaluate the find's significance under CEQA. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and should be discussed in consultation with the lead agency.

Mitigation Measure C-2: The discovery of human remains is always a possibility during ground disturbances. State of California Health and Safety Code Section 7050.5 addresses these findings.

This code section states that no further disturbance shall occur until the Orange County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

LEVEL OF IMPACT AFTER MITIGATION

Execution of the recommended Mitigation Measures will reduce potential impacts to a level less than significant.

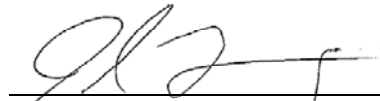
CONCLUSIONS

The goal of this cultural resources survey and report is to identify potential impacts to cultural resources within or near the APE for the Newport Boulevard and 32nd Street Modification Project. The results of the cultural records search indicate that, although four previously recorded cultural resources (P-30-000059, P-30-000060, P-30-177134, and P-30-179867) are located within the 0.5-mile study area for the records search, no previously recorded cultural resources were found in the proposed project area.

Following an intensive survey of the proposed project area as well as a detailed background investigation, Chambers Group cultural resource specialists did not identify cultural resources within the project area. Based on the results of the current investigation as well as the results provided by the cultural resources records search, the likelihood of encountering previously unrecorded cultural resources is low. Consequently, Chambers Group recommends no further cultural resources work.

Sincerely,

CHAMBERS GROUP, INC.



Joel Levantetz, MA, AICP, RPA Senior Architectural Historian

May 30, 2014

Date

REFERENCES

Association of Environmental Professionals

- 2012 California Environmental Quality Act (CEQA), Statutes and Guidelines. AEP, Palm Desert, California.

City of Newport Beach

- 2006 *City of Newport Beach General Plan: Update EIR*. City of Newport Beach, California.

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Newport Beach Public Library (NBPL)

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Office of Historic Preservation

- 1995 *Instructions on Recording Historical Resources*. California Office of Historic Preservation. Sacramento, CA.

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United States National Park Service (National Park Service)

- 1983 *Secretary of the Interior Professional Qualifications Standards*. United States Department of the Interior, Washington D.C.

PREPARER'S QUALIFICATIONS

Joel Levanetz, MA, Lead Architectural Historian

Mr. Levanetz is a Secretary of the Interior Professional Qualified Architectural Historian. During his eight years of experience, Mr. Levanetz has applied his knowledge and ability to a range of projects, including historic survey reports, historic resources assessments, Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) documentation, and DPR 523 series form preparation.

Mr. Levanetz possesses a detailed understanding of relevant regulations and ordinances that affect historic properties, such as Sections 106 and 110 of National Historic Preservation Act (NHPA), the National Environmental Protection Act (NEPA), the California Environmental Quality Act (CEQA), and the Secretary of Interior Standards for the Treatment of Historic Properties. He has applied this understanding to a breadth of historic assessments and determinations of eligibility across a range of administrative levels including local, state, and National Register of Historic Places (NRHP). Among the agencies served by Mr. Levanetz are the Department of Defense (DoD), Federal Emergency Management Agency (FEMA), Bureau of Land Management (BLM), California Energy Commission (CEC), Federal Communications Commission (FCC), Federal Aviation Administration (FAA), Department of Housing and Urban Development (HUD), California Department of Transportation (Caltrans), as well as countless local agencies and private clients.

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**EXHIBIT 1
CONFIDENTIAL
RECORDS SEARCH RESULTS**

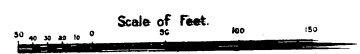
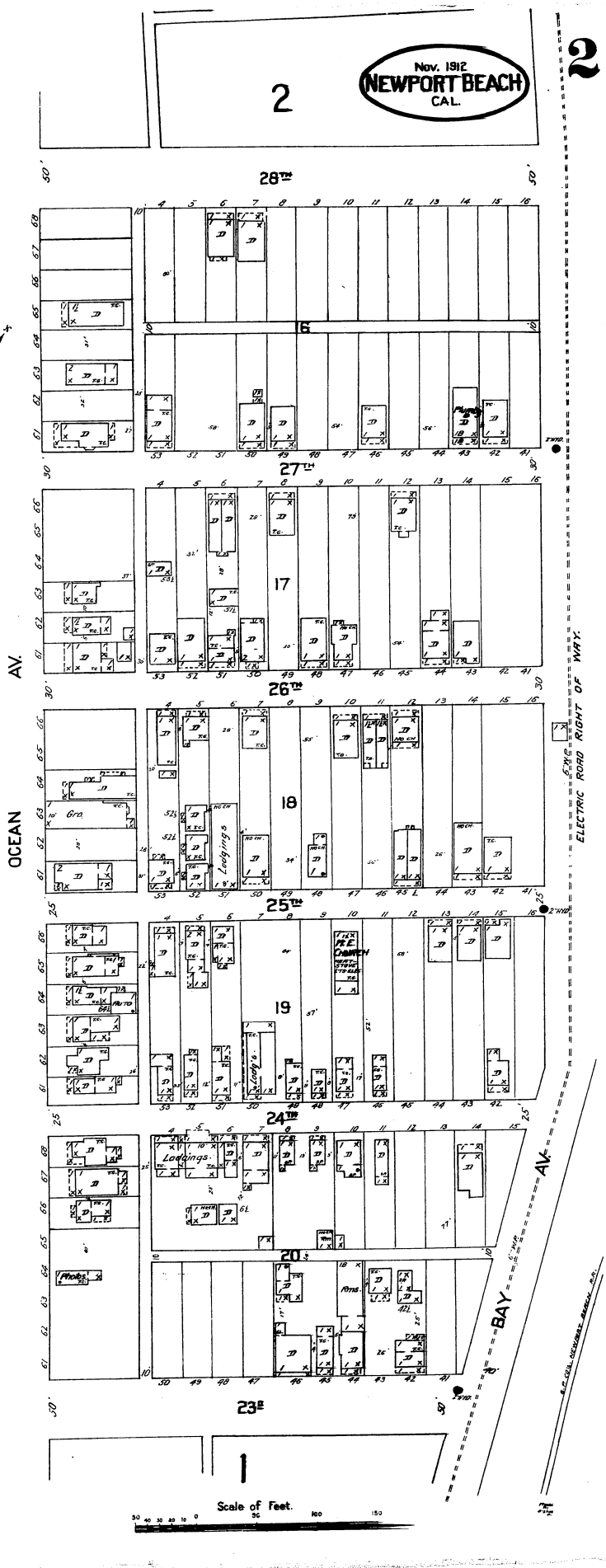
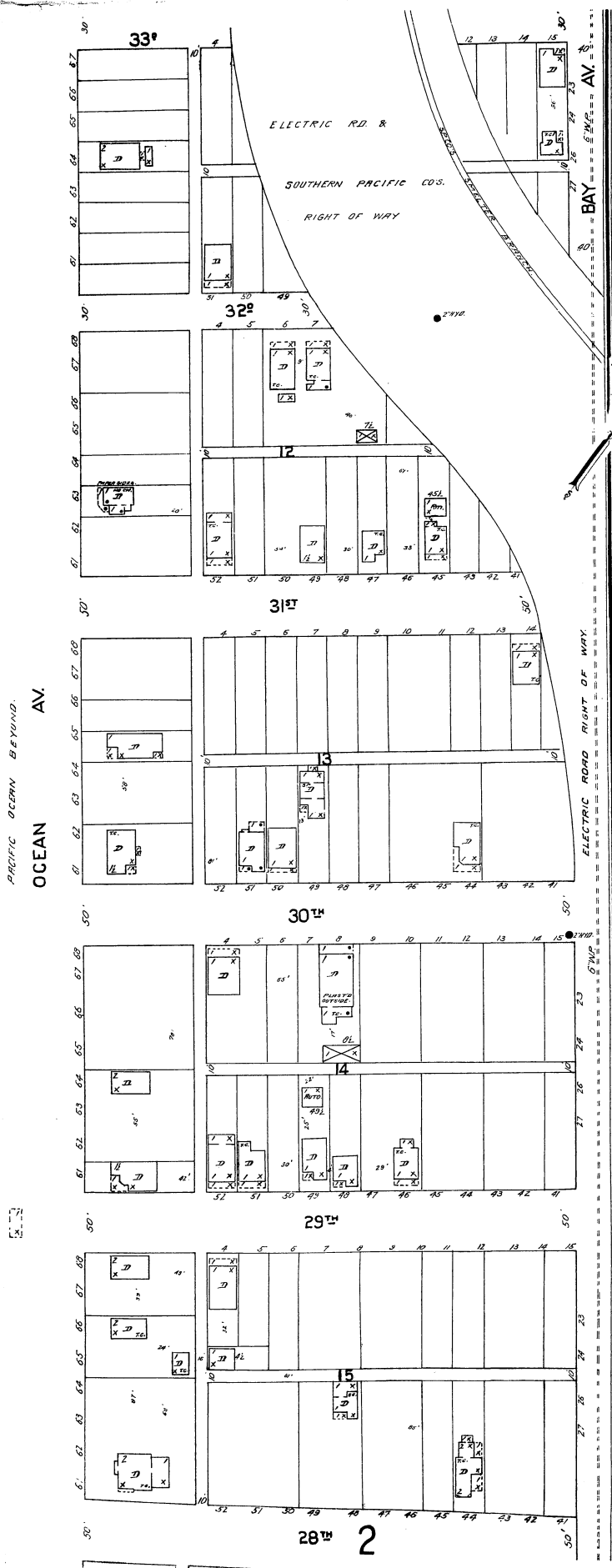
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Exhibit 1 is a confidential appendix that is not available for public review.

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EXHIBIT 2
RESEARCH & BACKGROUND
INFORMATION

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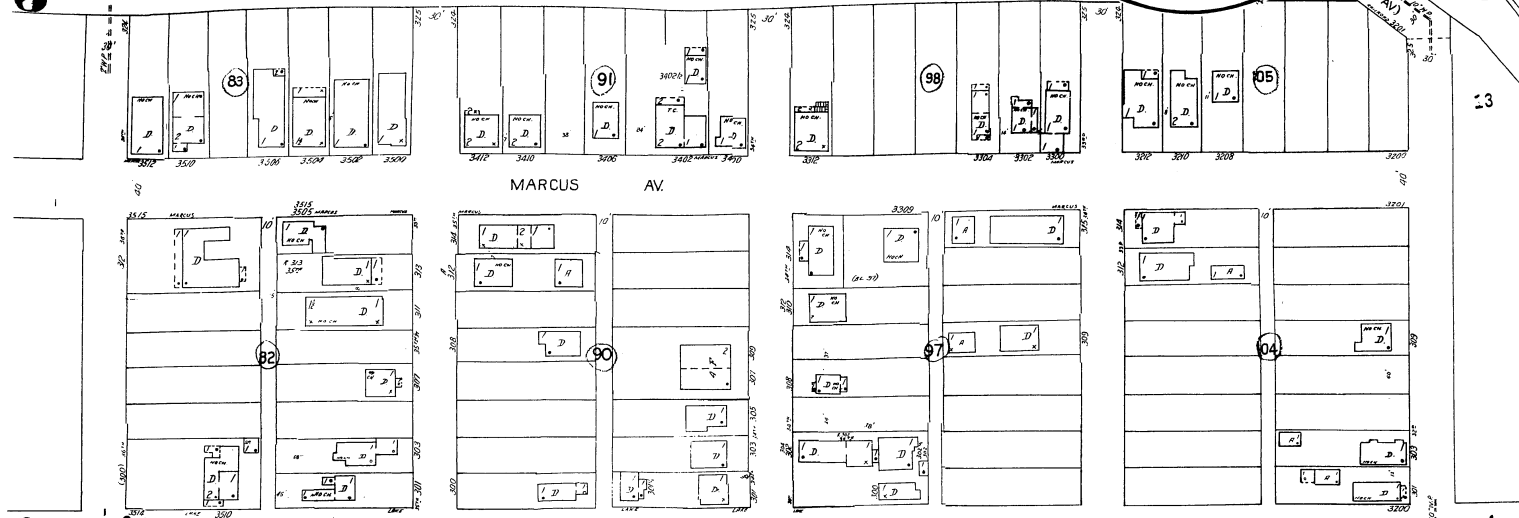
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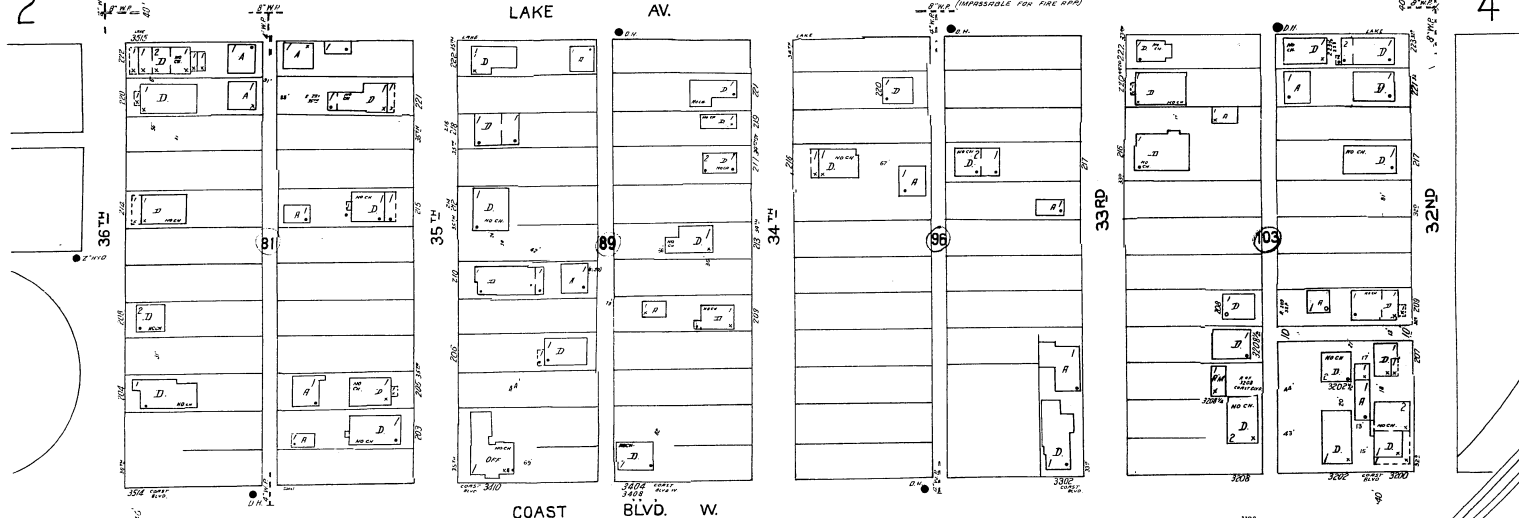
FEBR. 1929
NEWPORT BEACH
CAL.

CLUB HOUSE AV. (RAIL ROAD AV.)

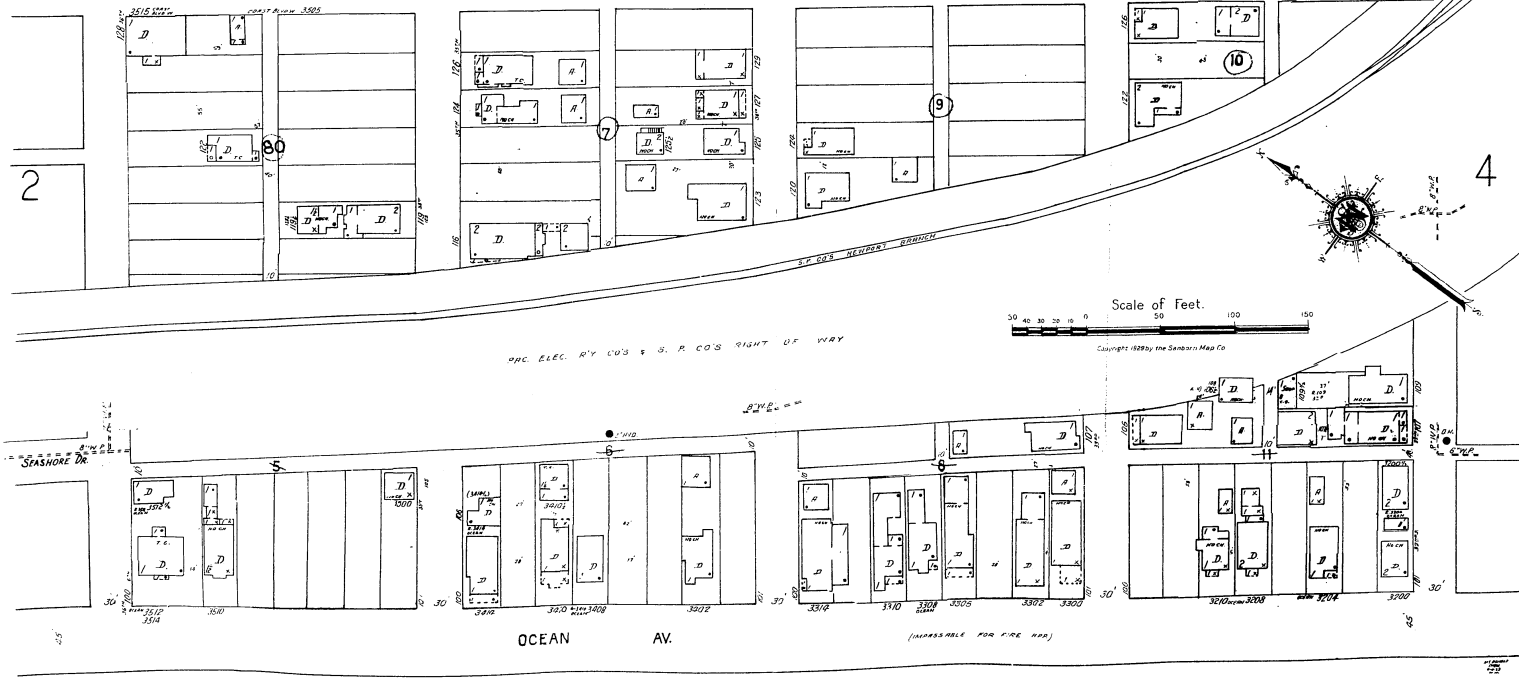
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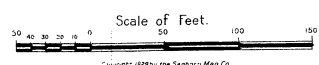
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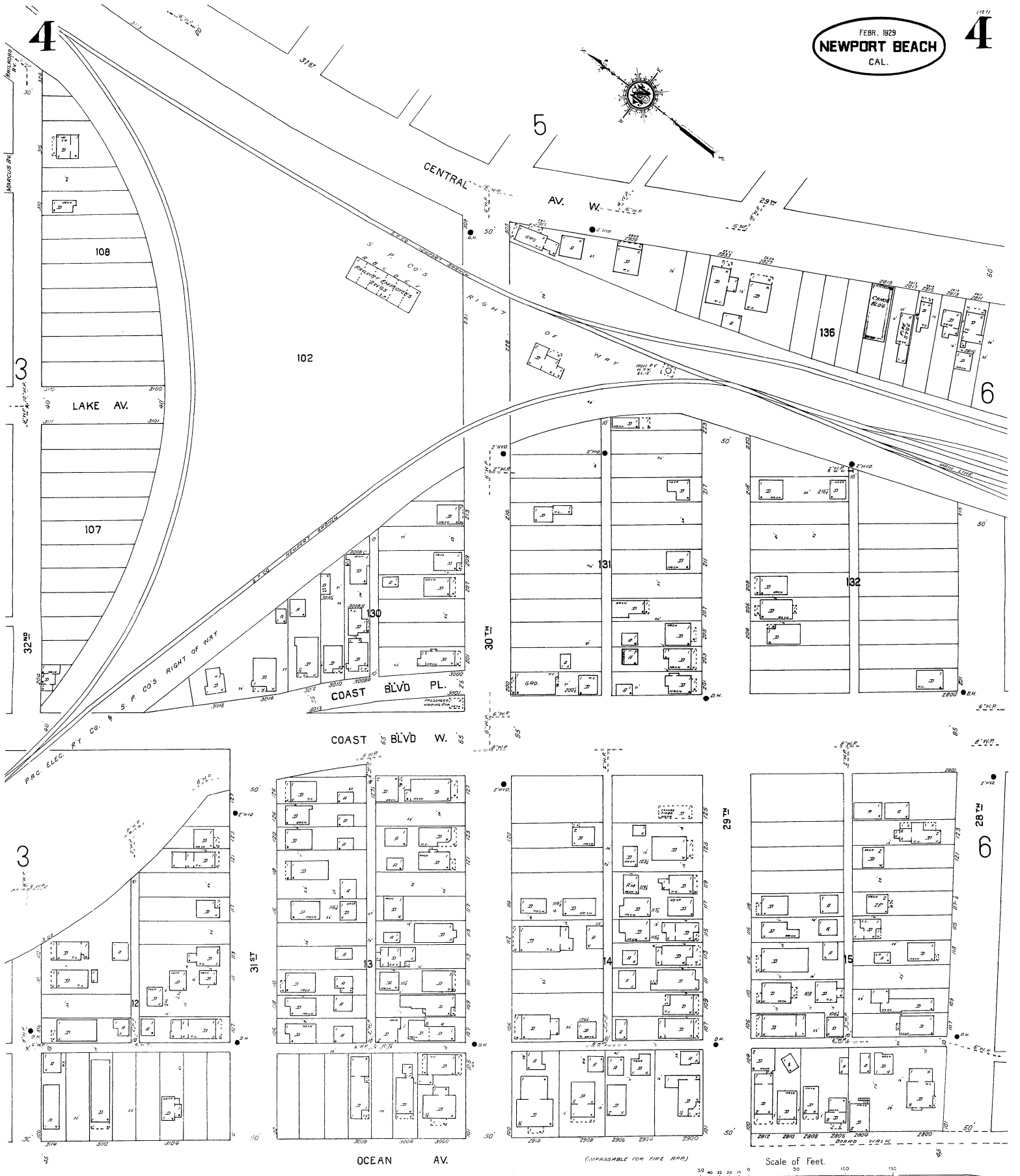
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Copyright 1929 by the Sanborn Map Co.

APC. ELEC. RY. CO'S & S. R. CO'S RIGHT OF WAY

SHINY BEACH & PACIFIC OCEAN BEYOND

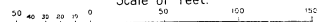


COAST BLVD W.

OCEAN AV.

(PASSABLE FOR TIME APP.)

Scale of Feet.



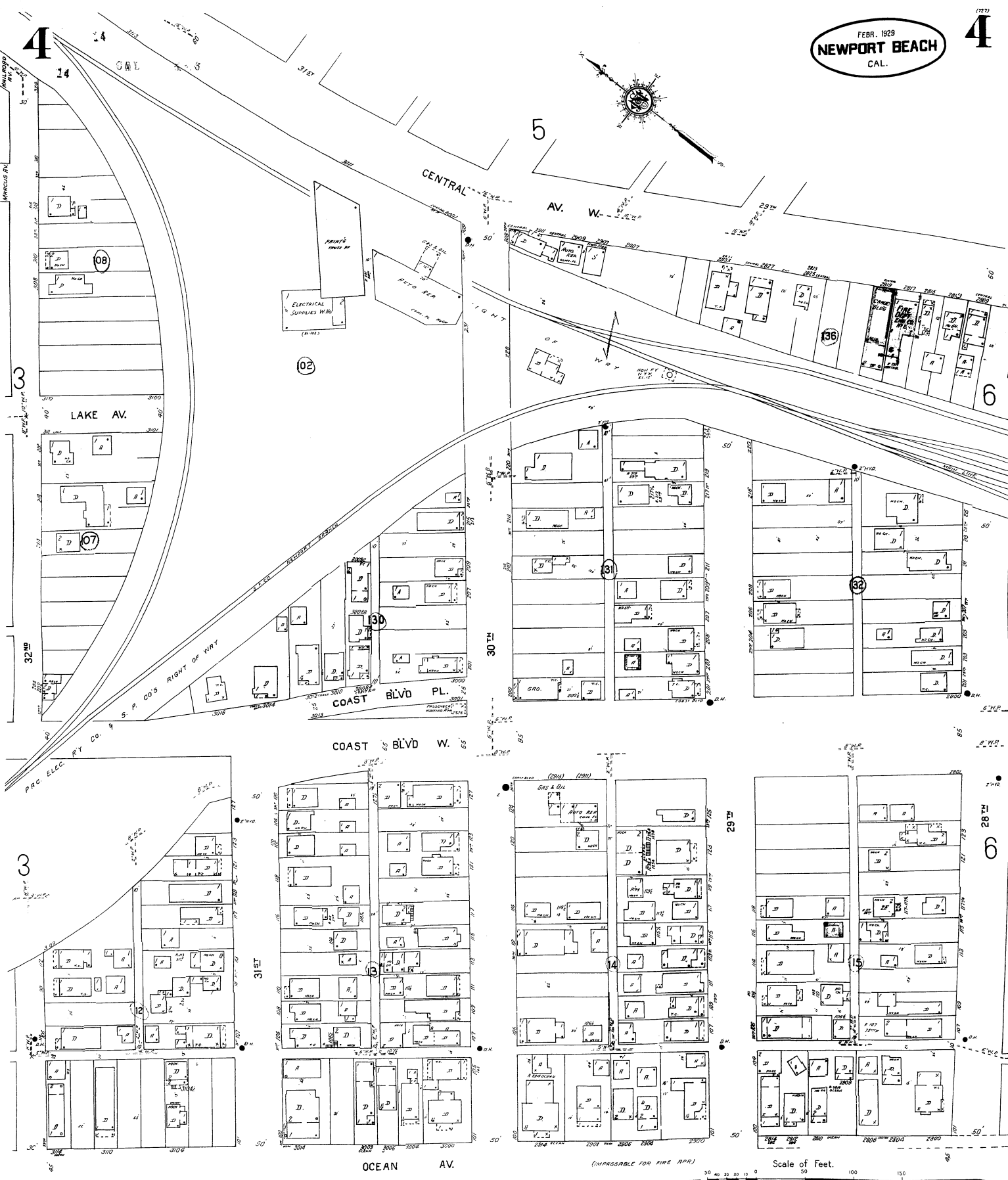


EXHIBIT 3
NATIVE AMERICAN HERITAGE COMMISSION
CORRESPONDENCE

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**Results of
Native American Heritage Commission
Sacred Lands File Search**

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NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net



November 20, 2013

Ms. Katherine Crosmer, Assistant Cultural Resources Specialist

CHAMBERS GROUP, INC.

5 Hutton Centre Drive, Suite 750
Santa Ana, CA 92707

Sent by FAX to: 714-545-2255
No. of Pages: 4

RE: Sacred Lands File Search and Native American Contacts list for the **"Newport Boulevard / 32nd Street Improvement Project (No. 20583);"** located in the Newport Beach area; Orange County, California

Dear Ms. Crosmer:

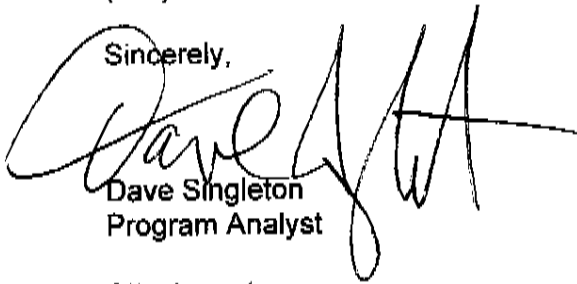
A record search of the NAHC Sacred Lands File **failed to indicate** the presence of Native American traditional cultural places in the project site(s) submitted as defined by the USGS coordinates configuring the 'Area of Potential Effect' or APE. Please note that the absence of archaeological discoveries does not preclude their existence. Other data sources for Native American sacred places/sites should also be contacted. A Native American tribe or individual may be the only sources of information about traditional cultural places or sites.

In the 1985 Appellate Court decision (170 Cal App 3rd 604), the Court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

Attached is a list of Native American tribes, Native American individuals or organizations that may have knowledge of cultural resources in or near the project area (APE). As part of the consultation process the NAHC recommends that local government and project developers contact the tribal governments and individuals in order to determine the proposed action on any cultural places/sacred sites. If a response from those listed is not received in two weeks of notification, the NAHC requests that a follow-up telephone call be made to ensure the project information has been received

If you have any questions or need additional information, please contact me at
(916) 373-3715.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke extending to the right.

Dave Singleton
Program Analyst

Attachments

**Native American Contacts
Orange County, California
November 20, 2013**

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

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

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

Gabrielino /Tongva Nation
Sandonne Goad, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
sgoad@gabrielino-tongva.com
951-845-0443

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

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

Distribution of this list does not relieve any person of the 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 proposed Newport Boulevard / 32nd Street Improvement Project; located in Newport Beach; Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.

Sample of letters sent to Tribal Representatives

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9909 Huennekens Street
Suite 206
San Diego, California 92121
858.541.2800
858.565.8950 (fax)

November 21, 2013

David Belardes, Chairperson
Juaneño Band of Mission Indians
Acjachemen Nation
32161 Avenida Los Amigos
San Juan Capistrano, CA 92675

Subject: Chambers Group Project Number 20514: Request for Information Regarding the Newport Boulevard and 32nd Street Modification Project, Orange County, California

Dear Mr. Belardes:


Chambers Group is requesting any information you might provide regarding cultural resources in or near the proposed Newport Boulevard and 32nd Street Modification Project, located in the City of Newport Beach in Orange County, California.

The project area is located on the Balboa Peninsula of Newport Beach. The proposed project includes widening and streetscape improvements in the project area. To assist you, I have included an aerial map that identifies the project location and surrounding area. The project involves minimal ground disturbing activities.

Any information you can provide to identify cultural resources potentially affected by the undertaking is sincerely appreciated.

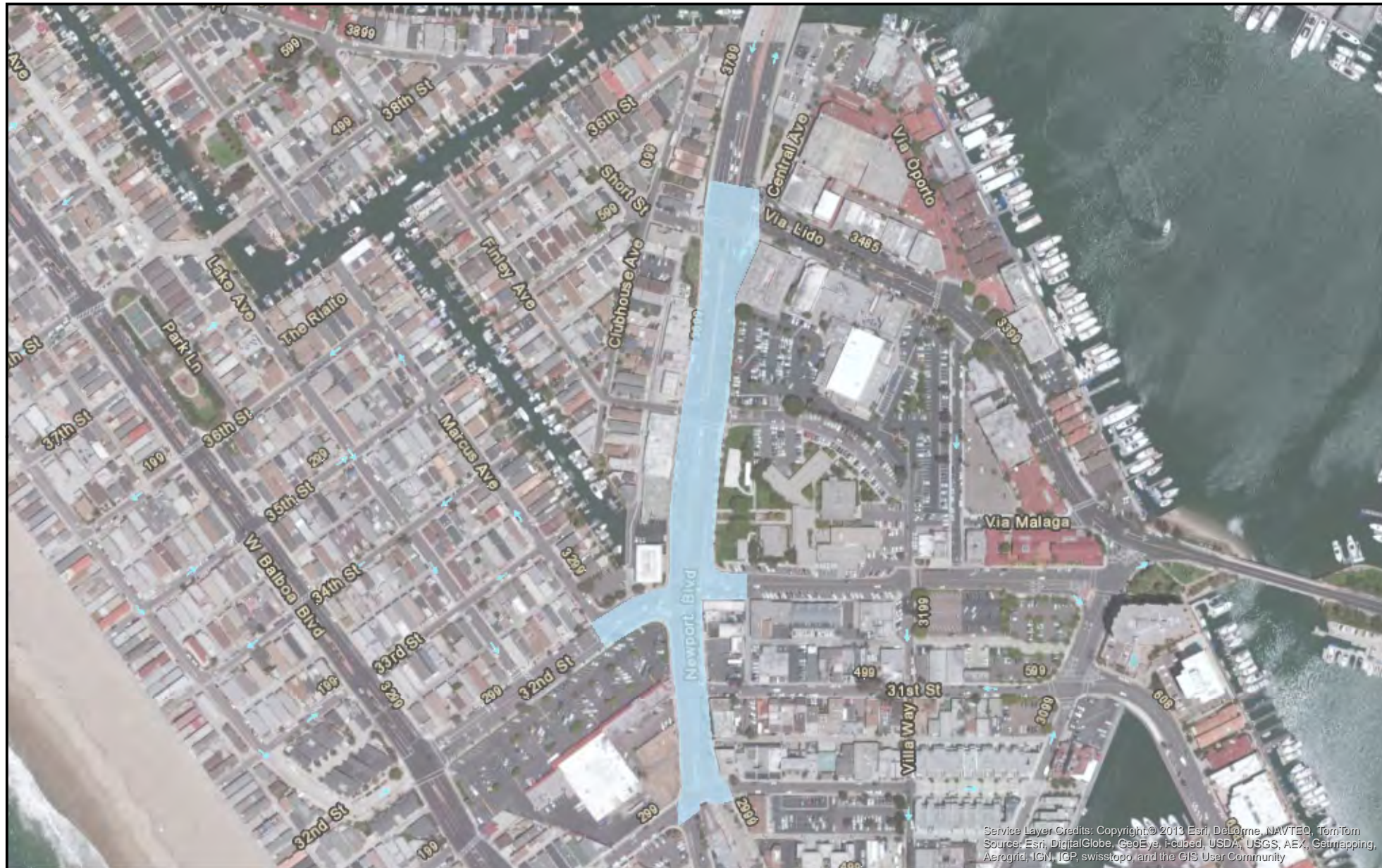
Thank you for honoring this request. For correspondence, please use our project number 20514. If you have any questions, please do not hesitate to contact me at 858.541.2800 ext. 7105.

Sincerely,


Joel Levanetz, MA AICP
Architectural Historian
CHAMBERS GROUP, INC.

Attachments:

- Aerial Map Depicting Project Area



Service Layer Credits: Copyright © 2013 Esri, DeLorme, NAVTEQ, TomTom
 Source: Esri, DigitalGlobe, GeoEye, iCubed, USDA, USGS, AEX, Getmapping,
 Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

 Potential Direct Effects APE

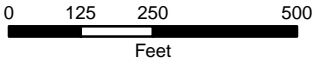


Figure 3
 Newport Boulevard and 32nd Street
 Modification Project
 Project APE Map

Responses received from Tribal Representatives

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From: Johntommy Rosas [<mailto:tattnlaw@gmail.com>]
Sent: Monday, December 09, 2013 3:47 PM
To: Jeanette Brown
Subject: Re: Request for Info-Newport Blvd and 32nd St Mod Project

Thanks -I only do email and thats a old address -

I know there are arch sites and cultural resources of ours tribally right there on that road work easements around there - city of newport beach has negated those sites and constantly destroy them so I dont know what the point is or benefit in consulting with them again -only to have more of our sacred areas destroyed - as newport beach govt /staff hasnt shown any respect to us on that - thanks anyway -I dont blame you folks

jt

On Mon, Dec 9, 2013 at 3:35 PM, Jeanette Brown <JBrown@chambersgroupinc.com> wrote:

Please see the attached letter regarding the Newport Boulevard and 32nd Street Modification Project, Orange County, CA.

I apologize, but the original letter we sent you was returned to us in the mail.

Thanks

Jeanette Brown|Administrative Assistant
Chambers Group, Inc. *Certified DVBE*
9909 Huennekens Street, Suite 206, San Diego, CA 92121
t | [858.541.2800](tel:858.541.2800) x7100 f | [858.565.8950](tel:858.565.8950)
jbrown@chambersgroupinc.com www.chambersgroupinc.com
[Facebook](#) [Twitter](#) [LinkedIn](#) [Google+](#)

2012 Business Journal: Best Places to Work: Medium Companies

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JOHN TOMMY ROSAS
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TRIBAL LITIGATOR
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TRUTH IS OUR VICTORY AND HONOR IS OUR PRIZE >TATTN ©

Rebecca Robles
United Coalition to Protect Panhe (UCPP)
119 Avenida San Fernando
San Clemente, CA 92672

December 22, 2013

Joel Levanetz, MA AICP
Architectural Historian
Chambers Group, Inc.
9909 Huennekens St. Ste. 206
San Diego, CA 92121

Re: Chambers Group Project Number 20514: Newport Blvd and 32nd Street Modification
Project, Orange County, California

Thank you for the opportunity to comment on the above mentioned project. While we know of no specific cultural sites within the project area, Newport Beach was densely occupied prior to European contact and has a high potential for buried cultural resources. Therefore, we consider any area of ground that has not been disturbed to be culturally sensitive. We recommend that a literature and records search be conducted at the South Central Coastal Information Center at California State University, Fullerton. If there is any exposed ground within the area of potential effect (APE) and the area has not been previously examined, an archaeological survey should be conducted. If archaeological resources are discovered as a result of the investigations, site evaluations and mitigation measures should take into consideration the importance of the cultural materials with respect to traditional Native American values. In the event human remains are discovered, the coroner should be notified in compliance with Section 7050.5 of the California Health and Safety code; and in the event any other cultural material is encountered during construction the work shall be diverted and a qualified archaeologist notified.

We request that you continue to keep us informed about the Project. We look forward to the results of any archaeological and cultural investigations and to further participation in the environmental review process. To that end, we reserve our right to comment further in the future.

Sincerely,

Rebecca Robles

Rebecca Robles

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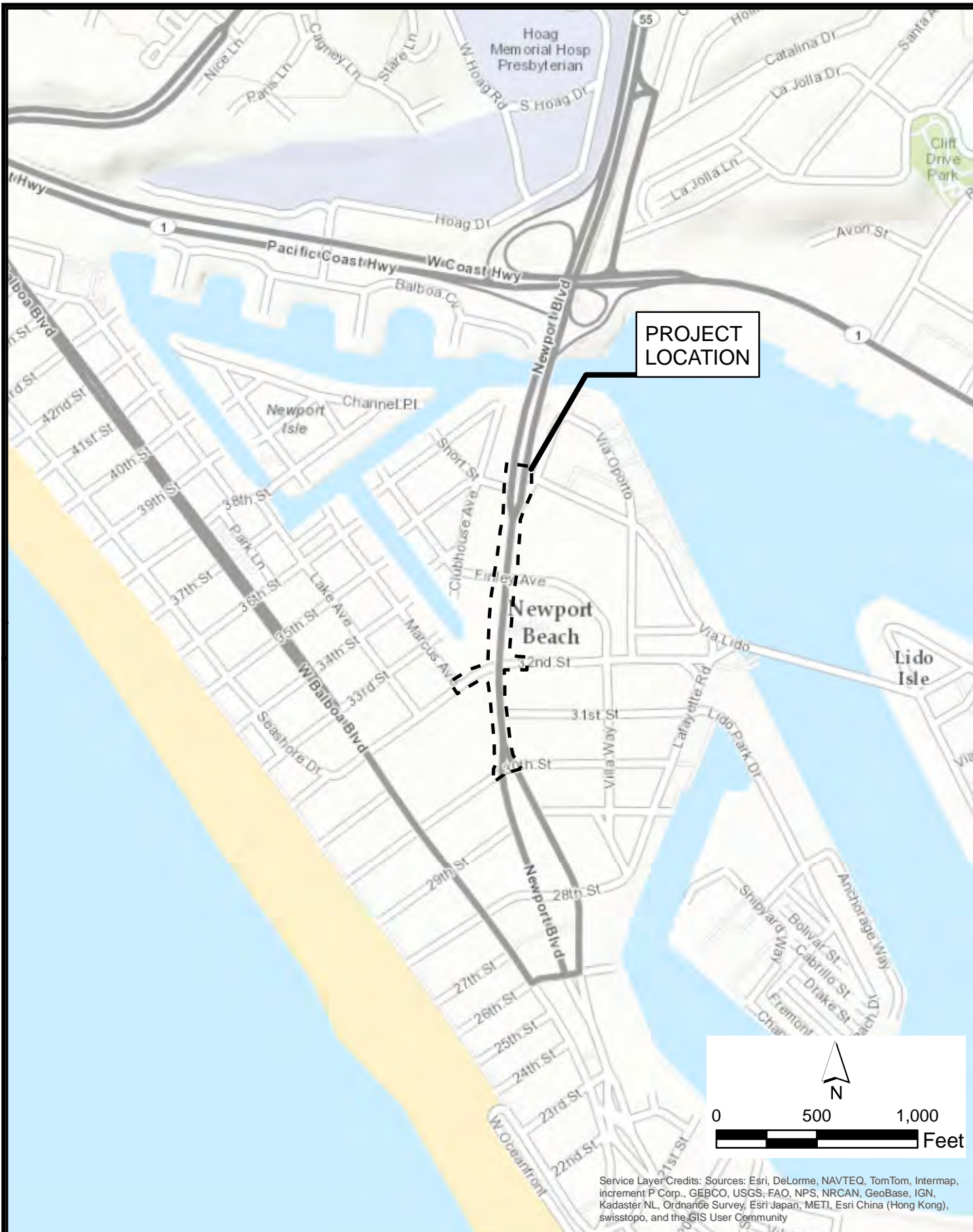
FIGURE 1
PROJECT LOCATION MAP

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**FIGURE 2
PROJECT VICINTY MAP**

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PROJECT VICINITY MAP

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FIGURE 3
AREA OF POTENTIAL EFFECT MAP

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 Source: Esri, DigitalGlobe, GeoEye, iCubed, USDA, USGS, AEX, Getmapping,
 Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

 Potential Direct Effects APE

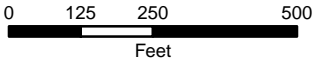


Figure 3
 Newport Boulevard and 32nd Street
 Modification Project
 Project APE Map

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