

Attachment D

Historical Resources Background Conditions and
Analysis Report

Historical Resources Element Existing Conditions and Background Analysis **General Plan Update**

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Acronyms and Abbreviations

Acronym/Abbreviation	Expanded Form
BERD	Built Environment Resource Directory
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CHBC	California Historical Building Code
CLG	Certified Local Government
CRHR	California Register of Historical Resources
HBC	Historical Building Code
NAHC	Native American Heritage Commission
NBMC	Newport Beach Municipal Code
NHPA	National Historic Preservation Act
NPS	National Park Service
NRHP	National Register of Historic Places
OHP	California Office of Historic Preservation
PRC	California Public Resources Code
SB	Senate Bill
SHPO	State Historic Preservation Officer

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1 Executive Summary

As is evidenced by the City's existing commitments and processes, the protection and preservation of historic landmarks, sites, and structures in Newport Beach is of great importance to the City of Newport Beach (City) and community as a whole. The purpose of this report is to provide an overview of how the City currently plans for and supports the protection of historic resources (archaeology and historic built environment) and includes suggestions on how to address paleontological resources. This report highlights pathways to ensure continuity between goals and policies that may appear in other elements, discusses relevant federal, state, and local regulations for how cultural resources are evaluated, and provides an updated inventory of previously recorded historic resources. Based on an analysis conducted as part of this report, recommendations are provided to strengthen and enhance the updated Historical Resources Element as part of the comprehensive General Plan Update.

The City actively works to preserve and protect historical resources through existing policies, practices, and programs that aim to recognize, maintain, and protect Newport Beach's unique historical, cultural, and archeological sites and structures. Notably, the Newport Beach City Council Policy Manual includes two policies that focus on the selection and designation of historical property within the City (Policy K-2), and the evaluation and mitigation of paleontological and archaeological resources (Policy K-5), respectively. In particular, Policy K-5 establishes a local Register of Historical Property, and outlines the evaluation criteria and designation process to identify existing and potential future resources. The Newport Beach Municipal Code also includes land use regulations and definitions for historical resources that aim to protect and preserve historical resources throughout the City. Additionally, the City maintains sound internal development review procedures that are mindful of the presence of potential significant historical sites.

The City has a strong foundation in place for an effective and fully integrated historical resources program. This report includes several recommendations ranging from short-term actions (implementable within two years) to long-term commitments (actions that may take five or more years to implement) that, if implemented, would provide the City with opportunities to strengthen its role as a leader in historic, archaeological, and tribal cultural resource preservation. By taking a comprehensive approach to historic preservation, the City can: enhance the identification and assessment of historical assets in order to continue to honor the heritage of Newport Beach; streamline the protection and preservation of cultural resources; offer educational experiences for residents, businessowners, employees, students, and visitors; and bolster Newport Beach's economic well-being. Combined, these recommendations can provide the City with clearer guidance for property owners, developers, City staff, and the community at large on the importance of historic preservation and the specific actions needed to achieve it. The updated Historical Resources Element will build upon the adopted Historical Resources Element's goal to prioritize the protection of Newport Beach's valued landmarks, sites, and structures that are representative of the community and region and will reinforce current preservation efforts, fostering a sense of pride and appreciation for Newport Beach's rich history.

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2 Introduction

The protection and preservation of historic landmarks, sites, and structures in the City of Newport Beach (City) is of great importance and is reflected in the Historical Resources Element of the General Plan. The Historical Resources Element is one of four optional elements the City included in the 2006 comprehensive General Plan in response to the demolition and alteration of many of Newport Beach's historical sites and buildings. The intent of the adopted Historical Resources Element is to provide a high-level historic context of Newport Beach, outline relevant and related preservation programs, identify known historical resources with a focus on buildings and structures, and state goals for protecting these resources.

The City is currently undertaking a General Plan Update. This report serves as initial technical support for the City's update to the Historical Resources Element. The document provides a high-level overview of the adopted Historical Resources Element, discusses goals and policies that address protective measures for cultural resources (archaeological and historic buildings and structures), and briefly addresses paleontological resources. This report provides pathways to ensure continuity between goals and policies that may appear in other elements and concludes with recommendations to strengthen and enhance the updated Historical Resources Element as part of the comprehensive General Plan Update. The updated Historical Resources Element will build upon the adopted Historical Resources Element's goal to prioritize the protection of Newport Beach's valued landmarks, sites, and structures that are representative of the community and region and will reinforce current preservation efforts.

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3 General Plan Review

This section provides a summary of findings from review of the adopted Historical Resources Element, as well as an overview of the following adopted General Plan elements that relate to historic preservation: Arts and Cultural, Land Use, Housing, and Natural Resources. Ensuring consistency and coordination between each of the General Plan elements is paramount in developing and implementing sound, cohesive, and actionable policies. The section below identifies how and where historical resources are discussed throughout the General Plan.

3.1 Adopted Historical Resources Element

First adopted in 2006 as part of the City's comprehensive General Plan, the Historical Resources Element outlines the City's commitment to recognizing, maintaining, and protecting Newport Beach's historic, archeological, and paleontological resources. The primary objective of the element is to preserve and maintain Newport Beach's resources to create an awareness and appreciation for its rich history. The intention is to ensure that future development respects and protects the history of Newport Beach.

The adopted Historical Resources Element includes four main components:

- **Introduction:** The introduction includes the purpose and overall objectives of a Historical Resources Element.
- **Historic Context:** The historic context begins with a brief overview of Newport Beach's early history starting with aboriginal hunters and gathers. The context then discusses the development of Newport Beach into the present day (2006 at the time of adoption) and the patterns that shaped the commerce, character, and community of Newport Beach. The historic context presented within the element briefly discusses the early history of Newport Beach and does not discuss the area's paleontological background.
- **Relevant and Related Programs:** This section outlines the pertinent Federal, State, and local programs, legislation, and policies that create a regulatory framework for identifying and safeguarding Newport Beach's historic and paleontological resources. This section also lists what historic resources have been listed on the National Register of Historic Places (NRHP), on the California Register of Historical Resources (CRHR), in the California Historic Resources Information System, and on the local City Register of Historical Property. Additionally, it provides context for any previous citywide surveys conducted including the 1992 unadopted Ad Hoc Historic Preservation Advisory Committee survey. The designated historical resources listed in this section are only built environment resources, implying that the City does not have anything designated under paleontology or archaeology.
- **Goals and Policies:** The element contains two goals (with accompanying policies) that aim to identify and protect (1) historically significant landmarks, sites, and structures and (2) archeological and paleontological resources. Associated policies include, among other topics, discussions surrounding regular inventorying, encouraging preservation via incentives (grading reductions, waiving fees, liens for preservation easements), adaptive re-use, requiring physical links to the past on/related to historical property with new development, adherence to the California Environmental Quality Act (CEQA), and donating scientifically valuable paleontological or archaeological materials.

3.2 Other Adopted Elements Related to Historical Resources

Other elements of the City's General Plan that include components related to historical resources include the following: Arts and Cultural Element, Land Use Element, Housing Element, and Natural Resources Element. These elements were reviewed to provide further context in the update to the City's Historical Resources Element.

3.2.1 Adopted Arts and Cultural Element

The adopted Arts and Cultural Element includes an overview of the organizations, resources, attractions, activities, and facilities that support an active arts and culture program. While the Arts and Cultural Element is distinguished from historical resources in that its primary focus is on public art and events, it does overlap with historical resources in a number of ways. The element primarily relates to historical resources through the role of the Arts Commission in the designation of historical landmarks. The element also discusses the role that libraries and museums play within the City as a link to Newport Beach's past, in addition to the rebuilding of a local historical resource to the community, the Balboa Theater. As it relates to historic preservation, the adopted Arts and Cultural Element includes specific policies relating to the promotion of cultural tourism as a way of attracting visitors and tourists (CA 3.4), which can connect visitors to key historical resources.

- **Policy CA 3.4: Cultural Tourism:** Promote cultural tourism in Newport Beach to attract visitors and tourists interested in cultural events.

3.2.2 Adopted Land Use Element

The adopted Land Use Element serves as the central organizing element for the 2006 General Plan and includes goals and policies for the integration and coordination of all of the General Plan elements. Seeing as Newport Beach is almost fully developed, the Land Use Element focuses on how population and employment growth can be accommodated and still preserve Newport Beach's distinguishing and valued qualities. The element highlights how existing neighborhoods can be maintained and preserved, where potential areas can accommodate growth, and which neighborhoods can be enhanced and revitalized. The element also proposes creative strategies for the re-use of land and outlines how development can complement Newport Beach's character and livability.

The Land Use Element identifies several tools and resources to help maintain and preserve Newport Beach's neighborhoods and districts. The relevant policies include the following:

- **Policy LU 4.3: Transfer of Development Rights:** Permit the transfer of development rights from a property to one or more other properties when: a. The donor and receiver sites are within the same Statistical Area. b. The reduced density/intensity on the donor site provides benefits to the City such as, but not limited to, the (1) provision of extraordinary open space, public visual corridor(s), parking or other amenities; (2) preservation of an historic building or property or natural landscapes; (3) improvement of the area's scale and development character; (4) consolidation of lots to achieve a better architectural design than could be achieved without lot consolidation; and/or (5) reduction of local vehicle trips and traffic congestion; c. The increment of growth transferred to the receiver site complements and is in scale with surrounding development, complies with community character and design policies contained

in this Plan, and does not materially degrade local traffic conditions and environmental quality. d. Transfer of Development Rights in Newport Center is governed by Policy 6.14.3.

- **Policy LU 5.1.4: Neighborhood Maintenance:** Promote the maintenance of existing residential units through code enforcement and promotion of County and local rehabilitation programs, and public education. This may include providing information, guidance, and assistance where feasible.
- **Policy LU 6.8.6: Historic Character:** Preserve the historic character of Balboa Peninsula's districts by offering incentives for the preservation of historic buildings and requiring new development to be compatible with the scale, mass, and materials of existing structures, while allowing opportunities for architectural diversity.
- **Policy LU 6.10.3: Specific Plan Guidelines:** Utilize design and development guidelines for Cannery Village identified in Cannery Village/McFadden Square Specific Plan.
- **Policy LU 6.12.2: Specific Plan Guidelines:** Utilize design and development guidelines for McFadden Square identified in Cannery Village/McFadden Square Specific Plan.

3.2.3 Adopted Housing Element

The City's current 6th Cycle Housing Element (2021–2029) was adopted by City Council and certified by the State in 2022. The Housing Element identifies goals, policies, quantified objectives, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. While historic preservation is not discussed directly, the Housing Element does include a policy relating to preserving neighborhood character through the enforcement of applicable City codes, including the City's Historical Building Code (HBC).

- **Housing Policy 2.1:** Support all reasonable efforts to preserve, maintain, and improve availability and quality of existing housing and residential neighborhoods, and ensure full utilization of existing City housing resources for as long into the future as physically and economically feasible.

The purpose of the HBC is to provide regulations for the preservation, restoration, rehabilitation, relocation, or reconstruction of buildings or properties designated as qualified historical buildings or properties. The HBC is intended to provide solutions for the preservation of qualified historical buildings or properties, to promote sustainability, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users.

3.2.4 Adopted Natural Resources Element

The City's adopted Natural Resources Element identifies goals and policies to guide the conservation and consumption of Newport Beach's natural resources, including but not limited to its water supply, biological resources, open space, energy, and archaeological and paleontological resources, among other related topics. Within the element, a brief and high-level summary of archaeological and paleontological resources is included. The element includes focused goals and policies related to archaeological and paleontological resources. Goal 18 of the Natural Resources Element calls for the protection and preservation of important paleontological and archaeological

resources and is followed by four related policies that are relevant to the adopted Historical Resources Element. All policies under Goal 18 are largely replicated in the adopted Historical Resources Element as such:

- **Policy NR 18.1: New Development:** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.¹
- **Policy NR 18.2: Maintenance of Database Information:** Prepare and maintain sources of information regarding paleontological or archaeological sites and the names and addresses of responsible organizations and qualified individuals who can analyze, classify, record, and preserve paleontological and archaeological findings.²
- **Policy NR 18.3: Potential for New Development to Impact Resources:** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.³
- **Policy NR 18.4: Donation of Materials:** Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.⁴

¹ Policy NR 18.1: New Development replicates Policy HR 2.1: New Development Activities within the adopted Historical Resources Element.

² Policy NR 18.2: Maintenance of Database Information largely replicates Policy HR 2.2: Grading and Excavation Activities within the adopted Historical Resources Element. Policy HR 2.2 also contains a requirement for a qualified paleontologist/archaeologist to monitor all grading and/or excavation, which is not included in Policy NR 18.2.

³ Policy NR 18.3: Potential for New Development to Impact Resources replicates Policy HR 2.3: Cultural Organizations within the adopted Historical Resources Element.

⁴ Policy NR 18.4: Donation of Materials replicates Policy HR 2.4: Paleontological or Archaeological Materials within the adopted Historical Resources Element.

4 Regulatory Review

Federal, State, and local historic preservation programs provide specific criteria for evaluating the potential historic significance of a resource. Although the criteria used by the NRHP, the CRHR, and the City Register of Historical Property for the designation of historical and architectural significance vary in their specifics, they focus on many of the same general themes.

Another area of similarity is the concept of integrity—generally defined as the survival of physical characteristics that existed during the resource’s period of significance. Federal, State, and local historical preservation programs require that resources maintain integrity in order to be identified as eligible for listing as historical. However, the NRHP maintains a higher, more rigid threshold for integrity than the CRHR, noting that properties either retain integrity or they do not.

4.1 Federal

Federal regulations pertaining to historical resources include the National Historic Preservation Act (NHPA) and the NRHP, as further discussed below.

4.1.1 Section 106 of the National Historic Preservation Act and National Register of Historic Places

NHPA Section 106 (54 USC Section 306108) necessitates that Federal undertakings consider potential effects to historic properties. Historic properties are defined by the Code of Federal Regulations (CFR) as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the NRHP Criteria” (36 CFR Part 800.16[1]). Regulations under 36 CFR Part 800 provide a framework for the process for Federal agencies, in consultation with the State Historic Preservation Officer (SHPO) and other consulting parties, to identify historic properties within the area of potential effects for an undertaking and to determine effects. Adverse effects to historic properties require resolution through consultation between the Federal agency, SHPO, and the Advisory Council on Historic Preservation. The following phases provide an outline of the NHPA Section 106 process:

- Initiation of the Section 106 process, including the identification of consulting parties, such as Native American tribes.
- Establishment of the area of potential effects, in consultation with the SHPO and other consulting parties.
- Identification of historic properties located in a project’s area of potential effects.
- If historic properties are identified in the area of potential effects, assessment of effects of the undertaking.
- Should adverse effects to historic properties be identified, consultation between the Federal agency, SHPO, and any other identified consulting parties (including Native American tribes and the Advisory Council of Historic Preservation) need to proceed to find ways to avoid, minimize, or mitigate the adverse effect. All parties may determine that preparation of an agreement document, such as a Memorandum of Agreement or Programmatic Agreement, is necessary to resolve adverse effects or effectively manage complex

undertakings where a project's actions are proposed over several years and/or where the undertaking's effects on historic properties cannot be clearly defined during the initial project planning phase.

- Implementation of the terms and conditions of the Memorandum of Agreement or Programmatic Agreement.

While the listing of a site in the NRHP is significant, the regulatory powers of NHPA to protect these are limited. There are various incentives – including legal protections, preservation funds, and federal tax credits – to encourage property owners whose property has been listed in the NRHP to preserve historic resources their property. However, they are not required to preserve historic resources on their property or make them publicly accessible.

Criteria for Eligibility for the National Register of Historic Places

Cultural resources are eligible for the NRHP if they retain integrity to reflect significant associations as defined in the regulations for the NRHP. A property must meet one or more of the following key criteria to be considered significant (36 CFR 60.4):

- A. It is associated with events that have made a significant contribution to the broad pattern of our history; or
- B. It is associated with the lives of people significant in our past; or
- C. It embodies the distinct characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or it represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. It has yielded, or is likely to yield, information important in prehistory or history.

A property must have significance and integrity to be considered eligible for listing in the NRHP. Integrity is assessed through seven key aspects: location, design, setting, materials, workmanship, feeling, and association (36 CFR 60.4).

Resources that are not commonly found eligible for listing in the NRHP are cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties that have been reconstructed, properties principally commemorative in nature, and properties that are not yet 50 years of age. However, these types of properties may be eligible for the NRHP if they are essential features of eligible districts or resources or meet the criteria considerations described in 36 CFR 60.4.

4.2 State

A historical resources element is not a required element of a General Plan. State regulations regarding historical resources take shape through the CRHR and regulations under CEQA. These are further defined below.

4.2.1 California Register of Historical Resources

In California, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code [PRC], Section 5020.1[j]). In 1992, the California Legislature established the CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). This means that property owners of sites listed in the CRHR– unlike the property owners of sites listed in the NRHP – may be legally required to protect historic resources on their property. Additionally, CRHP listed property owners may be eligible for state tax benefits and incentives. Under CEQA, a cultural resource may qualify as a significant historical resource if it falls within the following at least one of the three categories:

- The resource is listed in or determined eligible for listing in the CRHR.
- The resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC, or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- The lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15064.5[a]).

The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP and are enumerated below. According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the following criteria:

- 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 construction; 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.

NRHP listed or eligible properties are considered eligible for listing in the CRHR, and thus are significant historical resources for the purpose of CEQA (PRC Section 5024.1[d][1]).

4.2.2 California Environmental Quality Act

Public or private projects funded or approved by public agencies are required to comply with regulations outlined under CEQA to assess the impacts of the project on archeological, historical and tribal cultural resources.

Archaeological Resources

The following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historical, and tribal cultural resources:

- PRC Section 21083.2(g), defines “unique archaeological resource.”
- If it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require that reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (PRC Sections 21083.2[a], [b], and [c]).
- PRC Section 21084.1, and CEQA Guidelines, Section 15064.5(a), define “historical resources.” In addition, CEQA Guidelines, Section 15064.5(b), defines the phrase “substantial adverse change in the significance of an historical resource.” It also defines the circumstances when a project would materially impair the significance of a historical resource.
- PRC Section 5097.98, and CEQA Guidelines, Section 15064.5(e), set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated cemetery.
- PRC Sections 21083.2(b) and (c), and CEQA Guidelines, Section 15126.4, provide information regarding the mitigation framework for archaeological and historical resources, including examples of preservation in place mitigation measures. Preservation in place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).
- Impacts to non-unique archaeological resources are generally not considered a significant environmental impact (PRC Section 21083.2[a]; 14 CCR 15064.5[c][4]). However, if a non-unique archaeological resource qualifies as Tribal cultural resource (PRC Sections 21074[c] and 21083.2[h]), further consideration of significant impacts is required.
- CEQA Section 15064.5 outlines the protocols to be followed in the case of a discovery of Native American human remains including the roles and responsibilities of the coroner, Native American Heritage Commission (NAHC), the individual identified by the NAHC as the most likely descended from the deceased Native American, and the landowner of whose land the discovery was made.

Historical Resources

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (PRC Section 21084.1; 14 CCR 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historical resources or identified as significant in a historical resources survey (meeting the requirements of PRC Section 5024.1[q]), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (PRC Section 21084.1; 14 CCR 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (PRC Section 21084.1; 14 CCR 15064.5[a]).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired”

(14 CCR 15064.5[b][1]; PRC Section 5020.1[q]). In turn, CEQA Guidelines, Section 15064.5(b)(2), states that the significance of an historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any historical resources, then evaluates whether the project would cause a substantial adverse change in the significance of a historical resource such that the resource's historical significance would be materially impaired.

Secretary of the Interior's Standards for the Treatment of Historic Properties. Where a project has been determined to conform with the Standards, the project's impact on historical resources would be considered mitigated to below a level of significance and, thus, not significant (14 CCR 15126.4[b][1]). In most cases, a project that demonstrates conformance with the Secretary of the Interior's Standards is categorically exempt from CEQA (14 CCR 15331), as described in the CEQA Guidelines (14 CCR 15126.4[b][1]):

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Weeks and Grimmer 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

The Secretary of the Interior's Standards are a series of concepts focused on maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. They function as common-sense historic preservation principles that promote historic preservation best practices. There are four distinct approaches that may be applied to the treatment of historical resources:

- Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.
- Reconstruction recreates vanished or non-surviving portions of a property for interpretive purposes.

The choice of treatment depends on a variety of factors, including the property's historical significance, physical condition, proposed use, and intended interpretation. The Guidelines provide general design and technical recommendations to assist in applying the Standards to a specific property. Together, the Standards and Guidelines provide a framework that guides important decisions concerning proposed changes to a historic property.

The following 10 standards for rehabilitation are used to determine if a project is in conformance with the Standards for a rehabilitation. To be in conformance, a project must be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located. The following standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

4.2.3 Government Code Sections 6254(r) and 6254.10

Government Code Sections 6254(r) and 6254.10 of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to "Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission." Section 6254.10 specifically exempts from

disclosure requests for “records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the NAHC, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency.”

4.2.4 California Native American Graves Protection and Repatriation Act

Codified in California Health and Safety Code Sections 8010–8030, the California Native American Graves Protection Act of 2001 is consistent with the Federal Native American Graves Protection Act. Intended to “provide a seamless and consistent State policy to ensure that all California Indian human remains, and cultural items be treated with dignity and respect,” the California Native American Graves Protection Act also encourages and provides a mechanism for the return of remains and cultural items to lineal descendants. California Health and Safety Code Section 8025 established a Repatriation Oversight Commission to oversee this process. The act also provides a process for non–Federally recognized tribes to file claims with agencies and museums for repatriation of human remains and cultural items.

4.2.5 California Health and Safety Code Sections 7050 and 7052

California Health and Safety Code Section 7050.5 declares that, in the event of the discovery of human remains outside a dedicated cemetery, all ground disturbances must cease, and the County Coroner must be notified. California Health and Safety Code Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

4.2.6 California Penal Code Section 622.5

California Penal Code Section 622.5 provides misdemeanor penalties for injuring or destroying objects of historical or archaeological interest located on public or private lands but specifically excludes the landowner.

4.2.7 Senate Bill 297

Senate Bill (SB) 297 (1982) addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. It has been incorporated into CEQA Guidelines Section 15064.5(e).

4.2.8 Senate Bill 18

The Local and Tribal Intergovernmental Consultation Process, commonly known as SB 18, was signed into law September 2004 and took effect March 1, 2005. SB 18 refers to PRC Sections 5097.9 and 5097.995, which defines cultural places as follows:

- Native American sanctified cemetery place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9)
- Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the CRHR pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.993).

SB 18 established responsibilities for local governments to contact, provide notice to, refer plans to, and consult with California Native American tribes that have been identified by the NAHC and tribes that have requested consultation after local government outreach as stipulated in Government Code Section 65352.3. The purpose of this consultation process is to protect the identity of the cultural place and to develop appropriate and dignified treatment of the cultural place in any subsequent project. The consultation is required whenever a general plan, specific plan, or open space designation is proposed for adoption or to be amended. Once local governments have sent notification, tribes are responsible for requesting consultation. Pursuant to Government Code Section 65352.3(a)(2), each tribe has 90 days from the date on which they receive notification to respond and request consultation.

In addition to the requirements stipulated previously, SB 18 amended Government Code Section 65560 to “allow the protection of cultural places in open space element of the general plan” and amended Civil Code Section 815.3 to add “California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.”

4.2.9 Assembly Bill 52

Assembly Bill 52 of 2014 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. Assembly Bill 52 established that tribal cultural resources must be considered under CEQA and also provided for additional Native American consultation requirements for the lead agency. PRC Section 21074 describes a tribal cultural resource as a site, feature, place, cultural landscape, sacred place, or object that is considered of cultural value to a California Native American tribe and that is either:

- On or determined to be eligible for the California Register of Historical Resources or a local historical register; or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

Assembly Bill 52 formalizes the lead agency–tribal consultation process. Specifically, it requires the lead agency to notify a California Native American tribe of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe if that tribe has requested such notification, in writing, to the lead agency (PRC Section 21080.3.1[b]). Additionally, prior to the release of a negative declaration, mitigated negative

declaration, or environmental impact report, the lead agency is required to begin consultation with a California Native American tribe that requested consultation within 30 days of receipt of project notification (PRC Section 21080.3.1[e]).

PRC Section 21084.2 establishes that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” Effects on tribal cultural resources should be considered under CEQA. PRC Section 21080.3.2 states that parties may propose mitigation measures “capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.” Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]).

4.3 Local

Local regulations pertaining to historical resources exist within the City Council Policy Manual and the Newport Beach Municipal Code (NBMC), as further discussed below.

4.3.1 Newport Beach City Council Policy Manual

The Newport Beach City Council Policy Manual contains all the City policy statements adopted by resolution of the City Council. Council policies are statements pertaining to how the City conducts its business. The following City Council policies relate to historical resources.

4.3.1.1 Places of Historical and Architectural Significance (K-2)

Council Policy K-2, last amended August 2017, states the Newport Beach City Council may designate as historical property any building or part thereof, object, structure, monument, or collection thereof having importance to the history or architecture of the City of Newport Beach in accordance with the criteria set forth below. The policy states that the City Clerk shall maintain a register, referred to as the City of Newport Beach Register of Historical Property. The City Council retains authority to repeal, revise, or modify any designation upon reconsideration of the historical or architectural importance.

The policy includes selection criteria for both architectural and historical significance and outlines a classification system for designated historical property. According to the policy, historical property shall be categorized in relation to its significance and condition in the City Register of Historical Property under the following hierarchical classification system:

- Class 1. **Major Historic Landmark.** A building, structure, object, site, or natural feature of major historical significance. The property exemplifies historic/architectural themes of local and statewide importance and serves as a significant part of the heritage of Newport Beach.
- Class 2. **Historic Landmark.** A building, structure, object, site, or natural feature of historical significance. The property is representative of historic/architectural themes of local and statewide importance and serves as a physical link to the historical past of Newport Beach.

- Class 3. **Local Historic Site.** A building, structure, object, site, or natural feature of local significance only. The property is representative of historic/architectural themes of local importance.
- Class 4. **Structure of Historic Interest.** A building, structure, object, site, or natural feature that has been altered to the extent that the historic/architectural integrity has been substantially compromised but is still worthy of recognition.
- Class 5. **Point of Historic Interest.** A site of a building, structure, or object that no longer exists, but is associated with historic events or persons, or architecturally significant structures.

The policy outlines when the City's HBC (contained in Newport Beach Municipal Code Chapter 15.13) applies. Additionally, the policy includes the application procedures for a property owner; City Council; Parks, Beaches and Recreation Commission; the Arts Commission; or the Newport Beach Historical Society to nominate a structure for consideration to be included in the City Register of Historical Property. The policy also includes incentives that may be granted to protect existing properties on the City's Register of Historical Property in exchange for preservation easements.⁵

4.3.1.2 Paleontological and Archaeological Resource Protection Guidelines (K-5)

Council Policy K-5, last amended by in August 2017, states that the City will ensure that potential public or private development impacts to paleontological and archaeological resources are properly evaluated and mitigated in accordance with the General Plan, Local Coastal Program, and CEQA. The policy outlines the procedures the City shall take to evaluate and mitigate potential impacts to such resources, which includes determination of paleontological or archaeological resources at the initial study level, a preliminary investigation report if resources are known to exist, and an impact assessment report if resources are known to exist, as well as what to do if resources are found on a construction site.⁶

4.3.2 Newport Beach Municipal Code

The Newport Beach City Council adopted and incorporated the 2022 Edition of the California Historical Building Code (CHBC), California Code of Regulations Title 24, Part 8, and all national codes and standards referenced therein to the prescribed extent of each such reference. The purpose of the CHBC is to provide regulations for the preservation, restoration, rehabilitation, relocation, or reconstruction of buildings or properties designated as qualified historical buildings or properties. The CHBC is intended to provide solutions for the preservation of qualified historical buildings or properties, to promote sustainability, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users. The CHBC requires enforcing agencies to accept solutions that are reasonably equivalent to the regular code when dealing with qualified historical buildings or properties.

⁵ City of Newport Beach. 2017a. "Places of Historical and Architectural Significance (K-2)." In Newport Beach City Council Policy Manual. Accessed October 9, 2023.

⁶ City of Newport Beach. 2017b. "Paleontological and Archaeological Resource Protection Guidelines (K-5)." In Newport Beach City Council Policy Manual. Last updated August 8, 2017. Accessed October 9, 2023. <https://www.newportbeachca.gov/home/showpublisheddocument/2437/636385647487800000>.

The NBMC regulates historical resources throughout the code. In particular, Section 20.38.070 (Landmark Structures), of the NBMC outlines how the City intends to preserve historic structures, encourage adaptive reuse, and revitalize older commercial areas. The NBMC offers relief from restrictions on nonconforming structures and uses with the intent of preserving the principal use and minimizing impacts to the surrounding areas. The NBMC includes exemptions regarding the change of use and alterations made to the landmark, as well as conditions to which the exemptions apply. Landmark theaters are defined as structures principally used as a theater, with a single screen or stage, designed to fit 300 people, and constructed on or before December 12, 1950. Landmark structures must be listed on the NRHP.

Chapter 21.70 (Definitions) sites a historical resource as “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or which is significant in the architectural, engineering, scientific, economic, agriculture, educational, social, political, military, or cultural history of the City of Newport Beach and/or California and/or the United States.” Section 15.50.050 (Definitions) describes a historic structure as one that is listed on the NRHP, certified or preliminary determined by the Secretary of Interior’s as historically significant, listed on a State inventory of historic places, or listed on a certified local inventory.

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5 Existing Conditions

The following section provides context for archaeology and the historic built environment, touching on relevant themes concerning the history and development in Newport Beach. It begins with a prehistoric and ethnographic overview, followed by historic-era developments, and then discusses known sources of previously recorded historic era resources.

5.1 Prehistoric and Ethnographic Overview

Evidence for continuous human occupation in Southern California spans the last 10,000 years. Various attempts to parse out variability in archaeological assemblages over this broad period have led to the development of several cultural chronologies; some of these are based on geologic time, most are based on temporal trends in archaeological assemblages, and others are interpretive reconstructions. Each of these reconstructions describes essentially similar trends in assemblage composition in more or less detail. However, given the direction of research and differential timing of archaeological study following intensive development in Orange County, chronology building for the general area of Newport Beach must rely on data from neighboring cities and regions to fill the gaps. To be more inclusive, this research requires a common set of generalized terms used to describe chronological trends in assemblage composition: Paleoindian (before 7500 BP), Archaic (10,000–1500 BP), Late Prehistoric (1500 BP–AD 1769), and Ethnohistoric (after AD 1769). In order to create an effective prehistoric and ethnohistoric context that incorporates tribal information and is consumable by the general public, additional research is required. Recommendations provided in Section 7, Recommendations, include a task for developing an appropriate prehistoric and ethnographic context.

5.2 Historic Era Overview

Spanish settlement of Orange County began in 1769, with the Gaspar de Portolà Expedition, which sailed along California's coastline. Members of these early expeditions were often awarded land grants for their service. Jose Antonio Yorba, a Spanish soldier in the expedition, was given a 63,414-acre land grant, Rancho Santiago de Santa Ana in 1801, which included most of present-day Orange County including Newport Beach. Ranchos operated as early trading hubs and traded hides with merchants from around the world. In 1810, a civil war erupted in Mexico and as a result California was cut off from Mexico and all its trade. The Mexican War of Independence was won against the Spanish Crown in 1821 and the Mexican government began dividing up land that was once owned by the Catholic Church to the highest bidder. The land that would become Newport Beach was predominantly owned by Don Sepulveda and Don Bernardo Yorba, who later sold most of their holdings to American entrepreneurs Flint, Bixby, and Irvine McFadden, also known as the McFadden brothers.⁷

The area's coastline was described as treacherous and swamp-like with land being sold for \$1 an acre. The McFadden brothers looked to develop the area into a "new port" for their shipping business between the hubs of Los Angeles and San Diego and the name Newport stuck. Their shipping company became the largest business in the newly created Ocean County. Problems continued with gaining access to the bay, so the McFadden brothers developed McFadden Wharf (present day location of Newport Pier) in 1888. In order to efficiently move more

⁷ Baker, G. 2004. Newport Beach, A HarborTown History. Santa Barbara, California: HarborTown Histories.

products, a railroad was built on the wharf in 1891, called the Santa Ana & Newport Railroad.⁸ Despite the improvements, the neighboring port of San Pedro became Southern California's dominant seaport, not Newport as the McFadden brothers had hoped. In 1899, the McFadden Wharf and railroad were sold to the Southern Pacific Railroad, transitioning the area from a commercial shipping hub to a resort and vacation destination.⁹

The early 1900s brought new subdivisions to Newport Beach, including Corona del Mar, East Newport, Balboa, and Balboa Island. This was after the establishment of the Pacific Electric's "surf line," which ran along the coastline from Long Beach (nicknamed the Red Cars). Local developers dredged the bay and created human-made islands to establish land adequate for new residential developments. With the increase in residences came civic improvements.¹⁰ In 1906, the City of Newport Beach was incorporated, claiming to have 700 residents, though the majority were only summertime residents. Development during this period included small hotels, beach cottages, and tourist attractions such as the Balboa Pavilion and the Balboa Pier (Exhibit 1). Improvements to the area continued, including jetty construction and further dredging of the harbor. Development was slowed by the start of World War I and an economic depression.¹¹

Exhibit 1. Pacific Electric's Red Car Line taking visitors to the Balboa Pavilion, 1910.



Source: City of Newport Beach, Historic Photos: A Look Back in Time,
<https://nbgis.newportbeachca.gov/gispub/NewportStoryMaps/HistoricPhotos/>.

The City's first organized effort for harbor development began in the 1920s and lasted into 1936, when the harbor reopened with a thoroughly dredged entrance and bay. Newport Bay became a pleasure boat harbor rather than a

⁸ Cassis, C. 2022. "Vibrant Figures in Newport Beach History: From 'Swamp' to 'New Port.'" The Epoch Times. September 8, 2022.

⁹ Brigandi, P. 2009. "Early Newport Beach." OC Historyland. <https://www.ochistoryland.com/earlynb>.

¹⁰ Brigandi 2009.

¹¹ Gray, P.L. 2003. Images of America: Newport Beach. Chicago, Illinois: Arcadia Publishing.

commercial port, resulting in a lack of year-round permanent residents. Earlier industries such as salt mines, canning, and fishing gave way to sport fishing, yacht building, and yacht sales. Development during this period continued to be focused along the ocean and on the Balboa Peninsula, with new human-made islands such as Lido Isle constructed into the 1930s.¹² Newport Boulevard (State Route 55) and Pacific Coast Highway (State Route 1) provided access to Newport Beach from the north, east, and west. The start of World War II brought a new need for industries to the area that allowed for the construction of more year-round residences. During the 1940s, Newport Beach became a hub for naval ship construction and repair, with shipyards working on a nonstop schedule. The Federal government assisted in new development by setting up military installations and developing the area as an unofficial “Army Air Corps rest and relaxation site.”¹³

After World War II, many veterans returned to the area to build new homes in developments such as Newport Heights. These residences were predominantly small-scale, one-story in height, and constructed in popular architectural styles of the period such as Minimal Traditional and Ranch. The area also attracted upscale developments such as luxury hotels, sail and yacht clubs, and remodeled beach cottages turned into estates. Blue-collar jobs from earlier decades such as fishing and canning were gradually replaced with new white-collar industries such as communications, research, electronics, and medicine. Retail shopping centers, such as Fashion Island, which opened in 1967, became a major draw to the area and helped push further growth of hotels, restaurants, office buildings, and residential developments (Exhibit 2).¹⁴ Smaller homes constructed in the 1940s and 1950s were gradually replaced in the 1990s and 2000s by larger, two-story residences in some instances constructed to fill almost the entire lot. Tourism remains an integral part of Newport Beach’s economy and the area is known for its beaches and recreational activities such as golf, sailing, and swimming.¹⁵

¹² Gray 2003.

¹³ Brigandi 2009.

¹⁴ NBCC (Newport Beach Chamber of Commerce). 2022. “About Newport Beach.” Accessed October 10, 2023. <https://www.newportbeach.com/about-newport-beach/#:~:text=Home%20to%20a%20world%2Dfamous,%2C%20science%2C%20medicine%20and%20development>.

¹⁵ Gray 2003.

Exhibit 2. Construction of Fashion Island, 1967.



Source: City of Newport Beach, Historic Photos: A Look Back in Time,
<https://nbgis.newportbeachca.gov/gispub/NewportStoryMaps/HistoricPhotos/>.

5.3 Previously Recorded Historic Resources

As discussed in Section 4, Regulatory Review, there are many laws and agencies that designate and regulate historic resources at all levels of government. For this reason, there are several methods to identifying historic sites and multiple databases with information regarding them. The most comprehensive and up to date database is the California Historical Resources Information System (CHRIS). However, the information in CHRIS is not publicly available and conducting a CHRIS records search requires significantly more time and funding than other methods. Moreover, a CHRIS records search is not typical or necessary for a General Plan update. For these reasons, this analysis relies on a review of sites formally listed in the NRHP, CRHR, or as California Historical Landmarks (CHLs), as well as sites included in the Built Environment Resource Directory (BERD). BERD provides information on historic resources in the Office of Historic Preservation's (OHP) inventory. The OHP inventory contains information only for cultural resources that have been processed through OHP. This includes resources reviewed for eligibility to the NRHP and the California Historical Landmarks programs through federal and state environmental compliance laws, and resources nominated under federal and state registration programs. Because the BERD only includes information that has been processed through the OHP office, it is not a completely comprehensive and up to date listing of all eligible and designated properties. Nonetheless, it provides a good sense of significant and potentially significant historical sites in the City.

Current listings were reviewed from the NRHP (2023), California Historical Landmarks (2023), and BERD to obtain information about historical resources in Newport Beach that have either been listed or determined eligible for the NRHP, CRHR, and/or local listing. According to the BERD, 23 historical resources have been recorded in Newport Beach (the Stuft Shirt building (also known as A'maree's or the Windows by the Bay building at 2241 West Coast Highway is not listed on the BERD as of November 2023). See Figure 1, Historical Resources in Newport Beach, for all listed historical resources within Newport Beach. The Crystal Cove Historic District is listed on the OHP website as located within the City of Laguna Beach and therefore is not included in the below analysis, despite being previously listed in the 2006 City of Newport Beach General Plan.



SOURCE: ESRI World Street Map

DUDEK 0 1,250 2,500 Miles

FIGURE 1
Historical Resources Located in the City of Newport Beach
City of Newport Beach Comprehensive General Plan Update

Federal and State

Four historical resources were formally listed in the NRHP as individual properties and are also listed in the CRHR (Status Code 1S). Those properties are the Balboa Inn (intact), Bank of Balboa-Bank of America site (intact), Lovell Beach House (intact), and Wild Goose (yacht) (intact). The Balboa Inn and the Bank of Balboa-Bank of America are also locally listed in the City Register of Historical Property.

Eight resources were determined eligible for the NRHP by a consensus through Section 106 process and are also listed in the CRHR (Status Code 2S2). Those properties are the Newport Bay West Jetty/Mission Bay Jetty (intact), Newport Bay East Jetty/Mission Jetty (intact), First Republic of Newport (intact), MacArthur Centre/Verizon Candidate "The Duke" (intact), Irvine Company (intact), Bloomingdale's Fashion Island (intact), Newport Beach Marriott Hotel & Spa (partially demolished), and B K Stone Building (McFadden Building) (intact). None of these properties are also locally listed.

One property, the Stuft Shirt building (intact), also known as A'maree's or the Windows by the Bay building, was submitted for nomination by Federal Preservation Officers, but has not been formally listed on the NRHP. The property is listed on the CRHR.

The Balboa Island Fire House #4 (demolished) was determined eligible for listing in the CRHR by the State Historical Resources Commission (Status Code 2CS). . This property was not locally listed.

A search of the Orange County California Historical Landmarks identified seven properties in Newport Beach. Three of those properties were identified in the Built Environment Resource Directory including the Balboa Inn, Bank of Balboa-Bank of America, and Lovell Beach House. Three properties are listed as California Historical Landmarks including the McFadden Wharf (replaced by Newport Pier), Old Landing site (demolished—plaque at corner of Pacific Coast Highway and Bayshore Drive), and the Site of First Water-to-Water Flight (plaque at foot of Balboa Pier).

Local

Newport Beach has 10 designated Register of Historical Property properties with various classifications (Table 1). Those include the Balboa Pavilion (Class 1; intact), Rendezvous Ballroom Site (Class 5; building lost to fire—plaque in place), Jolly Roger (Dippy's)/Wilma's Patio (Class 4; intact), Balboa Inn (Class 1; intact), Bank of America Site (Class 5; intact), Balboa Theater (No Classification Listed; partially demolished), Dory Fishing Fleet (Class 1; intact), Balboa Saloon (Class 3; intact), Solar House (Class 2; intact), and Goldenrod Avenue Footbridge (Class 3; intact).

The Mariner's Medical Arts complex (also known as The Neutra Building) at 1901 Westcliff Drive, has not been formally designated by the City but is eligible for listing. In 2009, the building was slated for demolition prior to the City becoming aware of its potential significance as work of renowned architect, Richard Neutra. The property was purchased in 2021 for rehabilitation and the new owners are working closely with the City to complete the project.

According to the current City Register of Historical Property classification system, only buildings or structures rated as Class 1,2,3, or 4 shall be deemed a "qualified historical building or structure" for purposes of applying the HBC contained in NBMC Chapter 15.13, or any successor chapter. Therefore, the Rendezvous Ballroom Site and the Bank of America Site are not considered locally qualified historical buildings or structures.

Table 1. Historic Resources Located in the City of Newport Beach

Name	Address	NRHP	CRHR	CHL	CNB
B K Stone Building (McFadden Building; intact)	2100 Ocean Front	X	—	—	—
Bank of Balboa/Bank of America Site (intact) ¹	611 E Balboa Blvd.	X	X	—	X
Balboa Inn (intact)	105 Main St.	X	X	—	X
Balboa Pavilion (intact)	400 Main St.	—	—	—	X
Balboa Saloon (intact)	700 E. Bay Ave.	—	—	—	X
Balboa Theater (partially demolished)	707 E. Balboa Blvd.	—	—	—	X
Bloomingdale's Fashion Island (intact)	701 Newport Center Dr.	—	X	—	—
Dory Fishing Fleet (intact)	110 McFadden Pl.	—	—	—	X
First Republic of Newport	3991 MacArthur Blvd.	—	X	—	—
Goldenrod Avenue Footbridge (intact)	Corona Del Mar, links the 300 and 400 blocks of Goldenrod Ave.	—	—	—	X
Irvine Company (intact)	500 and 520 Newport Center Dr.	—	X	—	—
Jolly Roger (Dippy's)/Wilma's Patio (intact)	203 Marine Ave.	—	—	—	X
Lovell Beach House (intact)	1242 West Ocean Front	X	X	—	—
MacArthur Centre/Verizon Candidate "The Duke" (intact)	4667 MacArthur Blvd.	—	X	—	—
McFadden Wharf (replaced by Newport Pier)	Newport Pier	—	—	X	—
Newport Bay East Jetty/Mission Jetty (intact)	—	—	X	—	—
Newport Bay West Jetty/Mission Bay Jetty (intact)	—	—	X	—	—
Newport Beach Marriott Hotel & Spa (partially demolished)	900 Newport Center Dr.	—	X	—	—
Old Landing Site (demolished—plaque in place)	Pacific Coast Hwy. and Bayshore Dr.	—	—	X	—
Rendezvous Ballroom Site ¹ (building lost to fire—plaque in place)	600 Ocean Front	—	—	—	X
Site of First Water-to-Water Fight (plaque)	Balboa Pier	—	—	X	—
Solar House (intact)	804 S. Bay Front	—	—	—	X
Stuft Shirt (intact)	2241 West Coast Hwy.		X	—	—
Wild Goose (yacht; intact)	2431 West Coast Hwy.	X	X	—	—

Notes: NRHP = The property is listed on the National Register of Historic Places; CRHR = The property is listed on the California Register of Historic Resources; CHL = The property is listed as a California Historical Landmark; CNB = The property is listed on the City Register of Historical Property.

- ¹ According to the current City Register of Historical Property classification system, only buildings or structures rated as Class 1,2,3, or 4 shall be deemed a “qualified historical building or structure” for purposes of applying the HBC contained in Newport Beach Municipal Code Chapter 15.13, or any successor chapter. Therefore, the Rendezvous Ballroom Site and the Bank of America Site are not considered locally qualified historical buildings or structures.

6 Issues and Opportunities

The City has multiple documents guiding the treatment of historic properties, including a process for listing a property on the City Register of Historical Property and the adopted Historical Resources Element, Arts and Cultural Element, Land Use Element, Housing Element, and Natural Resources Element. These documents provide a valuable base for the City's historic preservation program. Building upon this base will help the City achieve its goals of recognizing, maintaining, and protecting Newport Beach's unique historical, cultural, and archeological sites and structures. By updating the Historical Resources Element, the City can provide clearer guidance to property owners, developers, City staff, and the community at large on the importance of historic preservation and the specific actions needed to achieve it. Section 7, Recommendations, serves to help guide the City in optimizing all available options to achieve the goals in terms of historical resources. This reinforcement will not only ensure the protection of Newport Beach's historical and cultural assets but will also foster a stronger sense of pride and appreciation for Newport Beach's rich history.

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7 Recommendations

The City has a strong foundation in place for an effective and fully integrated historical resources program. The following recommendations are presented for consideration to provide the City with opportunities to strengthen its role as a leader in historic, archaeological, and tribal cultural resource preservation. Recommended solutions range from short-term actions to longer-term commitments by the City. As goals and policies are crafted for consideration in the updated Historical Resources Element, feedback from staff members from across the different departments should be incorporated, in addition to feedback from the Newport Beach Historical Society, for example. Taking a comprehensive approach to historic preservation will enhance the identification and assessment of historical assets and will also aid in honoring the heritage of Newport Beach; offering educational experiences for residents, businessowners, employees, and visitors; and bolstering Newport Beach's economic well-being. The following recommendations have been organized into three categories: short-term (less than two years), medium-term (two to five years), and long-term (five years or more). This organizational structure is intended to help the City prioritize the implementation of recommendations and layout a clear path to building upon the City's historical resources program.

7.1 Short-Term Recommendations

7.1.1 Dedicated Preservation Staff

Preservation staff or local commissions typically review permits for demolition or alteration of historical resources, administer Mills Act programs (see Section 7.3.2, Develop a Mills Act Program), and designate new landmarks (see Section 7.2.3, Increase City Destinations). They are often responsible for commenting during the CEQA process regarding known historic resources or properties that require consideration as historic resources. In many communities, they are also important advocates for historic preservation and a great resource for property owners on preservation techniques and practices.¹⁶ The goal of having embedded dedicated preservation staff is to provide support to all other recommended solutions within this report and guide the City through those processes. Additionally, preservation staff and applicable City staff should also be trained on the prehistoric and ethnographic background of Newport Beach to ensure staff are prepared to make appropriate decisions related to applications and permits.

Currently, historic preservation is administered through CEQA by community development staff. It is recommended that the City hire or train a current staff member to be a preservation planner, whose job is to provide guidance and assistance to the City Council and potential Historical Resources Commission. The preservation planner should meet the Secretary of the Interior's Professional Qualification Standards for Architectural History or have a degree in Historic Preservation Planning.¹⁷ Staff may assist in register applications and create a more streamlined and consistent application process. Additionally, by becoming a Certified Local Government (CLG), the City's preservation staff would have access to a listserv hosted by OHP (see Section 7.3.1, Become a Certified Local Government). It is a communication tool that offers OHP and CLGs the opportunity to submit suggestions or

¹⁶ Los Angeles Conservancy. 2023. "Dedicated Historic Preservation Staff and/or Commission." Accessed October 9, 2023. <https://www.laconservancy.org/dedicated-historic-preservation-staff-and-or-commission/>.

¹⁷ More information on the Secretary of the Interior's Professional Qualifications Standards can be found here: <https://www.nps.gov/articles/sec-standards-prof-quals.htm>.

questions to other members of the listserv. OHP staff also use the listserv to forward information about training opportunities, publications, grants, and a variety of technical assistance to CLGs.¹⁸

7.1.2 Streamline and Clarify Landmarking Process

Under the current City Register of Historical Property landmarking process, the City Council may designate historical properties that have importance to the history or architecture of Newport Beach. Under this process, an owner applies to the City Council, requesting historical review of their property. The City Manager then submits the applications to the Parks, Beaches, and Recreation Commission; the Arts Commission; and the Newport Beach Historical Society for review and recommendation before submitting the application to the City Council for consideration. The City Council, itself or on the recommendation of the Parks, Beaches and Recreation Commission; the Arts Commission; or the Newport Beach Historical Society, may initiate submission of an application for designation of a structure or site as a historic property. Submitting applications to three separate committees/interested parties slows down the application process and removes the opportunity for unbiased input.

By streamlining this process and developing a Historical Resources Commission, the City could increase the speed in which applications are reviewed and create a board of specialized personnel that have experience, interest, and a deeper understanding of the landmarking process.

The City places historical properties into five different classes; however, this classification system came from the 1992 Ad Hoc Historic Preservation Advisory Committee's Historic Resource Inventory, an unadopted City survey. Due to the high number of class options and the lack of detail distinguishing the differences between the classes, this system is likely to cause additional confusion with potential applicants as to which historic properties are under local protection and which are not. These five classes could be consolidated into fewer, more streamlined categories. As an alternative, the City could provide further explanation of what the classes mean and how to distinguish their differences. This would assist in the public's understanding of the City's classification system and what those classes mean for the City's long-term preservation goals.

Additionally, in the NBMC (Section 20.38.070, Landmark Structures), a "landmark structure" is defined as a structure listed on the NRHP, constructed on or before December 12, 1950. It is unknown where the date of December 12, 1950, came from, and it appears to be arbitrary in relation to historic properties. In order to streamline and clarify the landmarking process, it is recommended that the City apply the standard age-based threshold used by the NRHP and the CRHR that considers the historical significance of resources that are 50 years of age and older for potential listing in Federal and State registration programs. Setting this standard would allow for properties of the more recent past to be considered a "landmark structure," in addition to those on the NRHP.

¹⁸ OHP. 2023b. "Why Become a Certified Local Government (CLG)." Accessed October 9, 2023. https://ohp.parks.ca.gov/?page_id=23581.

7.1.3 Sensitivity Analysis and Development of Assessment Thresholds for Archaeological and Tribal Resources

Contrary to built environment resources, archaeological and tribal cultural resources are often unidentified and are inadvertently encountered during ground disturbing activities. The 2006 General Plan provides expectations for City staff to determine when archaeological assessments would be required but does not include specific thresholds to guide staff regarding under what circumstances an assessment is appropriate. Sensitivity zones and the development of thresholds and protocols would provide City staff with guidance to determine the need for additional assessments customized to project conditions. A sensitivity analysis would involve a records search of the California Historical Resources Information System and NAHC's Sacred Land File, as well as a review of literature and archival documents related to the natural and cultural landscapes of Newport Beach. The result would include the identification of archaeological sensitivity zones based on analysis of the data collected and any information provided by consulting tribes during the SB 18 process and a set of clear assessment thresholds and protocols communicated in a narrative and flow chart form.

7.1.4 Separate Paleontology from Historical Resources Element

At the time the City's policies and procedures related to archaeological and paleontological resources were written, CEQA was organized to include the guidelines for paleontological resources with cultural resources. Since then, CEQA has reorganized to include paleontological resources within the geological and soils section. Opportunity exists for the City to organize the General Plan consistent with CEQA by editing the policies and procedures to remove paleontological resources from the Historical Resources Element and place them within the Natural Resources Element. This recommendation would impact the following adopted Historical Resources Element policies: Policy HR 2.1: New Development Activities (largely replicated in adopted Policy NR 18.1: New Development), Policy HR 2.2: Grading and Excavation Activities (largely replicated in adopted Policy NR 18.2: Maintenance of Database Information), and Policy HR 2.4: Paleontological or Archaeological Materials (largely replicated in adopted Policy NR 18.4: Donation of Materials).

7.1.5 Provide Public Education Opportunities

The adopted Historical Resources Element includes Policy HR 1.3: Historical Landmarks, which encourages the placement of historical landmarks, photographs, markers, or plaques at areas of historical interest or value. While historical landmarks exist within Newport Beach, there appears to be no accessible way to locate them online. In order to properly create a sense of placemaking, it is recommended that the City advertise any existing plaques to better connect the public with culturally important heritage sites.

Educating residents, businessowners, and visitors alike is an essential component to an effective historical resources program and Historical Resources Element. Additional opportunities exist for the City to engage the public and provide education on historic preservation and the history of Newport Beach. As a key local interested party, the Newport Beach Historical Society can be helpful in implementing these public outreach efforts. Recommendations that can assist in the resolution of this issue within the General Plan include policies that require the training/hiring of dedicated preservation staff to assist in public outreach and education efforts, identifying and preserving landmark

businesses that could assist in the placemaking of the City, and developing a citywide survey and historic context statement, which would generate more opportunities for public outreach and conversations about historic preservation.

The City should consider incorporating a separate goal and set of policies related to public awareness within the updated Historical Resources Element. Outreach and education should include the history of Newport Beach, as well as the City's processes and practices to preserve and protect cultural resources. Policies in support of this recommended goal could include the following:

- **Expand resources such as historic landmarks, photographs, markers, and plaques or self-guided walking tours** as a means to promote and celebrate historic preservation in Newport Beach. Publish such information on the City's website to encourage thoughtful conversation about the history of Newport Beach.
- **Coordinate with local preservation organizations**, like the Newport Beach Historical Society, to research, conduct outreach, and develop programs and activities to encourage and support historic preservation and cultural tourism.
- **Encourage local interested parties and historical societies to partner together, consolidate, and share materials** such as historic photographs, firsthand historical accounts and interviews, and any additional archival information. This could be done through the establishment of a City-recognized historical society or platform that welcomes representatives from various existing groups to share resources and collectively provide input to the City on historical resources. If the City were to pursue a CLG, as described in Section 7.3.1, the City could do this through the establishment of an adequate and qualified historic preservation review commission.
- **Promote extensive public participation in the identification and designation of historically or culturally significant buildings, structures, sites, areas, and/or places** to update and maintain the City's Register of Historical Property.
- **Collaborate with academic institutions and jurisdictions that share a common history** to gain access to a wider range of information and diversify the ways in which Newport Beach provides outreach and public education.
- **Explore establishing a grant program for historic preservation**, potentially partnering with local historic preservation organizations like the Newport Beach Historical Society.

7.2 Medium-Term Recommendations

7.2.1 Develop a Citywide Historic Context Statement and Survey

Jurisdictions throughout the state are embracing historic context statements as the foundation for preservation planning. Contexts are typically used to describe the broad patterns of historical development of a community or region represented by the physical development and character of the built environment. Currently the City's Criteria for Selection for a City Register of Historical Property includes mention of rare structures displaying a building type, design, or indigenous building form; outstanding examples of structures displaying original architectural integrity, structurally or stylistically, or both; and unique structures or places that act as focal or pivotal points important as a key to the character or visual quality of an area. A citywide historic context statement and survey would assist in determining if a structure is rare, outstanding, or unique by providing valuable background information for identifying and evaluating resources. A historic context statement would identify important themes, events, patterns

of development, and describe the different property types, styles, builders, and architects associated with these periods and themes. It would provide the basis for evaluating significance and integrity by providing registration requirements for the evaluation of historical resources in consideration of both historical significance and integrity requirements specific to the eligibility requirements criteria established by the City for historical resources. A context statement would be the template for identifying, evaluating, and developing plans for the treatment of historical resources, which is currently lacking in the City's historic preservation program.

Following the development of a historic context statement, a citywide survey is also recommended for Newport Beach. A citywide survey is the process of identifying and gathering data on a community's historical resources and maintaining an inventory of this data. Citywide surveys are typically updated every 5 to 10 years. A survey will provide the City with essential tools for making informed planning and zoning decisions with respect to historical resources and assist with CEQA findings by providing 'substantial evidence' required for defensible documents. The data will help to identify potentially significant properties, prioritize preservation goals and objectives, and increase the public's understanding of and appreciation for the built environment. The survey aspect of this recommendation would likely be most efficiently managed in conjunction with implementation of long-term recommendations noted in Section 7.3 (Long-Term Recommendations) as maintaining a system for the survey and inventory of historic properties is a requirement for participating in the CLG Program (see Section 7.3.1, Become a Certified Local Government). Additionally, CLG grant funding could be utilized to help support the development of a citywide historic context statement and survey.

7.2.2 Develop a Citywide Prehistoric and Ethnohistoric Context Statement

Prehistoric and ethnocentric context statements have become increasingly important to jurisdictions across California, to acknowledge the tribal past of a given area. For similar reasons provided for the creation of a historic context statement, it is recommended that the City create a prehistoric and ethnohistoric context statement. Development of a prehistoric and ethnohistoric context would establish the foundation for the revised policies and procedures. The context statement would identify important themes, events, and general sensitivity zones and would provide the basis for determining the necessity of archaeological assessments. A context statement would be the template for identifying, evaluating, and developing plans for the treatment of archaeological resources, which is currently lacking in the City's historic preservation program. This effort should also include an update to the City's current policies and procedures to ensure they are consistent with current State regulations and professional standards.

7.2.3 Increase City Destinations

As of 2023, the Newport Beach has 10 properties listed in the City Register of Historical Property. Due to the City's rich development history, it is likely that there are other properties within Newport Beach that would meet any of the designation standards for architectural significance. Due to the lack of designations, there is an overall lack of protections for historic properties. This includes smaller residential properties such as cottages (as defined in Section 20.38.060.A.3. (Exception for Cottage Preservation) of the NBMC, which were integral in the development of Newport Beach. Special attention should be given to properties of this type and their protection as distinctive elements of the City's history.

Opportunities exist for the City to encourage the public to nominate properties for designation. The first step towards this is through becoming a CLG (see Section 7.3.1, Become a Certified Local Government), which would provide the City with technical assistance, credibility and consistency with the NRHP and CRHR, streamlining with the Secretary of the Interior's Standards, and access to funding for preservation activities. Additional recommendations that can assist in the resolution of this issue include developing a citywide survey and historic context statement, which would identify potential historic landmarks; developing a Mills Act Program as an economic incentive; and streamlining the landmarking process to create more opportunities for future designations.

7.2.4 Identify and Preserve Legacy Businesses

The preservation of long-operating local small businesses preserves community character. The City has not yet created a program to preserve legacy businesses, and identified legacy businesses could benefit from the development of a citywide legacy business program. A legacy business program is an initiative to recognize, honor, and support longstanding businesses within a community that have made significant contributions to its history, culture, and identity. These programs typically aim to preserve and celebrate businesses that have operated for a substantial period of time, often multiple generations.

Upon considering a legacy business program, implementation of a legacy business program could include grant funding support, legacy business establishment criteria, technical and logistical assistance to identified legacy businesses, and marketing support.

7.3 Long-Term Recommendations

7.3.1 Become a Certified Local Government

The City could apply to become a CLG. By becoming a CLG, the City would have access to multiple benefits including technical assistance, credibility and consistency with the NRHP and CRHR, streamlining with the Secretary of the Interior's Standards, and access to funding for preservation activities. Becoming a CLG would also assist the City with subsequent recommendations including development of a citywide survey and historic context statement, technical assistance for dedicated preservation staff, and consistency with Federal and State standards and regulations through streamlining the landmarking process. As a CLG, the City would gain access to new funding opportunities including CLG grants, which would help support important activities such as a citywide survey, preparation of an NRHP district application, or the update of an ordinance. Despite the CLG Program assisting in standardization, it allows for City autonomy to dictate the content of historic preservation plans or ordinances and select and appoint individual local preservation commissioners by local government officials.

The 1980 amendments to the NHPA of 1966, as amended, provided for the establishment of a Certified Local Government (CLG) Program to encourage the direct participation of local governments in the identification, evaluation, registration, and preservation of historic properties within their jurisdictions and to promote the integration of local preservation interests and concerns into local planning and decision-making processes.¹⁹ In order to apply to become a CLG, the City must first ensure the following requirements are met:

¹⁹ OHP (Office of Historic Preservation). 2023a. "Certified Local Government Program (CLG)." Accessed October 9, 2023. https://ohp.parks.ca.gov/?page_id=21239.

1. Enforce appropriate State or local legislation for the designation and protection of historic properties.
2. Establish an adequate and qualified historic preservation review commission by local law.
3. Maintain a system for the survey and inventory of historic properties.
4. Provide for adequate public participation in the local historic preservation program.
5. Satisfactorily perform the responsibilities delegated to the CLG.

After ensuring that the above five basic requirements are met, the City may complete an application signed by the chief elected official of the applying local government, which will be reviewed by OHP. If the applicant meets the criteria, OHP will forward the application and recommend certification to the National Park Service (NPS) who makes the final certification decision. When the NPS is in agreement with OHP's recommendation, a certification agreement is signed by OHP and the local government, completing the certification process. There does not appear to be a cost for the application. The Certified Local Government Program Application & Procedures can be found on the OHP's website here: <https://ohp.parks.ca.gov/pages/1072/files/CLG%20Manual%202010r2.pdf>. For any additional information the City may contact the NPS at CLG_info@nps.gov.

As of 2023, there are 69 CLGs in the State of California and three located within Orange County: Santa Ana, Tustin, and San Clemente.²⁰ OHP is required to sub grant a minimum of 10% of its yearly allocation of Federal funds from the Historic Preservation Fund Grants Program to CLGs. These are local governments where the NPS has certified their preservation programs. The OHP awards CLG grants on a competitive basis; the local government must provide a 40% match that can be a combination of public funds, private funds, and allowable in-kind donations. The grants support local preservation efforts and result in highly valuable documents for residents and planning staff.

As such, the updated Historical Resources Element could consider a policy that the City apply to become a CLG and maintain status in accordance with OHP requirements. Although the recommendation has been identified as long-term due to its multi-step implementation process, the City should consider committing to becoming a CLG on a more short- or medium-term basis to plan for and accomplish some of the medium-term actions, such as the development of citywide historic context statement and survey (see Section 7.2.1 Develop a Citywide Historic Context Statement and Survey).

7.3.2 Develop a Mills Act Program

The Mills Act encourages the restoration and preservation of historic properties by allowing interested owners to receive a break on their property taxes in exchange for their historic preservation and restoration efforts. As such, the Mills Act is the single most important economic incentive program in California for the restoration and preservation of qualified historic buildings by private property owners. The Mills Act Program is administered and implemented by local governments. Mills Act contracts are between the property owner and the local government granting the tax abatement. Each participating local government establishes a Mills Act program through a formal ordinance or less formal resolution, sets its own criteria, and determines how many contracts will be allowed in its jurisdiction.²¹ This would encourage the protection of Newport Beach's heritage and assist in the identification and safeguard of historical resources.

²⁰ NPS (National Parks Service). 2023. "Certified Local Governments." Accessed October 17, 2023. https://grantsdev.cr.nps.gov/CLG_Review/search.cfmhttps://grantsdev.cr.nps.gov/CLG_Review/Results.cfm.

²¹ OHP. 2023c. "Mills Act Program." Accessed October 9, 2023. https://ohp.parks.ca.gov/?page_id=21412.

