

APPENDIX C
Cultural Resources Letter Report

May 14, 2018

9688

David Shissler, PE
Director of Water Quality
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92561

Subject: Cultural Resources Letter Report in Support of the Bluebird Canyon Outfall and Diversion Structure Rehabilitation Project, City of Laguna Beach, Orange County, California

Dear Mr. Shissler:

Dudek was retained by the City of Laguna Beach to provide supplemental cultural resources services in support of proposed rehabilitation efforts for the Bluebird Canyon Outfall and Diversion Structure within the City of Laguna Beach, Orange County, California. These services included analysis of previous records search results, conducting a pedestrian survey of the project area, and preparation of this letter report in compliance with the California Environmental Quality Act (CEQA) and all applicable local municipal guidelines.

PROJECT LOCATION AND DESCRIPTION

The project site is located within the City of Laguna Beach, Orange County, California. The proposed project site is located off the Bluebird Canyon Drive beach access area, between 1585 South Coast Highway and 1601 South Coast Highway. The study area is located within Section 25, Township 7 South, Range 9 West on the Laguna Beach U.S. Geological Survey (USGS) 7.5-minute quadrangle map (2015); latitude 33.52966° and longitude -117.77346°. Attachment A: Figures 1 and 2, show the regional location and local vicinity, respectively.

One newly identified resource (Dudek-S-001) was recorded within the project boundary. Dudek-S-001 is the existing Bluebird Canyon Outfall and diversion structure, consisting of is an 84-inch reinforced concrete pipe that discharges seasonal flows to the beach (Attachment A: Figures 3 and 4). Located under Glenneyre Street and South Coast Highway, the structure is approximately 900 feet long, and terminates with a concrete headwall. The diversion structure was built in 1968 and is located approximately six feet from the main storm drain outlet.

The proposed project would demolish sections of the Bluebird Canyon Outfall and the outlet structure and reconstruct it in order to stabilize the facility, construct wing walls and new headwalls, and if required, demolish and replace the existing diversion piping and concrete well for the Diversion Structure to the Bluebird Canyon Lift Station.

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REGULATORY SETTING

State

This study was completed in compliance with California Public Resources Code (PRC) Section 5024.1, Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) (California PRC Section 21000 et. seq.), and Section 15064.5 of the CEQA Guidelines (California Code of Regulations Section 15000 et. seq.). PRC Section 5024.1 requires the identification and evaluation of historical resources that may be affected by a proposed project. This memorandum was requested to document the cultural resources within the vicinity of the project, as well as their full avoidance during construction.

California Environmental Quality Act

CEQA requires a lead agency to determine whether a project may have a *significant effect* on historical resources (CCR Section 21084.1). If it can be demonstrated that a project will cause damage to a *unique archaeological resource*, the lead agency may require 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 (Section 21083.2[a], [b], and [c]).

Section 21083.2(g) defines a *unique archaeological resource* as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

A *historical resource* is a resource listed in, or determined to be eligible for listing, in the California Register of Historical Resources (CRHR) (Section 21084.1), a resource included in a local register of historical resources (CCR Section 15064.5[a][2]), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (CCR Section 15064.5[a][3]).

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PRC Section 5024.1, CCR Section 15064.5, and PRC Sections 21083.2 and 21084.1 were used as the basic guidelines for this cultural resources study. PRC Section 5024.1 requires an evaluation of historical resources to determine their eligibility for listing in the CRHR. The purpose of the CRHR is to maintain listings of the state's historical resources and to indicate which properties are to be protected from substantial adverse change. The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the National Register of Historic Places (NRHP), 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:

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

Impacts to significant cultural resources that affect the characteristics of any resource that qualify it for the NRHP or adversely alter the significance of a resource listed on or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from “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” (CEQA Guidelines, Section 15064.5 [b][1], 2000). **Material impairment** is defined as demolition or alteration “in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register...” (CEQA Guidelines Section 15064.5[b][2][A]).

California State Assembly Bill 52

Assembly Bill 52 of 2014 (AB 52) 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. AB 52 formalizes the lead agency – tribal consultation process, requiring the lead agency to initiate consultation with interested California Native American groups that are traditionally and culturally affiliated with the project, including tribes that may not be federally recognized. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report.

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Section 4 of AB 52 adds Sections 21074 (a) and (b) to the PRC, which address **tribal cultural resources** and cultural landscapes. Section 21074 (a) defines tribal cultural resources as one of the following:

- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- 2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Section 1 (a)(9) of AB 52 establishes that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” Effects on tribal cultural resources should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which 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]).

The disposition of burials falls first under the general prohibition on disturbing or removing human remains under California Health and Safety Code Section 7050.5. More specifically, remains suspected to be Native American are treated under CEQA at CCR Section 15064.5 and cite language found at PRC Section 5097.98 that illustrates the process to be followed in the event that remains are discovered. Further, if human remains are discovered during the construction of the proposed project, no further disturbance to the site shall occur and the Orange County Coroner must be notified (PRC 15064.5 and 5097.98). If the Coroner determines the remains to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased, and the MLD may then make recommendations as to the disposition of the remains.

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Local

City of Laguna Beach- Land Use Element

The Laguna Beach General Plan identifies archaeological resources as warranting protection in the Land Use Element of their General Plan, which was last updated on February 7, 2017.

The Land Use element defines archaeological resources as Sensitive Resources in this element. Policies pertaining to sensitive resources include the following:

Policy 2.8 Require building design and siting to be compatible and integrated with natural topographic features, minimize significant alteration of natural topography and/or other significant onsite resources, and protect public views as specified in the Design Guidelines and the Landscape and Scenic Highways Resource Document. Action 2.8.1 Update the City's Landscape and Scenic Highways Resources Document and adopt it as an element of the General Plan. (Short-term implementation.) (Same as Actions 2.6.1 and 3.9.1.)

Action 2.8.2 Establish criteria for placement of new development on the most suitable area of the lot to maximize the preservation of sensitive resources. (Same as Action 3.10.1)

Policy 10.2 Design and site new development to protect natural and environmentally sensitive resources such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize landform alterations. (Same as Policy 7.3)

Action 10.2.1 Adopt standards that require new development and related improvements to be located on the most suitable areas of the site so as to maximize safety and the preservation of sensitive resources. (Short-to-medium term implementation.)

Action 10.2.4 Encourage open space dedication to guarantee preservation of natural and sensitive resources whenever appropriate. (Ongoing implementation -short-to-long-term.)

Policy 10.6 Require all fuel modification to be located within the site being developed. Exceptions may be granted for existing legal building sites when findings can

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be made by the approval authority that other alternatives are not available and a strict application of this provision would endanger environmentally sensitive resources or deny a property owner reasonable use of an already existing legal building site. Fuel modification performed by private property owners cannot go beyond property lines without agreement by the adjacent property owners. Fuel modification on public land to protect existing development should be avoided whenever feasible; if avoidance isn't feasible, measures must be employed to minimize the amount of fuel modification necessary on public land. (Similar to Policy 7.6.)

City of Laguna Beach- Historic Preservation Ordinance

Intent and Purpose

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings and their settings, structures, objects, monuments, sites, places, and areas within the city that reflect special elements of the city's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage to achieve the following objectives:

- A. Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history;
- B. Enhance the visual character of the city by encouraging the preservation of those buildings which make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;
- C. Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
- D. Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists and visitors;
- E. Promote the private and public use of historic resources for the education, prosperity and general welfare of the people;
- F. Stabilize and improve property values within the city.

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BACKGROUND RESEARCH

Records Search

On May 24, 2016, Dudek requested a California Historical Resources Information System (CHRIS) records search at the South Coast Central Information Center (SCCIC), located on the campus of California State University, Fullerton. The June 9, 2016 SCCIC returned results included mapped prehistoric, historical, and built-environment resources; Department of Parks and Recreation (DPR) site records; technical reports; archival resources; and ethnographic references. Additional consulted sources included historical maps of the project site, the NRHP, the CRHR, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. The confidential records search results are also provide in Attachment B.

Previously Conducted Cultural Resource Studies

The SCCIC records indicate that eight previous cultural resources technical investigations have been conducted within 1.0-mile (1,608 m) of the project area between 1971 and 2012. One of these previous studies overlap with the project area. All eight technical investigations are summarized below in Table 1.

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Table 1.
Previously Technical Studies Within the One-Mile Search Buffer

Report Number	Author	Year	Report Title	Proximity to APE
OR-00240	Magalousis, Nicholas M.	1978	Archaeological Excavation Report for Northern Corner of Bluebird Canyon Drive and Pacific Coast Highway Laguna Beach, California	Outside
OR-00293	Magalousis, Nicholas M.	1978	Archaeological Salvage Report for One Segment of Site 4-ORA-577	Outside
OR-01147	Whitney-Desautels, Nancy A. and Fred Sundberg	1991	Archaeological Survey of the Diamond/Crestview Study Area Laguna Beach Orange County, California	Outside
OR-01926	Ezell, Paul H. and Carrico, Richard L.	1977	Archaeological Survey Report of Aliso Water Management Agency Project Committees 7, 11-A and 15	Outside
OR-02815	Shepard, Richard S.	2002	Historic Property Survey Report for the Laguna Beach Urban Runoff Diversion Project Laguna Beach, Orange County California	Outside
OR-02959	Wlodarski, Robert J.	2005	A Phase 1 Archaeological Study for the Brook Street Stair Improvement Project City of Laguna Beach, Orange County, California	Outside
OR-03569	Bai "Tom" Tang and Michael Hogan	2008	Historic Building Study: Residence at 580 Oak Street, City of Laguna Beach, Orange County, California	Outside
OR-04082	Pierson, Larry, Shiner, Gerald, and Slater, Richard	1987	California Outer Continental Shelf, Archaeological Resource Study: Morro Bay to Mexican Border, Final Report	Outside
OR-04179	unknown	2008	Laguna Beach Historic Resources Inventory	Overlapping

Previously Recorded Cultural Resources

The SCCIC records indicate that 14 resources have been recorded within 1.0-mile (1,608 m) of the project area. Of these, none have been recorded within the project area. The 14 resources include 10 built environment resources, and four prehistoric shell midden. All 14 resources are summarized below in Table 2.

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Table 2.
Previously Recorded Cultural Resources Within the One-Mile Search Buffer

Primary Number	Trinomial	Period	NRHP/CRHP Status	Description	Recorded By/Year	Proximity to APE
000576	000576	Prehistoric	Not evaluated	Shell midden and lithic scatter	1975 (LEONARD)	Outside
000577	000577	Prehistoric	Not evaluated	Shell midden and lithic scatter	1975 (Leonard, N.); 1976 (Carrico, R.C., Westec)	Outside
000775	000775	Prehistoric	Determined Ineligible	Shell midden and lithic scatter	1967 (Frank Tubb, PCAS); 1979 (Magalousis); 1979 (Mitchell, L., PCAS); 1986 (Mitchell, L., PCAS)	Outside
001683	001683	Prehistoric	Not evaluated	Shell midden	1976 (R. C. Carrico, Westec)	Outside
157895	-	Historic	Appears Eligible for NR	901-13 South Coast Highway- Normandy Revival Style	1981 (Kathleen Les, Environmental Coalition)	Outside
157899	-	Historic	Appears Eligible for NR	976 South Coast Highway- Mediterranean Revival Style	1981 (Kathleen Les, Environmental Coalition)	Outside
157901	-	Historic	Appears Eligible for NR	1009 South Coast Highway – Streamlined Moderne Style	1981 (Kathleen Les, Environmental Coalition)	Outside
157905	-	Historic	Appears Eligible for NR	1183 South Coast Highway- Tudor Revival Style	1981 (Kathleen Les, Environmental Coalition)	Outside
157910	-	Historic	Appears Eligible for NR	1289 South Coast Highway – Mediterranean Revival Style	1981 (Kathleen Les, Environmental Coalition)	Outside
157911	-	Historic	Appears Eligible for NR	1316 South Coast Highway – Art Deco Moderne Style	1981 (Kathleen Les, Environmental Coalition)	Outside
157914	-	Historic	Appears Eligible for NR	1450 South Coast Highway – Eclectic style	1981 (Kathleen Les, Environmental Coalition)	Outside
157915	-	Historic	Appears Eligible for NR	1464 South Coast Highway – Eclectic style	1981 (Kathleen Les, Environmental Coalition)	Outside
157939	-	Historic	Contributor to an eligible district	Historic District	1981 (Kathleen Les, Environmental Coalition)	Outside
158048	-	Historic	Individual property that is listed or designated locally	580 Oak Street	2008 (Tang, Bai "Tom" and Josh Smallwood, CRM Tech)	Outside

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Map and Historic Aerial Photography Research

Dudek consulted historic maps and aerial photographs to understand development of the project area and surrounding properties. Topographic maps are available from 1896 to the present and aerial images are available from 1938 to the present (NETR 2018). The only development that has occurred within the project area has been associated with the Bluebird Canyon Outfall, which was built in 1968. The surrounding area has continuously been developed for residential development throughout the entirety of the twentieth century. The surrounding area essentially reached its present extent in the late 1990s.

Native American Correspondence

Dudek contacted the NAHC on June 6, 2016 and requested a review of the Sacred Lands File (SLF) review. The NAHC replied via email on July 14, 2016 stating that the SLF search was completed with negative results. Because the SLF search does not include an exhaustive list of Native American cultural resources, the NAHC suggested contacting Native American individuals and/or tribal organizations who may have direct knowledge of cultural resources in or near the project. The NAHC provided a list of 19 Native American groups and individuals who may have knowledge of cultural resources in the project area. On July 22, 2016 Dudek mailed letters to all individuals listed on the NAHC's contact list. To date, two responses have been received. One response from a representative of the Agua Caliente Band of Mission Indians, stated that the area was not within their territory and they deferred to local tribes. A second response from the Viejas Band of Kumeyaay Indians stated that they were not aware of any cultural resources within the project area.

SURVEY METHODS

A Dudek archaeologist conducted an intensive pedestrian survey of the project area on July 13, 2016 using standard archaeological procedures and techniques. All field practices met the Secretary of Interior's standards and guidelines for a cultural resources inventory. Where cultural materials were encountered, Dudek collected all data necessary to complete the appropriate State of California DPR 523 series forms. Following California Office of Historic Preservation guidelines, any cultural material more than 45 years old was recorded as an archaeological site, built environment resource, or isolate, as appropriate. All fieldwork was documented using field notes and iPad technology with close-scale field maps, and aerial photographs. Location-specific photographs were taken using an Apple 3rd Generation iPad equipped with 8 mega-pixel

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resolution and georeferenced PDF maps of the project area. All field notes, photographs, and records related to the current study are on file at Dudek's Pasadena, California office.

SURVEY RESULTS

The project area is on a beach front in Laguna Beach adjacent to the Surf and Sands Hotel. Soils in the area light yellowish-gray medium to fine grained sand. One newly identified resource (Dudek-S-001) was recorded within the project boundary. Dudek-S-001 is the existing Bluebird Canyon Outfall and diversion structure. Built in 1968, the resource consists of an 84-inch reinforced concrete pipe which collects storm water from 402 acres of urban drainage surface water course and discharges to the Pacific Ocean. Visible portions of the outfall structure include the concrete pipe and the trapezoid-shaped concrete outfall headwall protruding from the sand. The headwall is a simple, utilitarian type from the 1960s, seen in variations throughout the United States. The headwall features flush wing walls and exhibits no ornamentation or remarkable engineering techniques worthy of preservation. Further, the outfall's headwall is in poor condition, as evidenced by extensive cracking in the concrete. Some portions of the headwall are so badly damaged that they leave only the steel rebar structure behind. The outfall is no longer being used and a wooden plank is blocking its opening. No additional resources were identified. The DPR for Dudek-S-001 is provided in Attachment C.

IMPACTS ANALYSIS AND RECOMMENDATIONS

The project area is located on a heavily used beachfront in the Laguna Beach area. The Bluebird Canyon Outfall, constructed in 1968, was recorded within the project boundaries. Although the structure was not formally evaluated, the outfall's lack of integrity and lack of significant engineering/design qualities make it appear ineligible under all national, state, and local designation criteria. As such, it does not appear to be an historical resource under CEQA. No prehistoric resources were identified within the area. An SLF search of the project area was conducted by the NAHC with negative results. To date, no Native American groups have indicated that the project area is within or near culturally sensitive areas. No additional work is recommended.

Unanticipated Discovery of Archaeological Resources

In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the

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Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.

Unanticipated Discovery of Human Remains

In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the Los Angeles County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, s/he shall notify the NAHC in Sacramento within 48 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descended (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

Please do not hesitate to contact me if you have any questions about this report. I may be reached via email at edenniston@dudek.com or via phone at (626) 204-9813.

Sincerely,



Erica Nicolay, M.A.
Archaeologist



Elizabeth Denniston, M.A., RPA
Archaeologist

*Att.: Attachment A – Figures
Attachment B – CONFIDENTIAL Records Search Results
Attachment C – CONFIDENTIAL DPR Record*

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REFERENCES CITED

NETR (National Environmental Title Research, LLC). 2017. Historic Aerials. Accessed March 26, 2018. <http://www.historicaerials.com/>.

ATTACHMENT A
Figures



Project Site

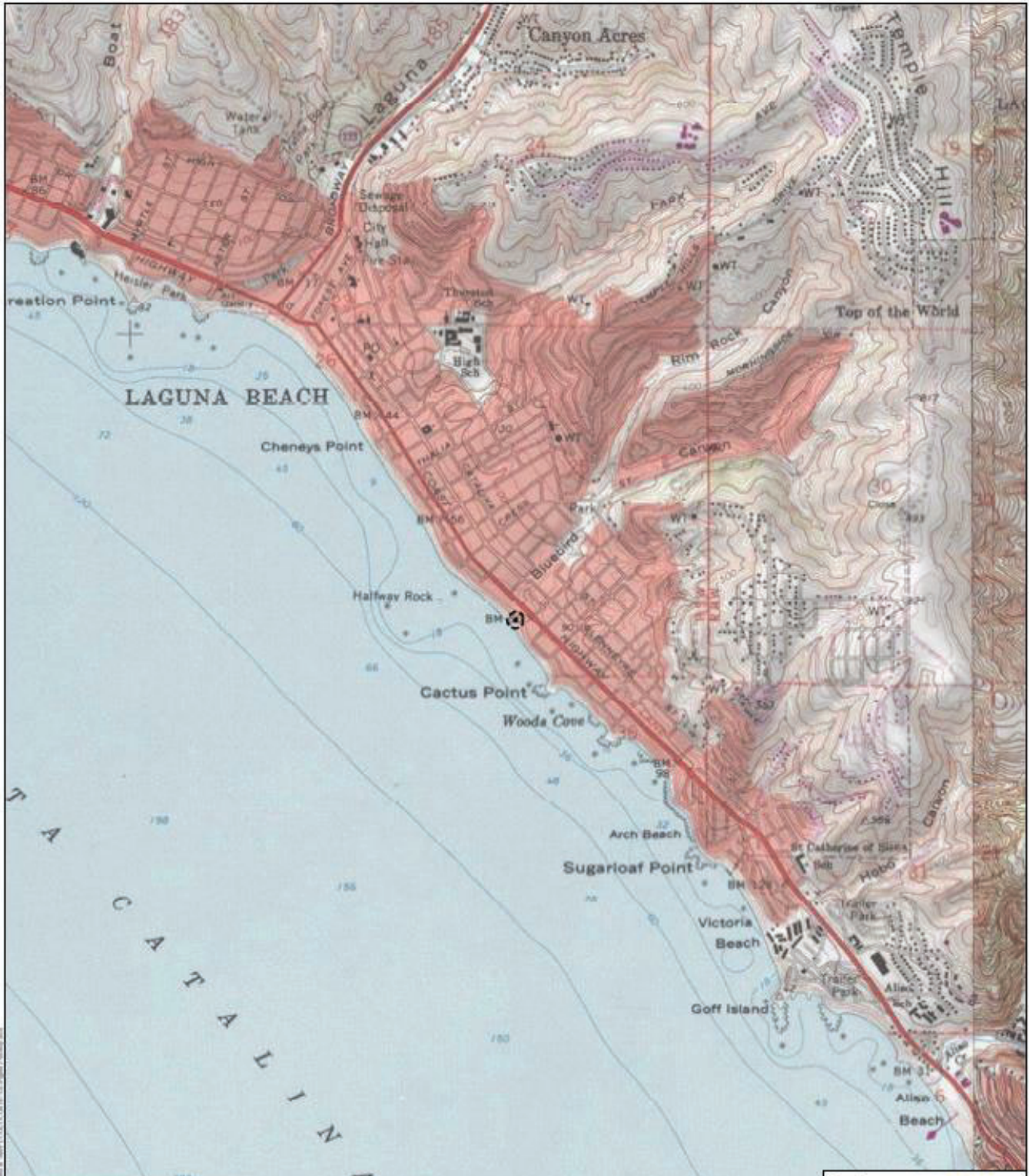
Pacific
Ocean





DUDEK

**FIGURE 1
Regional Location**

Bluebird Canyon Outfall and Diversion Structure Rehabilitation Project



-  Project Boundary
-  Study Area



SOURCE: USGS 7.5-Minute Series Laguna Beach Quadrangle.

FIGURE 2
Vicinity Map

Bluebird Canyon Outfall and Diversion Structure Rehabilitation Project



Figure 3. Outfall and diversion structure; View facing northeast.



Figure 4. Outfall and diversion structure; View facing northwest.

ATTACHMENT B

CONFIDENTIAL

Records Search Results

ATTACHMENT C
CONFIDENTIAL
DPR Record

