

## Appendix B: Cultural Resources Memo

March 30, 2023

Starla Barker  
De Novo Planning Group  
180 East Main Street, #108  
Tustin, California 92780  
Transmitted via email to [sbarker@denovoplanning.com](mailto:sbarker@denovoplanning.com)

**RE: Cultural Resources Technical Memorandum for the 385 Nyes Place Project, Laguna Beach, Orange County, California**

Dear Starla Barker,

PaleoWest, LLC (PaleoWest) was retained by De Novo Planning Group (De Novo) to conduct a cultural resource records search and archival research for the 385 Nyes Place Project (Project) in the city of Laguna Beach, Orange County, California (Appendix A, Figures 1 and 2). The Project APE occupies approximately 0.17 acres. The Project APE is along the eastern side of Nyes Place, 300 feet (ft) north of its terminus with Highland Way.

PaleoWest understands that the Project is subject to the California Environmental Quality Act (CEQA) and that the City of Laguna Beach (City) is CEQA lead agency. This technical memorandum summarizes the findings of the desktop cultural resource analysis and was prepared to assist in the CEQA-level analysis required for the Project.

## PROJECT DESCRIPTION AND LOCATION

The proposed Project involves the construction of a single-family residence. The Project APE is in a steep canyon characterized by suburban residential development, along the eastern side of Nyes Place after the road diverges from Highland Way just north of the intersection of Nyes Place and South Coast Highway. The ground surface exhibits steep slopes that range between 30 and 50 degrees (Natural Resources Conservation Service 2023). The property is currently undeveloped and has been undeveloped since at least 1896.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed Project is subject to compliance with CEQA, as amended. Compliance with CEQA statutes and guidelines requires both public and private projects with financing or approval from a public agency to assess their project's impact on cultural resources (Public Resources Code Sections 21082, 21083.2 and 21084 and California Code of Regulations [CCR] 10564.5). The first step in the process is to identify cultural resources that may be impacted by a project and then determine whether the resources are "historically significant" resources.

CEQA defines historically significant resources as “resources listed or eligible for listing in the California Register of Historical Resources (CRHR)” (Public Resources Code Section 5024.1). A cultural resource may be considered historically significant if the resource is 45 years old or older, possesses integrity of location, design, setting, materials, workmanship, feeling, and association.<sup>1</sup> In addition, it must meet at least one of the following criteria for listing in the CRHR:

- 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 construction, 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 (Public Resources Code Section 5024.1).

Cultural resources are buildings, sites, humanly modified landscapes, traditional cultural properties, structures, or objects that may have historical, architectural, cultural, or scientific importance. CEQA states that if a project will have a significant impact on important cultural resources, deemed “historically significant,” then project alternatives and mitigation measures must be considered.

## HISTORIC RESOURCES ELEMENT OF THE CITY OF LAGUNA BEACH GENERAL PLAN

The City’s General Plan (City of Laguna Beach 2020a) includes three goals and associated policies associated with historic preservation. These include:

**Goal #1** Preserve and enhance buildings and structures of historical significance in Laguna Beach. Assure that neighborhoods which have a preponderance of older homes and which greatly contribute to the village atmosphere be maintained as cohesive neighborhood units through consistency of size, scale, and character.”

***Policies:***

- 1.1 Implement an outreach program to promote the listing of historic structures on the Historic Register and improve the City’s recognition program for owners of listed historic structures to acknowledge exemplary maintenance and preservation efforts.
- 1.2 Protect historic buildings through the implementation and expansion of incentive programs specifically designed to encourage rehabilitation and preservation. Incentive programs could include flexible development standards, fee waivers, and property tax reductions.
- 1.3 Expand the Mill’s Act Contract program to include all Historic Register structures.

---

<sup>1</sup> The Office of Historic Preservation (OHP) guidelines recognize a 45-year-old criteria threshold for documenting and evaluating cultural resources (assumes a 5-year lag between resource identification and the date that planning decisions are made) (OHP 1995:2). The age threshold is an operational guideline and not specific to CEQA statutory or regulatory codes.

- 1.4 Provide a process for the City to initiate the rescission of registered structures that have been illegally modified so that they no longer meet the criteria for a historic resource.
- 1.5 Continue the current City policy to discourage the demolition of historic resources by providing incentives for relocation.
- 1.6 Ensure the preservation of historic homes by requiring the owners to record a document acknowledging their obligation and responsibilities.

**Goal #2** Continue and expand programs practices that encourage an appreciation of history and historic preservation in Laguna Beach.

*Policies:*

- 2.1 Require Heritage Committee review when design review is required for modifications to a historic resource.
- 2.2 Support the requirement that the Design Review Board emphasize compatibility, including historic character and context within deliberations of new or remodeled structures.
- 2.3 Provide specific guidelines for the rehabilitation of historic structures, including “how-to” and pictures of illustrations of successful projects.
- 2.4 Foster community pride through identification and aesthetic improvement of historic sites and areas, such as plaque programs and historically relevant brochures.
- 2.5 Require the City to identify and list all eligible City-owned structures on the Historic Register.
- 2.6 Prepare a manual showing techniques of preservation to help property owners understand what to expect during remodeling/restoration process and to provide information on how preservation can be accomplished within local ordinances.
- 2.7 Disseminate information on the provisions of the Historic Preservation Ordinance.
- 2.8 Promote the use of the State Historical Building Code.

**Goal #3** Promote community awareness of local history and historic architecture and enhance recognition of the City’s historic role as an important art colony and seaside resort.

*Policies:*

- 3.1 Increase awareness and appreciation for Laguna Beach’s cultural and historic heritage through activities and events, such as designating May, as the City’s Heritage Month.
- 3.2 Appoint a City staff person to monitor remodeling activity of historic homes to ensure compliance with approvals.
- 3.3 Appoint a City staff person as a “Historic Preservation Administrator,” to act in an advisory role to the Heritage Committee and Design Review Board.
- 3.4 Identify specific City owned vacant properties where historic buildings could be relocated when threatened with demolition.

- 3.5 Encourage property owners to seek listing for appropriate properties on the National Register of Historic Places and the California State Register of Historical Resources.
- 3.6 Work with local Historic Preservation groups to develop a program that informs new buyers of historic homes of the benefits and responsibilities of owning a historic resource.

## LAGUNA BEACH MUNICIPAL CODE ORDINANCE NUMBER 1670

In addition to the goals and policies of the General Plan, the City has also enacted Ordinance No. 1670 of the Laguna Beach Municipal Code as part of their historic preservation program (City of Laguna Beach 2022). The ordinance was amended in 2022 to further protect cultural resources. The intent and purpose of the ordinance is described below:

**25.45.002 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 encouraging the voluntary protection of historic resources representing significant elements of its history;
- B. Enhance the visual character of the City by encouraging and providing for the voluntary preservation of those buildings that reflect unique and established architectural traditions that contribute to the older neighborhoods of the City;
- C. Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;
- D. Strengthen the economy and improve property values of the City by protecting and enhancing the City's attraction to residents 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; and
- G. Achieve historic preservation through the encouragement and promotion of voluntary additions to the City's Historic Register.
- H. Recognize that the previous historic resource inventory (adopted by Ordinance No. 82.111) is ineffective for the purposes of creating a presumption of historicity of any property identified thereon.

The following changes are key components of Ordinance No. 1670:

- 1) Inclusion of the definition of the term “Historic resource” as consistent with California State law, and ensuring that the definition is not expanded beyond what is mandated by law;
- 2) Addition of “owner consent” as criteria for eligibility for local register purposes;
- 3) Elimination of references to the outdated 1981 Historic Resources Inventory;
- 4) Expanded historic preservation incentives, such as the Mills Act being expanded to all Historic Register properties, density bonuses being included in additional zones, and relaxed open space or rear setback standards being offered to historic properties.

## CULTURAL RESOURCES RECORD SEARCH

PaleoWest conducted an in-person search of cultural resource records housed at the California Historical Resources Information System, South Central Coastal Information Center (SCCIC) at California State University, Fullerton on March 21, 2023. The purpose of the record search was to identify all previous cultural resource work and previously recorded cultural resources within a 0.5-mile (mi) radius of the Project APE. A summary of the findings is provided below and in Appendix A. A California Native American Heritage Commission Sacred Lands File search and Native American outreach is being conducted as part of a separate effort by the De Novo Planning Group (Starla Barker, personal communication, March 22, 2023).

## PREVIOUS STUDIES

The SCCIC records search identified 16 previous studies within a 0.5-mi radius of the Project APE. One of the previous studies (OR-4179) included portions of the Project APE. Report OR-4179 is the City of Laguna Beach’s Laguna Beach Historic Resources Inventory (2008). A list of previous studies and their relation to the Project APE is included in Table 1.

**Table 1. Previous Cultural Resource Studies within a 0.5-mi Radius of the APE**

Report Number	Author	Year	Title	Proximity to Project APE
OR-433	Unknown	1979	Archaeological Report on the Field Testing and Literature/records CA-ORA-8/108/110 Located on the Treasure Island Mobile Home Park Located in the South Laguna Area of the County of Orange	0.05 mi south
OR-512	Romero, John B.	1935	Orange County, California, Indian Campsites	0.45 mi south/southeast
OR-00567	Crabtree, Robert H.	1976	Scientific Resources Survey (Archaeology and Paleontology) of Arch Beach Heights - Portafina Project, Laguna Beach, California.	0.45 mi south/southeast
OR-00938	Bissell, Ronald M.	1988	Status of Cultural Resources in the Wood Canyon Area, Southern Orange County, California	0.40 mi east

Report Number	Author	Year	Title	Proximity to Project APE
OR-01147	Whitney-Desautels, Nancy A. and Sundberg, Fred	1991	Archaeological Survey of the Diamond/Crestview Study Area Laguna Beach Orange County, California	0.40 mi southwest
OR-01504	Whitney-Desautels, Nancy A., Wayne H. Bonner, and Edward Marks	1996	Cultural Resources Overview of Treasure Island Trailer Park	0.35 mi southwest
OR-01826	Unknown	1979	Archaeological Literature Search, Field Survey and Assessment on the Treasure Island Mobile Home Park (Goff's Island) Located in the Laguna Niguel Area of the County of Orange	0.50 mi south/southeast
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	0.30 mi northwest
OR-02289	Unknown	1977	Reports of the Archaeological and Paleontological Resources of the Esslinger Property South Laguna, Orange County, California	0.27 mi southeast
OR-02815	Shepard, Richard S.	2002	Historic Property Survey Report for the Laguna Beach Urban Runoff Diversion Project Laguna Beach, Orange County California	0.45 mi east
OR-02986	Duke, Curt	2002	Cultural Resource Assessment AT&T Wireless Services Facility No. 13101a Orange County, California	0.37 mi northeast
OR-02989	Brown, Joan C.	2002	Cultural Resources Reconnaissance for the South Coast Water District (SCWD) Sewer Replacement on Pacific Coast Highway	0.35 mi south/southeast
OR-02990	Demcak, Carol R.	2002	Report of Archaeological Resources Assessment for AT&T Wireless Microcell Project Southern Laguna Beach, Orange County, California	0.40 mi south/southeast
OR-03296	O'Neil, Stephen, Christopher Corey, and Nancy E. Sikes	2006	Cultural Resources Inventory and Evaluation for the Proposed Aliso Creek Inn and Golf Course Project, City of Laguna Beach, Orange County, California	0.40 mi south/southeast
OR-04179*	Unknown	2008	Laguna Beach Historic Resources Inventory	Within Project APE
OR-04525	Fulton, Terri and Phil Fulton	2015	Archaeological Sensitivity Assessment, Aliso Canyon Preserve Property, County of Orange, California	0.45 mi east/northeast

\*Within or intersecting the Project APE

## PREVIOUSLY RECORDED CULTURAL RESOURCES

Three cultural resources are recorded within 0.5-mi of the Project APE. These include one prehistoric shell midden site and two historic-era buildings eligible for listing in the National

Register of Historic Places (NRHP) (Table 2). None of these resources are within or adjacent to the Project APE.

**Table 2. Previously Recorded Cultural Resources within a 0.5-mi Radius of the Project APE**

Primary Number	Trinomial	Description	NRHP/CRHR Eligibility Status	Year Recorded (Recorder)	Relationship to Project APE
P-30-000008	–	Prehistoric site consisting of an artifact area, cremation, and shell midden. Other components of the site include an effigy, trail, maze, bedrock mortars, metates, pictographs, petroglyphs, and a quarry	Insufficient information	1940 (Winterbourne, J.W.)	Approximately 0.45-mi south/southeast
P-30-0157935	–	Historic period Ibesen home. Located at 2475 South Coast Highway and consists of a Hawaiian Colonial style two-story board and batten beach house.	3S; Eligible to be listed in the NRHP	1980 (Les)	Approximately 0.30-mi west
P-30-0157936	–	Historic period Villa Rockledge, also known as the Frank Miller Home. Located at 2529 South Coast Highway. Property consists of a Spanish Mediterranean style estate with a complex of tile gabled buildings.	3S; Eligible to be listed in the NRHP	1981 (Les)	Approximately 0.30-mi west

Source: SCCIC, March 2023.

## ARCHIVAL RESEARCH

The desktop cultural resource analysis conducted by PaleoWest also included archival research of available online sources and regional overviews. Resources examined as part of this effort include the NRHP, the California Historical Landmarks (CHL) list, and the Laguna Beach Historic Register. Available historical U.S. Geological Survey (USGS) 7.5-, 15-, and 30-minute maps and aerial photographs were reviewed.

### National Register of Historic Places

On March 21, 2023, PaleoWest conducted a review of the U.S. Department of the Interior, National Park Service (NPS) online NRHP Interactive Map (NPS 2014). One NRHP-listed resource was identified within 1 mi of the Project APE, but this resource was not part of the SCCIC record search results. The resource consists of the Mariona building which is approximately 0.27 mi northwest of the Project APE. Three additional NRHP-listed properties in the vicinity of the Project APE include: St. Francis-by-the-Sea American Catholic Church, approximately 2 mi to the north/northwest; the Griffith, Edward, and America House, approximately 3 mi to the south/southeast; and the Crystal Cove Historic District, approximately 5 mi to the northwest.

### California Historical Landmarks

There are 26 CHLs recorded within Orange County, California (OHP 2023). One of these resources (CHL Number 1050, Crystal Cove Historic District) is within the City of Laguna Beach. The resource is 4.5 mi from the Project APE.



## Laguna Beach Historic Register

There are 57 properties listed in the Laguna Beach Historic Register (City of Laguna Beach 2020b). The closest property to the Project APE is a single-family residence at 259 Alta Vista Way. This property is approximately 0.06-mi northwest of the Project APE.

## Review of Historical Maps and Aerial Photographs

PaleoWest reviewed historic period topographical maps to confirm the Project APE's land use history. The 1902 USGS topographic map for *Corona, California* (1:125,000) shows the Project APE as undeveloped at the turn of the twentieth century (USGS 1902). Aerial images from 1938 and 1946, as well as a 1942 USGS topographic map for *Santa Ana, California* (1:62,500), depict moderate development in the immediate vicinity of the Project APE and show the South Pacific Coast Highway running northwest-southeast about 0.2 mi west of the Project APE (NETR 1938, 1946; USGS 1942). The houses directly west across Nyes Place from the Project APE are shown on a 1948 USGS topographic map of *Laguna Beach California* (1:24,000) (USGS 1948). The most recent 2022 USGS topographic map for *Laguna Beach, California* (1:24,000) shows that the entire area surrounding the Project APE is moderately developed (USGS 2022). On this map, the Project APE is shown on the eastern side of Nyes Place as the road bends after diverging from Highland Way, just north of the intersection of Nyes Place and South Coast Highway.

## DISCUSSIONS AND RECOMMENDATIONS

The findings of the desktop analysis indicate that the Project APE exhibits a low potential for containing archaeological resources. Results of the records search and archival research identified no previously documented cultural resources within or adjacent to the Project APE. The nearest property listed on the Laguna Beach Historic Register (259 Alta Vista Way) is 0.06-mi from the Project site but visually obscured by the terrain and other extant residences. Additionally, the steep slopes that characterize the property indicate it is unlikely that archaeological remains would be encountered during ground-disturbing activities.

Please do not hesitate to contact PaleoWest if you have any questions regarding these findings or recommendations.

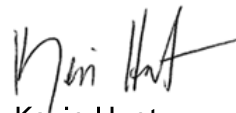
Sincerely,

PALEOWEST



Paige Kohler, M.A.

Project Manager



Kevin Hunt

Office Principal

### Attachments

*Attachment A: References*

*Attachment B: Figures*



# Attachment A: References

## REFERENCES

### City of Laguna Beach

- 2008 Laguna Beach Historic Resources Inventory. OR-04179. On file at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- 2020a City of Laguna Beach Historic Resources Element. Electronic document. Accessed on March 14, 2023 at: <https://www.lagunabeachcity.net/home/showpublisheddocument/8150/638001342413000000>.
- 2020b Laguna Beach Historic Register. Electronic document. Accessed on March 15, 2023 at: <https://www.lagunabeachcity.net/home/showpublisheddocument/9102/637527417362100000>.
- 2022 Ordinance No. 1670: An Ordinance of the City of Laguna Beach, California Amending Chapters 25.45, 25.05, 25.17, 25.18, 25.22, 25.38, 25.54, and 7.70 of the Laguna Beach Municipal Code Relating to Historic Preservation. Electronic document. Accessed on March 16, 2023 at: <https://lagunabeachgis.net/PublicAccess/api/Document/ASR41uo1a4e9uk2ÁQQBÁtG7sk0pnnTwTVws57kVF3WRRGMÁCRKNUtZ36jhaIZbZTaRNhZ0EOmBA3MIIKQNZJoOg%3D/>.

### NETR Online (NETR)

- 1938 385 Nyes Place, Laguna Beach, CA. Website accessed on March 27, 2023 at: <https://historicaerials.com/viewer>.
- 1946 385 Nyes Place, Laguna Beach, CA. Website accessed on March 27, 2023 at: <https://historicaerials.com/viewer>.

### National Park Service (NPS)

- 2024 National Register of Historic Places Online Interactive Map. Website accessed on March 30, 2023 at: <https://www.nps.gov/maps/full.html?mapId=7ad17cc9-b808-4ff8-a2f9-a99909164466>.

### Natural Resources Conservation Service

- 2023 Web Soil Survey. Website accessed on March 15, 2023 at: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

### Office of Historic Preservation (OHP)

- 1995 Instructions for Recording Historical Resources. Electronic document. Accessed on March 14, 2023 at: <https://ohp.parks.ca.gov/pages/1054/files/manual95.pdf>.
- 2023 Orange. California Historic Landmarks by County. Website accessed on March 30, 2023 at: [https://ohp.parks.ca.gov/?page\\_id=21445](https://ohp.parks.ca.gov/?page_id=21445).

### U.S. Geological Survey (USGS)

- 1902 Corona, California. 1:125,000. Website accessed on March 27, 2023 at: <https://ngmdb.usgs.gov/topoview/viewer/>.

- 1942 Santa Ana, California. 1:62,500. Website accessed on March 27, 2023 at:  
<https://ngmdb.usgs.gov/topoview/viewer/>.
- 1948 Laguna Beach, California. 1:24,000. Website accessed on March 27, 2023 at:  
<https://ngmdb.usgs.gov/topoview/viewer/>.
- 2022 Laguna Beach, California. 1:24,000. Website accessed on March 27, 2023 at:  
<https://ngmdb.usgs.gov/topoview/viewer/>

# Attachment B: Figures

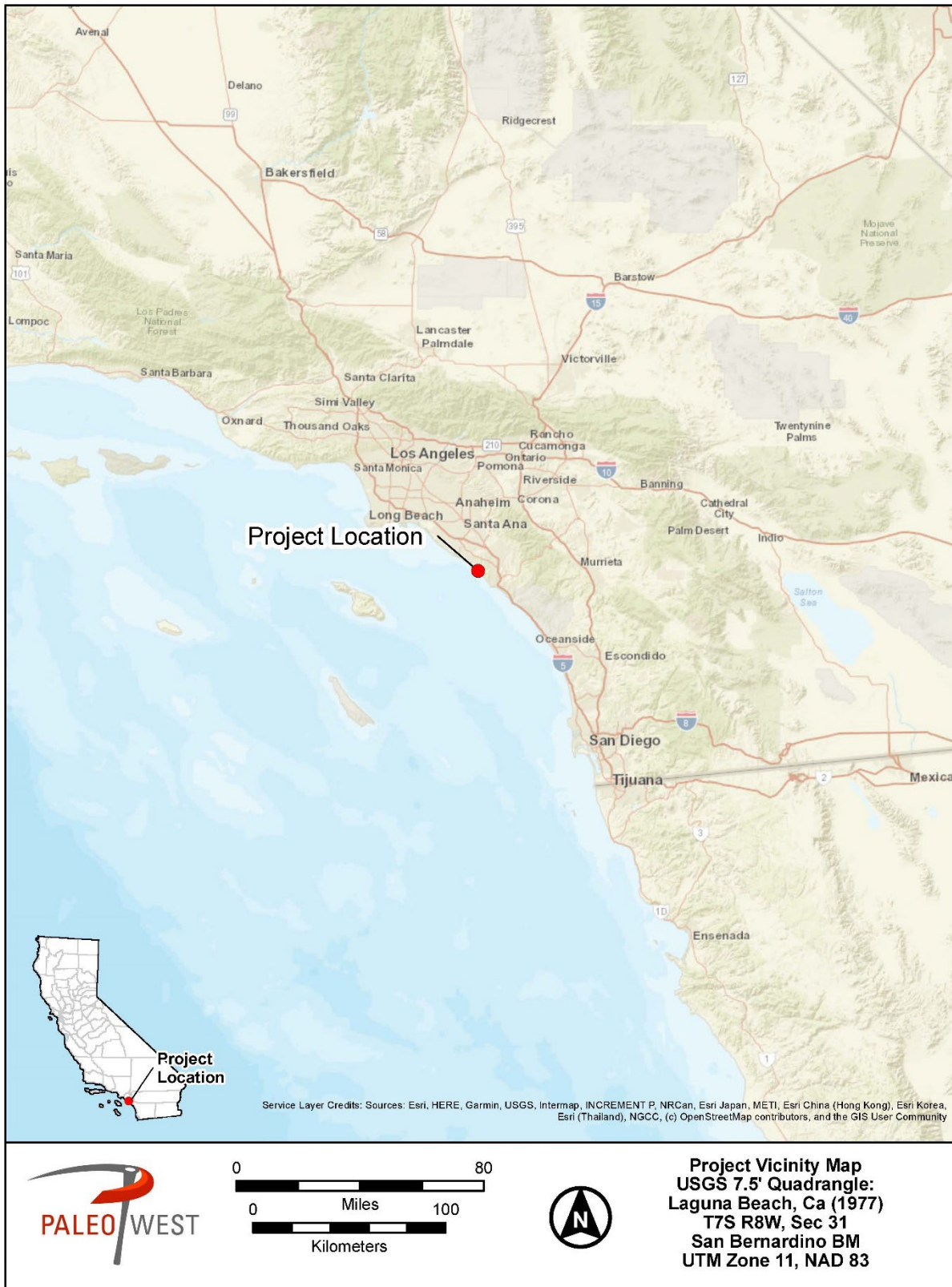


Figure 1. Project vicinity map.



Figure 2. Project location map.



This page intentionally left blank.

