

**DRAFT
INITIAL STUDY
SUPERIOR AVENUE PEDESTRIAN AND BICYCLE
BRIDGE AND PARKING LOT PROJECT
Newport Beach, CA
(Orange County)**

Prepared for:

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SECTION 1.0 – INTRODUCTION

1.1 PROJECT OVERVIEW

The City of Newport Beach (City) proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot with a range of 100 to 128 parking spaces and a fenced dog park (Project) on an approximately 3.4-acre site. The proposed bridge will connect Sunset Ridge Park to the new asphalt parking lot located at the northeast corner of West Coast Highway and Superior Avenue.

1.2 CEQA REQUIREMENTS

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 2100-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations (CCR), the City, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study (IS) to determine if the proposed project would have a significant environmental impact. If the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the IS, may cause a significant effect on the environment, the Lead Agency must find that the project would not have a significant effect on the environment and must prepare a Negative Declaration or Mitigated Negative Declaration for that project. Such determination can be made only if, “there is no substantial evidence in light of the whole record before the Lead Agency” that such impacts may occur (Section 21080(c), Public Resources Code).

This environmental documentation is intended as a formal document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not, however, a policy document and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits, and other discretionary approvals would be required. The environmental documentation and supporting analysis are subject to a public review period.

Following review of any comments received, the City of Newport Beach will consider these comments as part of the Project’s environmental review and include them with the IS documentation for consideration by the City.

1.3 PURPOSE OF INITIAL STUDY

The City has prepared this IS to provide the public and responsible agencies with information about the potential environmental impacts associated with implementation of the proposed Project. This IS includes a project-level analysis of the potential effects associated with the Project.

1.4 INCORPORATION BY REFERENCE

Pursuant to the CEQA Guidelines 15150 – Incorporation by Reference, this Initial Study / Mitigated Negative Declaration shall incorporate by reference all or portions of other technical documents and reports as a matter of public record. The documents listed below relate to the proposed Project or provides additional materials related to the proposed Project setting. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of this Initial Study/Mitigated Negative Declaration. The information incorporated

into this document is referenced in Section 5. References. The information is based on the following technical studies and/or planning documents.

City of Newport Beach General Plan (Approved on November 7, 2006)

The General Plan Environmental Impact report addresses the potential environmental effects of the City of Newport Beach's proposed General Plan Updates. This is a comprehensive plan that discusses the future potential growth and development within the City. The General Plan consists of ten of elements that covers the following areas:

- Land Use Element
- Harbor and Bay Element
- Housing Element
- Historical Resources Element
- Circulation Element
- Recreation Element
- Arts and Cultural Element
- Natural Resources Element
- Safety Element
- Noise Element

Each element discusses specific goals and policies to maintain the natural and built environments within the City. Since its adoption, sections of the General Plan have been updated including the 2008 Safety Element and the 2014-2021 Housing Element Update. The proposed Project is located within the City of Newport Beach and would be subject to the general plans' goals, policies, and guidelines to maintain the City's long-term vision.

Coastal Land Use Plan (Adopted on July 26, 2016)

The Coastal Land Use Plan was prepared in accordance with the California Coastal Act of 1976. The plan sets for the objectives and policies of land and water use within the coastal zone of the City of Newport Beach. The proposed Project is located within the coastal zone of the City of Newport Beach and would be subject to the guidelines and policies under the plan.

Local Coastal Implementation Plan (Approved on November 22, 2016).

The Local Coastal Implementation Plan is also available at the City of Newport Beach Municipal Code website which is updated as of 2019. The Local Coastal Implementation Plan is the primary tool used by the City of Newport Beach to carry out the objectives and policies of the Coastal Land Use Plan and ensure activities and other proposed development are consistent with the Coastal Land Use Plan. The proposed Project is located within the coastal zone of the City of Newport Beach and would be subject to the guidelines and policies in the Coastal Land Use Plan.

City of Newport Beach Municipal Code (Approved on April 23, 2019)

The City of Newport Beach Municipal Code covers all aspects of regulations including zoning, vehicle requirements, planning and zoning, local coastal program implementation, ordinance listing, and other development related requirements. Approved on October 26, 2010, the purpose of the Zoning Code is to carry out the policies identified in the City of Newport Beach General Plan. The Zoning Code also promotes the development of the City, protection of public health, safety, peace, comfort and general welfare. It provides guidance in the protection of the character, social, and economic vitality of the neighborhoods.

The proposed Project is located within the City of Newport Beach and would be required to comply with the objectives and policies relating to construction land uses, and development within the City of Newport Beach.

SECTION 2.0 – PROJECT DESCRIPTION

2.1 LOCATION AND EXISTING CONDITIONS

The proposed Project is located within the City of Newport Beach and is located approximately 1,000 feet from the coastline (Figure 2-1). Due to the proximity to the coast, the area receives a significant amount of pedestrian and bicycle traffic. Sunset Ridge Park, constructed in December 2014, is a 13.7-acre active park with a baseball field and two soccer fields. Visitors to Sunset Ridge Park use the existing parking lot across Superior Avenue and cross at the at-grade Superior Avenue/West Coast Highway intersection because no on-site parking is provided at Sunset Ridge Park.

Currently, an existing City-owned parking lot with 64 metered parking stalls is located at the northeast corner of this intersection. The existing Superior Parking Lot is approximately 0.64 acres, with the driveway to the parking lot at approximately 0.17 acres. Access to the existing parking lot is available via an entrance off Superior Avenue for vehicles, and via a concrete pathway from the intersection of Superior Avenue and Coast Highway for pedestrians and bicyclists. Directly east of the existing parking lot is an undeveloped piece of land with steep slopes with ground elevations ranging from approximately 10 feet near West Coast Highway to approximately 75 feet near Sunset View Park based on the North American Vertical Datum of 1988 (NAVD 88), with some existing vegetation. Properties and land uses adjacent to the Project site include Sunset Ridge Park, Sunset View Park, Villa Balboa and Newport Crest residential communities, and the lower campus of Hoag Hospital. A shopping center and the Lido Sands residential community are located to the south across West Coast Highway from the Project site.

The entire Project site is within the boundary of the coastal zone as established by the California Coastal Act and is therefore under the land use planning and regulatory jurisdiction not only of local government agencies but also the California Coastal Commission (Commission). The City of Newport Beach Local Coastal Program includes a Coastal Land Use Plan and Local Coastal Program Implementation Plan (City of Newport Beach 2017a, City of Newport Beach 2017b). The Coastal Land Use Plan sets the goals, objectives, and policies that administers uses of the land and water within its sphere of influence (excluding Newport Coast and Banning Ranch). The Coastal Land Use Plan is divided in subsections for land use and development, public access and recreation, and coastal resource protection (City of Newport Beach 2017a). The purpose of the Local Coastal Program Implementation Plan is to implement policies of the California Coastal Act to protect, maintain, enhance, and restore the coastal zone environment. Site development must be consistent with the requirements of the Local Coastal Program and Coastal Act.

2.2 PROJECT PURPOSE AND OBJECTIVES

West Coast Highway and Superior Avenue are major arterials with a high volume of vehicular traffic. The purpose of the bridge is to improve safety and access to Sunset Ridge Park and to improve the vehicular efficiency of the Superior Avenue/West Coast Highway intersection. Specifically, the objectives of the Project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.

- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

2.3 PROJECT DESCRIPTION

The City proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot and a fenced dog park approximately 3.4 acres in size. Individual Project components are outlined below.

2.3.1 Superior Avenue Pedestrian and Bicycle Bridge

The Steel Truss bridge option would span Superior Avenue and would be approximately 240 feet long, approximately 12 to 16 feet wide, and 16 feet tall. The bottom of the bridge's superstructure would be approximately 17 to 25 feet above the asphalt surface. The Steel Truss bridge would have steel members across the top of the bridge. This bridge option will be a single span bridge with steel piles to support the superstructure.

The Concrete Cast-in-Place bridge option would span Superior Avenue and would be approximately 280 feet long, approximately 12 to 16 feet wide, and 8 feet tall. The bottom of the bridge's superstructure would be approximately 17 to 25 feet above the asphalt surface. The Concrete Cast-in-Place bridge would be open and not include any ceiling or roof. This bridge option will be a 3-span structure with deep concrete foundations to structurally support the superstructure.

Minimal lighting would be provided along the bridge for safety and security. The security lighting would be down-shielded to prevent light scatter.

A new staircase will provide access to the parking lot and bridge from the north side of West Coast Highway. Additionally, the proposed Project would include the construction of a new sidewalk/bike path from the modified parking lot entrance to the proposed bridge. Access to the bridge from Sunset Ridge Park will be from the southeastern edge of the park, adjacent to the intersection of the path from Superior Avenue to the park and the bike/pedestrian path surrounding the park. The bridge access from the Sunset Ridge Park side will be approximately 145 feet from the intersection of Coast Highway and Superior Avenue. Due to the installation of the bridge, the location of the traffic signal at the intersection of West Coast Highway and Superior Avenue will need to be moved in order to provide proper height and visibility.

The proposed bridge would help facilitate movement of pedestrians and bicyclists across Superior Avenue. The bridge is being designed to be mindful of view lines and the potential for visual obstruction. The two options being considered for the bridge design include either a steel truss bridge or a concrete cast-in-place bridge as shown in the images below.

Steel Truss Bridge Concept (Single Span)



Concrete Cast-in-Place Bridge Concept (3-Span)



2.3.2 Superior Parking Lot

The proposed bridge would connect Sunset Ridge Park to a new, larger asphalt parking lot with a range of 100 to 128 parking spaces approximately 3.4 acres in size. The total area of impervious surface will include the parking lot and sidewalks, which totals approximately 65,000 square feet. Minimal additional security lighting would be provided within the parking lot for safety purposes. The security lighting would be down-shielded to prevent light scatter. Drought tolerant landscaping will be provided, and new trees will be planted. The parking lot will be operated in the same manner as the existing parking lot with paid metered parking spaces from 8 a.m. to 6 p.m.; and the parking lot would remain open for 24 hours per day.

The construction of the proposed parking lot will require demolition of the existing parking lot and significant grading and earthwork. Excavation would be greatest (up to 27 feet) at the east side of the Project site. The construction of the new parking lot would also require installation of several retaining walls with a height of up to 25 feet on the southern border of the Project site along West Coast Highway. The existing Project site is on a relatively steep slope with ground elevations ranging from approximately 10 feet by West Coast Highway to approximately 75 feet by Sunset View Park per NVAD 88. Construction of the parking lot may include a bicycle node (fix-it station) and a drinking water fountain.

Optional Road Extension to Adjacent Property

The City is currently working with the adjacent land owner (Hoag Memorial Hospital) to determine the feasibility of extending an access road through the redeveloped parking lot to connect to the lower campus of Hoag Memorial Hospital. If this option is to be exercised, the entrance from Superior Avenue will be extended to connect with the existing parking lot within Hoag Memorial Hospital.

2.3.3 Dog Park

Construction of the proposed Project would also include the installation of a fenced dog park with 6-foot tall fences, separating large and small dogs, which may include benches and trash cans. The dog park will be 0.2 to 0.3 acres in size. The dog park would require a new water service for the water fountain and for irrigation. Security lighting at the dog park would be down-shielded to prevent light scatter. Hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m. In addition, a shade structure may be installed at the dog park, approximately 10 to 15 feet in height. The top of the shade structure would be below the Sunset View Park ground elevation and would be designed to protect public coastal views.

2.3.4 Construction

Construction of the proposed Project is scheduled to begin in early 2021 and reach completion in approximately 14 to 18 months. Since existing recreational activities occur at Sunset Ridge Park (soccer in the Fall and baseball in the Spring), construction activities would be scheduled during low usage months to avoid recreational events, or these events could be relocated to an alternate location temporarily if alternate/temporary parking cannot be allowed closer to the park.

The work will occur predominantly during daytime work hours (7:00 a.m. to 4:30 p.m.); however, occasional nighttime work may be required depending on bridge design to minimize public inconvenience and provide public safety. If the City decides to proceed with the steel truss bridge option, it is anticipated that Superior Avenue would be closed at night to accommodate the installation of the proposed bridge superstructure. For nights where street closures would occur, alternate traffic routes and detour signage would be posted so as not to interfere with the public's access to the beach per Section 21101 of the Vehicle Code and Section 21.44.055 Temporary Street Closures of the Local Coastal Program Implementation Plan (City of Newport Beach 2107b). In addition, depending on the bridge design, temporary re-striping of Superior Avenue may need to occur to construct the bridge supports. Construction equipment would include a grader, excavator, dozer, loader, crane, pile driver or drilling rig, grinder, dump trucks, rollers, and asphalt paving machine. Construction staging for the proposed Project would occur within the existing parking lot. After construction of the proposed Project, Superior Avenue may need pavement rehabilitation or restoration.

Construction of the proposed Project may require intermittent sidewalk closures on Superior Avenue and the north side of West Coast Highway for the construction of bridge abutments, grading, and modifying the existing entrance to the new parking lot and landscaping.

Construction will result in the excavation of excess soil, beyond what is required for fill purposes. This excess soil of approximately 20,000 to 25,000 cubic yards will be used to fill the need for soil in local projects and is expected to be transported to locations within a radius of approximately 50 miles. Any other construction debris would be disposed of by the construction contractor consistent with City disposal requirements and those of the receiving site.

2.4 REQUIRED PERMITS AND APPROVALS

A public agency, other than the Lead Agency, that has discretionary approval power over a project is referred to under the *CEQA Guidelines* as a "Responsible Agency." Reviewing Agencies include those

agencies that do not have discretionary powers but may review the IS/MND for adequacy and accuracy. Potential Reviewing Agencies and Responsible Agencies include the following:

Responsible Agencies

State of California

- California Coastal Commission – Coastal Development Permit Amendment
- Caltrans – NEPA document lead agency

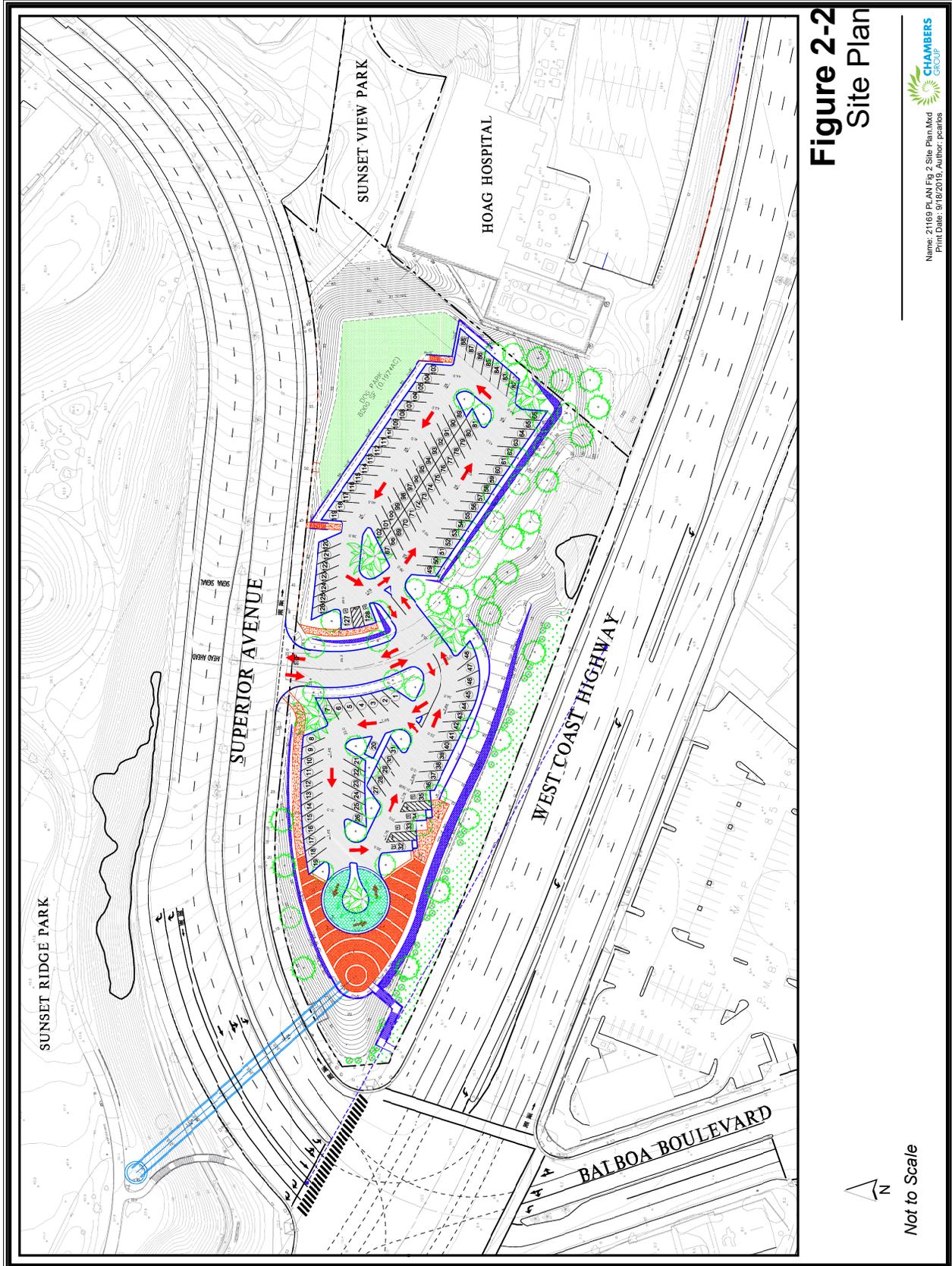
Local

- City of Newport Beach– CEQA document Lead Agency Coastal Development Permit, Grading and Building Permits

Figure 2-1 - Project Vicinity Map



Figure 2-2 - Project Location Map



SECTION 3.0 – EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if substantial evidence exists that an effect may be significant. If one or more “Potentially Significant Impact” entries are marked when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

*Note: Instructions may be omitted from final document.

SECTION 4.0 – CHECKLIST OF ENVIRONMENTAL ISSUES

4.1 AESTHETICS

1.	AESTHETICS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.1.1 Impact Analysis

a) *Would the project have a substantial adverse effect on a scenic vista?*

Less than Significant Impact. The proposed Project is construction of a bicycle and pedestrian bridge, new asphalt parking lot, and fenced dog park. The proposed bridge will span Superior Avenue from east to west by approximately 240 to 280 feet long, and 12 to 16 feet wide. The superstructure will be approximately 8 to 16 feet tall. The bottom of the superstructure will be approximately 17 to 25 feet above the asphalt surface of Superior Avenue. Depending on the structure type selection, the bridge may either be a single-span structure or a 3-span structure. Two intermediate bridge supports on Superior Avenue will be required if a 3-span structure is selected. The dog park may include a shade structure 10 to 15 feet in height and would be designed to protect public coastal views. The City of Newport Beach provides a variety of coastal and scenic viewpoints. These views include open waters, sandy beaches, rocky shores, wetlands, canyons, and coastal bluffs. Because of the grid-like pattern of the streets and highways, coastal views can be seen in these areas, especially for north-south tending streets (City of Newport Beach 2017a). According to the City’s General Plan, Coastal Land Use Plan, and Local Coastal Program, public viewpoints have been identified on southern end of Sunset Ridge Park along West Coast Highway (also known as State Route 1 or Pacific Coast Highway) and the northern perimeter of the proposed parking lot. Superior Avenue is also identified as a Coastal View Road (City of Newport Beach 2006). Policy 4.4.1-6 from the Local Coastal Program states that public coastal views must be protected from several roadway segments within the City of Newport Beach. This includes the roadway segment of Superior Avenue from Hospital Road to Coast Highway (City of Newport Beach 2017a).

Figure 4-1: Site Photographs provides character photos of the existing views toward and from the Project site. Photographs of existing conditions and the corresponding visual simulations of the

proposed Project are provided in Figure 4-2: Simulations. The key viewpoints that were chosen for these simulations are identified in Figure 4-3, with a total of 6 key viewpoints chosen for the proposed Project. The location and settings of these viewpoints are provided below.

Figure 4-2: View Point 1: View of Superior Avenue facing south. This view is from the southern portion of Sunset Ridge Park along an accessible public walking path. West Coast Highway, the Pacific Ocean, residential buildings, and a portion of the existing parking lot east of Superior Avenue can be seen looking south from this view point. The vegetation that borders Sunset Ridge Park is also visible, along with the roadway raised median, streetlight posts, traffic signal, and trees along Superior Avenue. The simulation illustrates views of the proposed pedestrian and bicycle bridge as well as the expanded parking lot for park users facing south.

Figure 4-2: View Point 2: View facing east on West Coast Highway. This view is from the western side of West Coast Highway, west of Superior Avenue, and toward the southern portion of Sunset Ridge Park. This view is located along the sidewalk facing east along West Coast Highway. West Coast Highway, the sloped area of Sunset Ridge Park, the existing parking lot at the corner of West Coast Highway and Superior Avenue, a bus stop, streetlight posts, and the traffic signal can be seen from this view point. The simulation illustrates views of the proposed pedestrian and bicycle bridge, retaining walls and staircase from pedestrians, motorists, and the residents facing east along West Coast Highway. The expanded parking lot will require the removal of the large mound of dirt on the undeveloped lot east of Superior Avenue. This mound of dirt is excess fill material from a previous project.

Figure 4-2: View Point 3: View of West Coast Highway and Superior Avenue facing north. This view is of the intersection of West Coast Highway and Superior Avenue, facing north and is adjacent to the western corner of Balboa Boulevard and West Coast Highway. The residential buildings north of Sunset Ridge Park (Newport Crest) and the existing parking lot at the corner of West Coast Highway and Superior Avenue can be viewed from this area, in addition to the landscaping, roadway raised median, streetlight posts, and traffic signal. The simulation illustrates views of the proposed pedestrian and bicycle bridge, retaining wall and staircase from pedestrians and motorists facing north towards Superior Avenue, and for pedestrians and motorists heading north along Balboa Boulevard towards West Coast Highway. From this vantage point, views of Newport Crest residential buildings north of Sunset Ridge Park are partially blocked by the bridge. However, Sunset Ridge Park is still visible from this view point.

Figure 4-2: View Point 4: View facing northwest along West Coast Highway. This view is along West Coast Highway, facing northwest towards Sunset Ridge Park. The intersection of West Coast Highway and Superior Avenue can be seen from this point. Sunset Ridge Park, the existing parking lot and landscaping can be viewed from this vantage point along with the roadway raised median, streetlight posts, and traffic signal. The simulation illustrates a view of the eastern section of the proposed pedestrian bridge, along with the proposed retaining walls, staircase and landscaping from pedestrians walking along the sidewalks of West Coast Highway.

Figure 4-2: View Point 5: View facing south on the northbound lane of Superior Avenue uphill from the proposed bridge. This view is along Superior Avenue facing south and downhill towards the intersection of West Coast Highway and Superior Avenue. Sunset Ridge Park, the Pacific Ocean,

residential buildings along West Coast Highway, the roadway raised median and concrete barrier, streetlight posts, landscaping, and the entrance to the existing parking lot can be viewed from this vantage point. The simulation illustrates views of the proposed pedestrian and bicycle bridge and expanded parking lot from pedestrians using the sidewalks walking towards West Coast Highway from Superior Avenue. The pedestrian bridge and proposed landscaping do not block the views of the Pacific Ocean or West Coast Highway.

Figure 4-2: View Point 6: View facing south on the southbound lane of Superior Avenue uphill from the proposed bridge. This view is along Superior Avenue facing south and downhill towards the intersection of West Coast Highway and Superior Avenue. The Pacific Ocean, roadway raised median and concrete barrier, and a portion of the existing parking lot and Sunset Ridge Park can be viewed from this point. The residential buildings along West Coast Highway can also be seen from this vantage point. The simulation illustrates the view from pedestrians and motorists traveling south along Superior Avenue. Pedestrians and motorists will have a clear visual of the pedestrian bridge, as well as the expanded parking lot. The construction of the bridge would not block views of the Pacific Ocean. Because of the bridge’s design, it would provide partial views of the residential buildings along West Coast Highway.

The presence of the bridge would result in a change to the views surrounding the Project vicinity, however, the introduction of the bridge is largely compatible with the viewshed which already includes views of the built environment with roads, parking areas, buildings, and recreational facilities. As shown in the simulations, the proposed bridge and parking lot would be visible within public views, but would not obstruct views of the ocean. The proposed construction activities will require significant earthwork, including grading the sloped vacant lot, which will alter the public viewpoints of the northern perimeter of the proposed parking lot through the removal of a large mound of dirt. The alterations to this view could remove an existing obstruction and provide more open views of the coast. While the proposed Project will not affect a scenic vista as there are no designated scenic vistas in the City, coastal views are considered significant vistas. As provided in the table below, the proposed Project would be consistent with policies regarding scenic and visual resources.

Table 4-1: General Plan and Coastal Land Use Policy Consistency: Aesthetics

Policy	Consistency with Policy
<p><u>General Plan NR 20.1: Enhancement of Significant Resources</u> Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.</p>	<p>Consistent. The proposed Project would not result in the significant obstruction of scenic and visual resources. The proposed Project would provide pedestrians and bicyclists a safe access to coastal views along Superior Avenue. The proposed Project would also remove the existing mound of excess fill material located on the eastern section of the proposed Project which would improve coastal views within that area.</p>

Policy	Consistency with Policy
<p><u>General Plan NR 20.3: Public Views /Coastal Land Use Plan 4.4.1-6</u> Protect and enhance public views from the following roadway segments, and other locations may be identified in the future.</p> <ul style="list-style-type: none"> • Superior Avenue from Hospital Road to Coast Highway 	<p>Consistent. The proposed Project would not result in the significant obstruction of public views along the Superior Avenue roadway segment from Hospital Road to (West) Coast Highway. The potential shade structure will be 10 to 15 feet in height and will be designed to protect public coastal views. The proposed pedestrian bridge would provide additional access to coastal views. As shown in the key viewpoints, the bridge does not obstruct views of the ocean for existing scenic viewpoints due to its height and location.</p>
<p><u>General Plan NR 20.4: Public View Corridor Landscaping/Coastal Land Use Plan 4.4.1-2 and 4.4.1-7</u> Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.</p>	<p>Consistent. The proposed Project was sited and designed to minimize impacts to public views, and will include drought-tolerant landscaping in the parking lot, which will maintain the existing aesthetic character of the area.</p>
<p><u>General Plan NR 20.5: Public View Corridor Amenities/ Coastal Land Use Plan 4.4.1-10</u> Provide public trails, recreation areas, and viewing areas adjacent to public view corridors, where feasible.</p>	<p>Consistent. The proposed Project would be consistent because of the addition of a pedestrian bridge which would provide additional viewing areas for coastal views and access to locations designed to contain viewing areas. The removal of the dirt mound on the eastern portion of the proposed Project would improve public views.</p>
<p><u>Coastal Land Use Plan: Coastal Resource Protection</u> 4.4.1-1. Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.</p>	<p>Consistent. The proposed Project has been designed such that views of the Pacific Ocean and from Coastal View Points and roads will not be impacted. The proposed Project will provide additional viewing areas for coastal views. The proposed Project would not impact harbor or coastal bluffs as none are in the area.</p>
<p><u>Coastal Land Use Plan: Coastal Resource Protection.</u> 4.4.1-4: Where appropriate, require new development to provide view easements or corridors designed to protect public coastal views or to restore public coastal views in developed areas.</p>	<p>Consistent. The proposed Project would include the addition of a pedestrian bridge which would provide additional viewing areas for coastal views and access to locations designed to contain viewing areas. The potential shade structure will be 10 to 15 feet in height and will be designed to protect public coastal views. The removal of the dirt mound on the eastern portion of the proposed Project would improve public views.</p>
<p><u>Coastal Land Use Plan: Coastal Resource Protection</u> 4.4.1-9: Design and maintain parkway and median landscape improvements in public rights-of-way so as not to block public coastal views at maturity.</p>	<p>Consistent. The proposed Project provides additional viewing areas for coastal views and access to locations designed to contain viewing areas. The bridge would provide access to unobstructed views of the coastal</p>

Policy	Consistency with Policy
<p><u>Coastal Land Use Plan: Coastal Resource Protection</u></p> <p>4.4.2-1: Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3 of the Coastal Land Use Plan, except for the following sites: Marina Park at 1600 West Balboa Boulevard, and the Former City Hall Complex at 3300 Newport Boulevard and 475 32nd Street.</p>	<p>areas. The landscaping will be maintained to not block coastal views.</p> <p>Consistent. The Steel Truss bridge will be 16 feet tall with a superstructure 17-25 feet above asphalt surface; the Concrete Cast-In-Place bridge will be 8 feet tall with a superstructure 17-25 feet above asphalt surface. Per the requirements of the Coastal Land Use Plan, and the Newport Beach Municipal Code 21.30.060.D.16, it allows structures owned, operated, or occupied by the City to exceed the height limit subject to the approval of a coastal development permit where the increase in height is necessary to accommodate design features required for a facility or structure to function. The installation of the pedestrian bridge must be built and designed to allow vehicles to access Superior Highway and West Coast Highway while providing a safe access route for pedestrians between the proposed dog park and parking lot to Sunset Ridge Park.</p>

The installation of the bridge would provide additional unobstructed views of the coast; and the bridge would be unlikely to cause obstructed views from any of the existing scenic viewpoints because of its height and location. Therefore, impacts would be less than significant.

- b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Less than Significant Impact. Pacific Coast Highway is listed as an eligible scenic highway – not officially designated, according to the Department of Transportation California Scenic Highway Mapping System (DOT 2019). The proposed Project would not include the removal of, or damage of, any rock outcroppings or historic buildings. Although the proposed Project would involve removal of trees located adjacent to the existing parking lot, these trees are ornamental and new trees will be installed within the larger proposed parking lot. The proposed Project will result in a visual impact to the area with the construction of the bridge, and grading of the vacant areas. However, the bridge will span over Superior Avenue, providing pedestrians a safe access across Superior Avenue and will allow pedestrians to view the coastal areas from a new vantage point. The potential shade structure will be 10 to 15 feet in height and will be designed to protect public coastal views. Impacts would be less than significant.

- c) *Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Less than Significant Impact. The proposed Project is in an urbanized area. The proposed Project will result in an impact to the existing visual character of the area because of the construction of the

pedestrian bridge, and grading of the vacant land across the eastern end of Superior Avenue. The proposed Project will impact the public viewpoints located at the northern perimeter of the proposed parking lot; however, with the removal of the large mound of dirt, it is possible that views from that area and the sidewalk along Superior Avenue would be improved. The proposed Project would not include the construction of buildings that would permanently obstruct the views of the coastal area. The pedestrian bridge would be consistent with the existing built environment and would provide additional and unobstructed views of the coastal areas from a new vantage point. The potential shade structure will be 10 to 15 feet in height and will be designed to protect public coastal views. Impacts would be less than significant.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less than Significant Impact. Existing light sources within the proposed Project site consist of intersection traffic signals, streetlights, and lights from nearby commercial businesses. Construction of the proposed Project would include the presence of construction vehicles and equipment that could introduce new, and temporary sources of light that could impact views for motorists driving along Superior Avenue and West Coast Highway or for pedestrians walking in Sunset Ridge Park, Sunset View Park, or along Superior Avenue.

Once operational, the proposed Project could include new permanent lighting on the bridge, at the parking lot, and dog park security lighting. Security lighting at the park and parking lot, as well as bridge lighting, would be down-shielded to prevent light scatter. The structure of the bridge may be a source of glare depending on the design, material, and color.

The proposed construction activities would occur predominantly during daytime work hours (7:00 a.m. to 4:30 p.m.); however, occasional nighttime work could be required to minimize public inconvenience. It is anticipated that Superior Avenue could potentially be closed at night to accommodate the installation of the proposed bridge's superstructure., depending on the bridge design chosen.

The proposed Project would comply with the City of Newport Beach Municipal Code 21.30.070 and 20.30.070 Outdoor Lighting standards for parking lots and other manmade objects to reduce the impacts of glare, light trespass, over lighting, sky glow, and poorly shielded or inappropriately direct lighting fixtures. Compliance with these standards would also promote safety and encourage energy conservation (City of Newport Beach 2019a). Therefore, impacts would be less than significant.

Figure 4-1: Site Photographs

	<p>Superior Avenue facing south towards the coast</p>
	<p>Channel and area to be graded facing north along Superior Avenue</p>
	<p>East of Superior Lot – Proposed Project site facing West Coast Highway</p>



Sunset Ridge Park facing North of Superior Avenue and West Coast Highway



Superior Lot at the corner of West Coast Highway and Superior Avenue facing Sunset Ridge Park

Figure 4-2: Simulations



VIEWPOINT 1: SUNSET RIDGE PARK FACING SOUTH ALONG SUPERIOR AVENUE - EXISTING



VIEWPOINT 1: SUNSET RIDGE PARK FACING SOUTH ALONG SUPERIOR AVENUE - SIMULATION - CONCRETE



VIEWPOINT 1: SUNSET RIDGE PARK FACING SOUTH ALONG SUPERIOR AVENUE - SIMULATION - STEEL TRUSS



VIEWPOINT 2: WEST COAST HIGHWAY, WEST OF SUPERIOR AVENUE - EXISTING



VIEWPOINT 2: WEST COAST HIGHWAY, WEST OF SUPERIOR AVENUE - SIMULATION - CONCRETE



VIEWPOINT 2: WEST COAST HIGHWAY, WEST OF SUPERIOR AVENUE - SIMULATION - STEEL TRUSS



VIEWPOINT 3: WEST COAST HIGHWAY AND SUPERIOR AVENUE INTERSECTION FACING NORTH - EXISTING



VIEWPOINT 3: WEST COAST HIGHWAY AND SUPERIOR AVENUE INTERSECTION FACING NORTH - SIMULATION - CONCRETE



VIEWPOINT 3: WEST COAST HIGHWAY AND SUPERIOR AVENUE INTERSECTION FACING NORTH - SIMULATION - STEEL TRUSS



VIEWPOINT 4: WEST COAST HIGHWAY EAST OF SUPERIOR AVENUE - EXISTING



VIEWPOINT 4: WEST COAST HIGHWAY EAST OF SUPERIOR AVENUE - SIMULATION - CONCRETE



VIEWPOINT 4: WEST COAST HIGHWAY EAST OF SUPERIOR AVENUE - SIMULATION - STEEL TRUSS



VIEWPOINT 5: SUPERIOR AVENUE FACING SOUTH ON THE NORTHBOUND LANE - EXISTING



VIEWPOINT 5: SUPERIOR AVENUE FACING SOUTH ON THE NORTHBOUND LANE - SIMULATION - CONCRETE



VIEWPOINT 5: SUPERIOR AVENUE FACING SOUTH ON THE NORTHBOUND LANE - SIMULATION - STEEL TRUSS



VIEWPOINT 6: SUPERIOR AVENUE FACING SOUTH ON THE SOUTHBOUND LANE - EXISTING

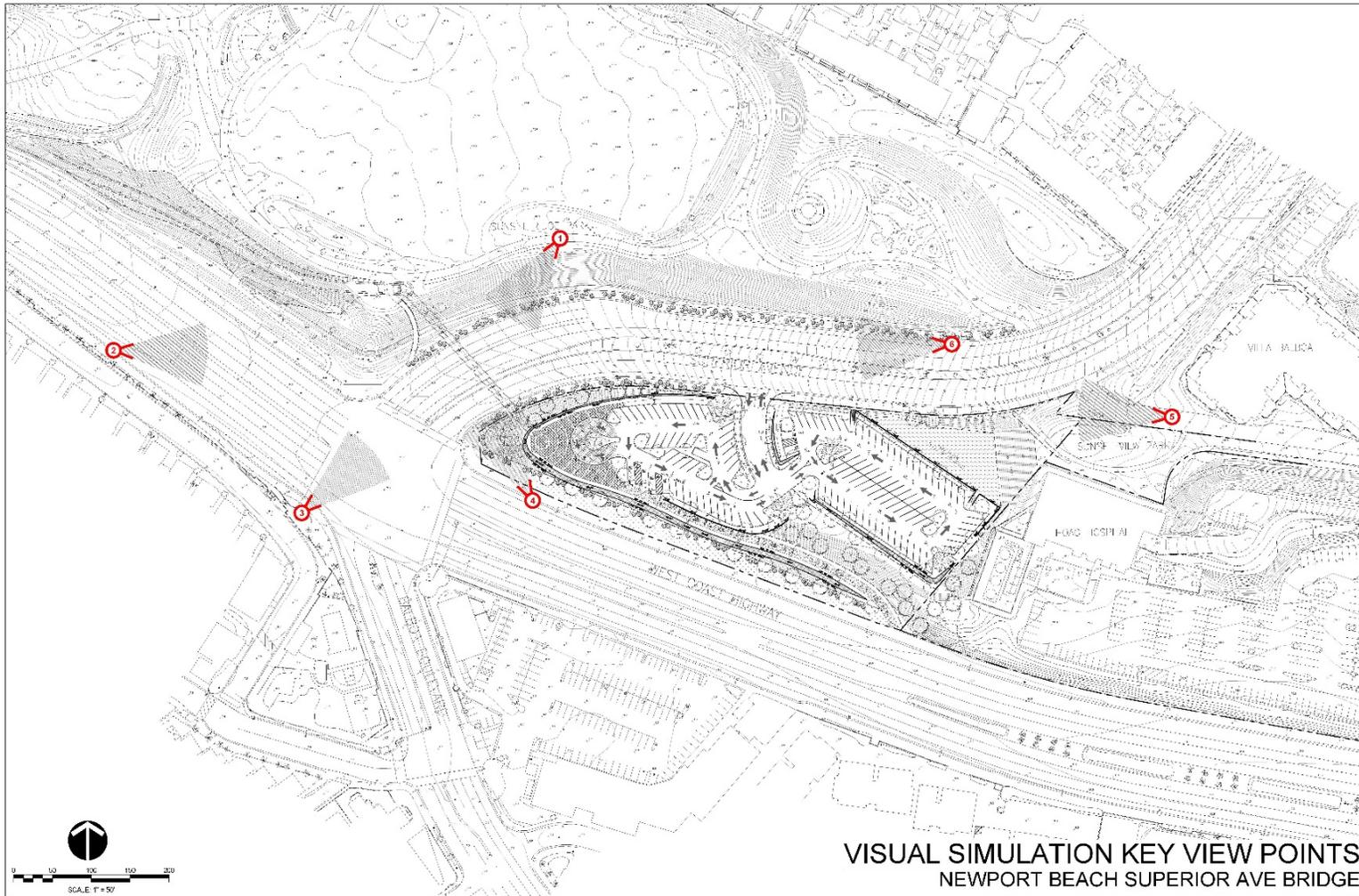


VIEWPOINT 6: SUPERIOR AVENUE FACING SOUTH ON THE SOUTHBOUND LANE - SIMULATION - CONCRETE



VIEWPOINT 6: SUPERIOR AVENUE FACING SOUTH ON THE SOUTHBOUND LANE - SIMULATION - STEEL TRUSS

Figure 4-3: Key View Point Locations



4.2 AGRICULTURE & FORESTRY RESOURCES

2.	AGRICULTURE & FOREST RESOURCES. (In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.) In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.) Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or the conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.2.1 Impact Analysis

- a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?*

No Impact. The proposed Project site is located in an area designated as Urban and Built-Up Land according to the Department of Conservation's California Important Farmland Finder Map. Sunset Ridge Park is designated both as Other Land and Urban and Built-Up Land (DOC 2016). The proposed

Project will not involve the conversion of farmlands to nonagricultural uses because no such lands are located in the proposed Project area. No impact would occur.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The proposed Project is not located within an area zoned for agricultural use. Lands that are part of the Williamson Act are lands that would discourage conversion of farmland to urban uses. The proposed Project is not located within parcels under the Williamson Act (DOC 2004). No impact will occur.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The proposed Project is not located in an area consisting of forested land. As stated in Section 4.2.1 Impact (a), the proposed Project site, and surrounding areas, are designated as Urban and Built-Up Land, and Other Land. There would be no activities that would rezone or remove forested lands and timberlands. No impact would occur.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. See previous response in Section 4.2.1 Impact (c). No impact would occur.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or the conversion of forest land to non-forest use?

No Impact. See previous response in Section 4.2.1 Impact (a) and (c). The proposed Project site is not located on lands designated for agricultural or forest uses. No impact will occur.

4.3 AIR QUALITY

3.	AIR QUALITY. (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4.3.1 Introduction

This section describes the existing air quality setting and potential effects from Project implementation on the site and its surrounding area. Construction air quality modeling was performed through use of the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. The model output is provided in Appendix A.

4.3.2 Environmental Setting

The proposed Project site is located in the City of Newport Beach that is within the County of Orange. The proposed Project site is located within the South Coast Air Basin (Air Basin), and air quality regulation is administered by the South Coast Air Quality Management District (SCAQMD). The SCAQMD implements the programs and regulations required by the federal and state Clean Air Acts.

Atmospheric Setting

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographical features. Atmospheric conditions such as wind speed, wind direction, and air temperature gradients interact with physical features of the landscape to determine their movement and dispersal, and consequently, their effect on air quality. The combination of topography and inversion layers generally prevents dispersion of air pollutants in the Air Basin.

The climate of the Air Basin lies in the semi-permanent high-pressure zone of the eastern Pacific, which results in a mild climate tempered by cool sea breezes. Although the Air Basin has a semiarid climate, the air near the surface is typically moist because of the presence of a shallow marine layer. Except for infrequent periods when dry air is brought into the basin by offshore winds, the ocean effect is dominant. Periods of heavy fog are frequent; and low stratus clouds, often referred to as “high fog” are a characteristic climate feature. Average temperatures for Newport Beach Harbor¹, range from an average low of 47 degrees Fahrenheit (°F) in January to an average high of 73 °F in August. Rainfall averages approximately 11 inches a year with almost all annual rainfall coming from the fringes of mid-latitude storms from late November to early April, with summers being almost completely dry.

Winds are an important parameter in characterizing the air quality environment of a project site because they determine the regional pattern of air pollution transport and control the rate of dispersion near a source. Daytime winds in the Air Basin are usually light breezes from off the coast as air moves regionally onshore from the cool Pacific Ocean. These winds are usually the strongest in the dry summer months. Nighttime winds in the Air Basin result mainly from the drainage of cool air off the mountains to the east, and they occur more often during the winter months and are usually lighter than the daytime winds. Between the periods of dominant airflow, periods of air stagnation may occur, both in the morning and

¹ Data from <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6175> Accessed July, 2019.

evening hours. Whether such a period of stagnation occurs is one of the critical determinants of air quality conditions on any given day.

During the winter and fall months, surface high-pressure systems north of the Air Basin, combined with other meteorological conditions, can result in very strong winds from the northeast called “Santa Ana Winds.” These winds normally have durations of a few days before predominant meteorological conditions are reestablished. The highest wind speed typically occurs during the afternoon due to daytime thermal convection caused by surface heating. This convection brings about a downward transfer of momentum from stronger winds aloft. It is not uncommon to have sustained winds of 60 miles per hour with higher gusts during a Santa Ana Wind.

Regulatory Setting

The proposed Project site lies within the Air Basin, which is managed by the SCAQMD. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), inhalable particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and lead. The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

Areas are classified under the Federal Clean Air Act as either “attainment” or “nonattainment” areas for each criteria pollutant, based on whether the NAAQS have been achieved or not. Attainment relative to the state standards is determined by the California Air Resources Board (CARB). The Air Basin has been designated by the Federal Environmental Protection Agency (EPA) as a nonattainment area for O₃ and PM_{2.5}. Currently, the Air Basin is in attainment with the NAAQS for CO, SO₂, NO₂, and PM₁₀. The Air Basin is designated as partial nonattainment for lead for the Los Angeles County portion of the Air Basin and is based on two source specific monitors in Vernon and in the City of Industry that are both near battery recycling facilities. The Orange County portion of the Air Basin is in attainment with the NAAQS for lead.

The EPA has designated Air Basin as extreme nonattainment for the 8-hour average ozone standard. In 2015, the EPA strengthened its 8-hour “primary” and “secondary” ozone standards to 0.070 parts per million (ppm). The previous standard, set in 2008, was 0.075 ppm. The SCAQMD, the agency principally responsible for comprehensive air pollution control in the Air Basin, adopted the 2016 Air Quality Management Plan (AQMP) in March 2016 that provides measures to reduce 8-hour ozone levels to below the federal standard by 2037.

Additionally, the EPA has designated the Air Basin as nonattainment for PM_{2.5} (particles less than 2.5 micrometers). In 1997, the EPA established standards for PM_{2.5}, which were not implemented until March 2002. The 1997 PM_{2.5} standard of 15 µg/m³ was attained on August 24, 2016. However, on December 14, 2012, the EPA revised the primary annual PM_{2.5} NAAQS from 15 µg/m³ to 12 µg/m³. The 2012 AQMP provides measures to reduce PM_{2.5} emissions to within the federal standard by December 31, 2025. PM_{2.5} is a subset of the PM₁₀ emissions whose standards were developed to complement the PM₁₀ standards that cover a full range of inhalable particle matter. For the PM₁₀ health standards, the annual PM₁₀ standard was revoked by the EPA on October 17, 2006; and the 24-hour average PM₁₀ attainment status was for the Air Basin was redesignated to attainment (maintenance) on July 26, 2013.

The Air Basin has been designated by CARB as a nonattainment area for ozone, NO₂, PM₁₀, and PM_{2.5}. Currently, the Air Basin is in attainment with the state ambient air quality standards for CO, SO₂, and sulfates and is unclassified for visibility-reducing particles and hydrogen sulfide. The adopted AQMPs provide measures to meet the state standards for ozone, NO₂, PM₁₀, and PM_{2.5}. Table 4-2 presents the designations and classifications applicable to the proposed Project area.

Table 4-2: Designations/Classifications for the Project Area

Pollutant	Averaging Time Standard	National Standards Attainment Date ¹	California Standards ²
1979 1-Hour Ozone (O ₃) ³	1-Hour (0.12 ppm)	Nonattainment (Extreme) 2/6/2023	Nonattainment
1997 8-Hour Ozone (O ₃) ⁴	8-Hour (0.08 ppm)	Nonattainment (Extreme) 6/15/2024	
2008 8-Hour Ozone (O ₃)	8-Hour (0.075 ppm)	Nonattainment (Extreme) 7/20/2032	
2015 8-Hour Ozone (O ₃)	8-Hour (0.070 ppm)	Nonattainment (Extreme) 8/3/2038	
Carbon Monoxide (CO)	1-Hour (35 ppm) 8-Hour (9 ppm)	Attainment (Maintenance) 6/11/2007 (attained)	Maintenance
Nitrogen Dioxide (NO ₂) ⁵	1-Hour (100 ppb)	Unclassifiable/Attainment Attained	Attainment
	Annual (0.053 ppm)	Attainment (Maintenance) 9/22/1998	
Sulfur Dioxide (SO ₂) ⁶	1-Hour (75 ppb)	Designation Pending/ Pending	Attainment
	24-Hour (0.14 ppm) Annual (0.03 ppm)	Unclassifiable/Attainment 3/19/1979 (attained)	
Particulate Matter (PM ₁₀)	24-Hour (150 µg/m ³)	Attainment (Maintenance) 7/26/2013	Nonattainment
Particulate Matter (PM _{2.5})	24-Hour (35 µg/m ³)	Nonattainment (Serious) 12/31/2019	Nonattainment
	1997 Annual (15.0 µg/m ³)	Attainment 8/24/2016	
	Annual (12.0 µg/m ³)	Nonattainment 12/31/2025	
Lead (Pb)	3-Months Rolling (0.15 µg/m ³)	Nonattainment (Partial) ⁷ 12/31/2015	Nonattainment

¹ Obtained from <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/naaqs-caaqs-feb2016.pdf?sfvrsn=14>

² Obtained from <http://www.arb.ca.gov/desig/adm/adm.htm>.

³ 1-hour O₃ standard (0.12 ppm) was revoked, effective June 15, 2005; however, the Basin has not attained this standard based on 2008-2010 data has some continuing obligations under the former standard.

⁴ 1997 8-hour O₃ standard (0.08 ppm) was reduced (0.075 ppm) in 2008; the 1997 O₃ standard and most related implementation rules remain in place until the 1997 standard is revoked by U.S. EPA.

⁵ New NO₂ 1-hour standard, effective August 2, 2010; attainment designations January 20, 2012; annual NO₂ standard retained.

⁶ The 1971 annual and 24-hour SO₂ standards were revoked, effective August 23, 2010; however, these 1971 standards will remain in effect until one year after U.S. EPA promulgates area designations for the 2010 SO₂ 1-hour standard. Area designations are expected in 2012, with Basin designated Unclassifiable/Attainment

⁷ Partial Nonattainment designation – Los Angeles County portion of Basin only. Expect redesignation to attainment based on current monitoring data.

Monitored Air Quality

The air quality at any site is dependent on the regional air quality and local pollutant sources. Regional air quality is determined by the release of pollutants throughout the air basin. Estimates of the existing emissions in the Air Basin provided in the Final 2016 AQMP, March 2017, indicate that, collectively, mobile sources account for 33 percent of the volatile organic compounds (VOC), 88 percent of the nitrogen oxides (NOx) emissions, and 35 percent of directly emitted PM_{2.5}, with another 10 percent of PM_{2.5} from road dust. However, the mobile source regulations currently in place are anticipated to reduce the share of emissions currently produced by mobile sources and by 2031 mobile source emissions are anticipated to create 14 percent of VOC emissions, 30 percent of NOx emissions and 23 percent of PM_{2.5} emissions with another 14 percent of PM_{2.5} from road dust.

The SCAQMD has divided the Air Basin into 38 air monitoring areas with a designated ambient air monitoring station representative of each area. The proposed Project site is located in Air Monitoring Area 18, which covers the coastal portion of Orange County, from Seal Beach to Newport Beach. Since not all air monitoring stations measure all of the tracked pollutants, the data from the following two monitoring stations, listed in the order of proximity to the project site have been used: Costa Mesa – Mesa Verde Monitoring Station (Costa Mesa Station) and Anaheim – Pampas Lane Monitoring Station (Anaheim Station).

The Costa Mesa Station is located approximately 3.5 miles north of the proposed Project site at 2850 Mesa Verde Drive East, Costa Mesa and the Anaheim Mesa Station is located approximately 14 miles north of the proposed Project site at 1630 W Pampas Lane, Anaheim. Since historical concentrations of carbon monoxide were found to be well below state and federal limits throughout the Air Basin, SCAQMD discontinued monitoring of carbon monoxide levels on March 31, 2013. It should be noted that due to the air monitoring stations distances from the Proposed Project site, recorded air pollution levels at the air monitoring stations reflect with varying degrees of accuracy local air quality conditions at the Proposed Project site. Table 4-3 below presents the composite of gaseous pollutants monitored from 2015 through 2017.

Table 4-3: Ambient Air Quality Monitoring Summary

Air Pollutant	2015	2016	2017
Ozone (O₃)¹			
Max 1 Hour (ppm)	0.099	0.090	0.088
Days > CAAQS (0.09 ppm)	1	0	0
Max 8 Hour (ppm)	0.079	0.069	0.080
Days > NAAQS (0.070 ppm) ³	2	0	4
Days > CAAQS (0.070 ppm) ³	2	0	5
Nitrogen Dioxide (NO₂)¹			
Max 1 Hour (ppb)	52.4	59.8	45.3
Days > NAAQS (100 ppb)	0	0	0
Days > CAAQS (180 ppb)	0	0	0
Particulate Matter (PM₁₀)²			
Max Daily California Measurement	59.0	74.0	95.7
Days > NAAQS (150 µg/m ³)	0	0	0
Days > CAAQS (50 µg/m ³)	2	3	5
State Average (20 µg/m ³)	25.3	28.0	26.9
Particulate Matter (PM_{2.5})²			
Max Daily National Measurement	45.8	44.4	53.9
Days > NAAQS (35 µg/m ³)	3	1	7
National Average (12 µg/m ³)	ND	ND	ND
State Average (12 µg/m ³)	14.7	9.4	ND

Abbreviations:

> = exceed ppm = parts per million
CAAQS = California Ambient Air Quality Standard
ND = Insufficient or No Data

ppb = parts per billion µg/m³ = micrograms per cubic meter
NAAQS = National Ambient Air Quality
Bold = exceedance

¹ Measurement taken from Costa Mesa Station

² Measurement taken from Anaheim Station

³ State and Federal EPA utilize different procedures for measuring ozone, which accounts for the results in different number of days in exceedance.

Source: <http://www.arb.ca.gov/adam/>

4.3.3 Impact Analysis

a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

Less than Significant Impact. CEQA requires a discussion of any inconsistencies between a proposed Project and applicable general plans (GP) and regional plans (CEQA Guidelines Section 15125). The regional plan that applies to the proposed Project includes the SCAQMD AQMP. Therefore, this section discusses any potential inconsistencies of the proposed Project with the AQMP.

The purpose of this discussion is to set forth the issues regarding consistency with the assumptions and objectives of the AQMP and discuss whether the proposed Project would interfere with the region's ability to comply with federal and state air quality standards. If the decision-makers determine that the proposed Project is inconsistent, the lead agency may consider project modifications or inclusion of mitigation to eliminate the inconsistency.

The SCAQMD CEQA Handbook states that “New or amended GP Elements (including land use zoning and density amendments), Specific Plans, and significant projects must be analyzed for consistency with the AQMP.” Strict consistency with all aspects of the plan is usually not required. A proposed Project should be considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies. The SCAQMD CEQA Handbook identifies two key indicators of consistency:

(1) Whether the project will result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.

(2) Whether the project will exceed the assumptions in the AQMP in 2010 or increments based on the year of project buildout and phase.

Both of these criteria are evaluated in the following sections.

Criterion 1 - Increase in the Frequency or Severity of Violations?

Based on the air quality modeling analysis contained in this Air Analysis (see data in Appendix A), it was determined that short-term construction impacts, and long-term operations impacts would not result in significant impacts based on the SCAQMD regional, local, and toxic air contaminant thresholds of significance.

Therefore, the proposed Project is not expected to contribute to the exceedance of any air pollutant concentration standards and is found to be consistent with the AQMP for the first criterion.

Criterion 2 - Exceed Assumptions in the AQMP?

Consistency with the AQMP assumptions is determined by performing an analysis of the proposed Project with the assumptions in the AQMP. The emphasis of this criterion is to ensure that the analyses conducted for the proposed Project are based on the same forecasts as the AQMP. The Regional Comprehensive Plan and Guide consist of three sections: Core Chapters, Ancillary Chapters, and Bridge Chapters. The Growth Management, Regional Mobility, Air Quality, Water Quality, and Hazardous Waste Management chapters constitute the Core Chapters of the document. These chapters currently respond directly to federal and state requirements placed on the Southern California Association of Governments (SCAG). Local governments are required to use these as the basis of their plans for purposes of consistency with applicable regional plans under CEQA. For this project, the City of Newport Beach General Plan define the assumptions that are represented in the AQMP.

The proposed Project consists of construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot, and a fenced dog park. The majority of the proposed Project site is designated as Parks and Recreation (PR) in the General Plan and is zoned Parks and Recreation (PR). It should be noted that the proposed pedestrian bridge would span Superior Avenue, which consists of public right-of-way that does not have a land use designation in the General Plan and is not zoned. The proposed Project is consistent with the current land use designations and would not require a

General Plan Amendment or zone change. In addition, project construction would be required to comply with SCAQMD Rules and Regulations, including Rules 402 and 403 that controls the emissions of air contaminants, odors and fugitive dust. Therefore, based on the above, the proposed Project is not anticipated to exceed the AQMP assumptions for the proposed Project site and is found to be consistent with the AQMP for the second criterion.

Based on the discussion above, the proposed Project will not result in an inconsistency with the SCAQMD AQMP. Accordingly, the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.

- b) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Less than Significant Impact. As shown above in Table 4-3, the proposed Project area is designated as a federal and/or state nonattainment area for ozone and PM_{2.5}. To estimate if the proposed Project may adversely affect the air quality in the region, the SCAQMD has prepared CEQA Air Quality Handbook (SCAQMD 1993) to provide guidance to those who analyze the air quality impacts of proposed projects. The SCAQMD CEQA Handbook states that any project in the Air Basin with daily emissions that exceed any of the identified significance thresholds should be considered as having an individually and cumulatively significant air quality impact. For the purposes of this air quality impact analysis, a regional air quality impact would be considered significant if emissions exceed the SCAQMD significance thresholds identified in Table 4-4.

Table 4-4: Regional Thresholds of Significance

	Pollutant Emissions (Pounds/Day)						
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}	Lead
Construction	75	100	550	150	150	55	3
Operation	55	55	550	150	150	55	3

Source: SCAQMD, <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

Project-related construction air emissions may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. In order to assess local air quality impacts the SCAQMD has developed Localized Significant Thresholds (LSTs) to assess the project-related air emissions in the project vicinity. SCAQMD has also provided *Final Localized Significance Threshold Methodology* (LST Methodology), July 2008, which details the methodology to analyze local air emission impacts. The LST Methodology found that the primary emissions of concern are NO₂, CO, PM₁₀, and PM_{2.5}.

The LST Methodology provides Look-Up Tables with different thresholds based on the location and size of the project site and distance to the nearest sensitive receptors. The proposed Project would disturb approximately 3.4 acres. Since the Look-Up Tables provide (1-acre, 2-acre, and 5-acre project sizes), the 2-acre project site was utilized, since it provides a more conservative analysis than the 5-acre project site. As detailed above, the proposed Project site is located in Air Monitoring Area 18, which covers north coastal Orange County. The nearest sensitive receptors to the Project site are

multi-family homes located as near as 165 feet (50 meters) to the south and 220 feet (67 meters) to the northeast and single-family homes located as near as 300 feet (91 meters) to the southwest of the proposed area to be disturbed as part of the proposed Project. As such, the 50-meter threshold from the Look-Up Tables was utilized to calculate the local thresholds. Table 4-5 below shows the LSTs for NOx, CO, PM10 and PM2.5 for both construction and operational activities.

Table 4-5: Local Thresholds of Significance

Activity	Allowable Emissions (pounds/Day) ¹			
	NOx	CO	PM ₁₀	PM _{2.5}
Construction	128	1,089	21	7
Operation	128	1,089	6	2

¹ The nearest sensitive receptors are multi-family homes located as near as 65 feet (50 meters) south of the project site. Source: SCAQMD's Mass Rate Look-Up Tables for two acres in Air Monitoring Area 18 found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/appendix-c-mass-rate-1st-look-up-tables.pdf?sfvrsn=2>

Construction Emissions

Construction of the proposed Project would create air emissions primarily from equipment exhaust and fugitive dust. The air emissions from the proposed Project were analyzed through use of the CalEEMod model (see Appendix A). Construction activities for the proposed Project are anticipated to begin in early 2021 and would be completed in 14 to 18 months. The first phase of construction would consist of demolition of the existing parking lot that has been estimated to require the export of up to 1,000 tons of paving debris from the proposed Project site. The second phase would be grading of the proposed Project site that would require the export of up to 25,000 cubic yards of dirt from the proposed Project site. Both the demolition and grading phase haul truck trips in the CalEEMod model were extended to 50 miles to provide a conservative analysis. Bridge construction would occur after the completion of grading, which may occur concurrently with paving, painting, and landscaping activities for the proposed Project.

Table 4-6 shows the estimated worst-case summer or winter daily emissions that would be predicted from each phase of the proposed Project, which is based on the construction equipment provided by the applicant of what is anticipated to be used during construction activities. Appendix A contains the emissions results for both seasons and Table 4-6, below, uses the worst-case emissions from either season.

Table 4-6: Construction-Related Regional Criteria Pollutant Emissions

Activity	Pollutant Emissions in pounds/day					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Demolition of Existing Parking Lot	3.33	34.59	22.95	0.05	2.46	1.64
Grading (Excavation)	3.83	66.66	30.42	0.17	7.85	3.76
Combined Bridge Construction, Paving, Painting and Landscaping	4.86	31.59	35.16	0.07	2.47	1.74
- Bridge Construction	2.08	18.93	18.12	0.04	1.49	1.05
- Paving	1.37	9.56	12.76	0.02	0.72	0.51
- Painting and Landscaping	1.41	3.10	4.28	0.01	0.26	0.18
SCAQMD Regional Thresholds	75	100	550	150	150	55

Exceed Thresholds?	No	No	No	No	No	No
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Source: CalEEMod Version 2016.3.2.

As shown in Table 4-6, short-term emissions would not exceed SCAQMD regional criteria pollutant thresholds. In addition, construction emissions would be short-term, limited only to the period when construction activity is taking place. As such, construction-related regional emissions would be less than significant for the proposed Project.

The proposed Project’s construction-related air emissions from fugitive dust and onsite diesel emissions may have the potential to exceed the state and federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the South Coast Air Basin. The nearest sensitive receptors to the proposed Project’s improvements are multi-family homes located as near as 165 feet to the south of the proposed Project site.

The local air quality emissions from construction were analyzed using the SCAQMD’s Mass Rate LST Look-up Tables and the methodology described in LST Methodology, prepared by SCAQMD, revised July 2008. In order to determine if any of the analyzed pollutants require a detailed analysis of the local air quality impacts, each phase of construction was screened using the LST Look-Up Tables. Table 4-7 shows the onsite emissions from the CalEEMod model for the different construction phases and the calculated emissions thresholds.

Table 4-7: Construction-Related Local Criteria Pollutant Emissions

Activity	Onsite Pollutant Emissions in pounds/day			
	NOx	CO	PM ₁₀	PM _{2.5}
Demolition of Existing Parking Lot	31.44	21.57	2.03	1.51
Grading (Excavation)	27.76	17.93	4.23	2.67
Combined Bridge Construction, Paving, Painting and Landscaping	30.03	32.82	1.62	1.51
- Bridge Construction	17.43	16.58	0.96	0.90
- Paving	9.52	12.19	0.49	0.45
- Painting and Landscaping	3.08	4.05	0.17	0.16
SCAQMD Thresholds for 50 meters¹	128	1,089	21	7
Exceed Thresholds?	No	No	No	No

¹ The nearest sensitive receptors are multi-family homes located as near as 165 feet (50 meters) south of the project site.
Source: CalEEMod Version 2016.3.2 and SCAQMD’s Mass Rate Look-Up Tables for two acres in Air Monitoring Area 18.

The data provided in Table 4-7 shows that construction-related emissions would not exceed SCAQMD’s local air concentration thresholds. In addition, construction emissions would be short-term, limited only to the period when construction activity is taking place. As such, construction related local air concentrations would be less than significant for the proposed Project.

Operational Emissions

The proposed Project consists of development of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot, and a fenced dog park. The proposed Project would

generate air emissions from vehicular emissions, area sources, and energy usage. The air emissions associated with the proposed Project have been calculated through use of the CalEEMod model and are based on the year 2022, which is the anticipated opening year of the proposed Project. The proposed pedestrian bridge and parking lot are not anticipated to create any additional vehicle trips; however the proposed dog park may generate additional vehicle trips. The default vehicle trips for a City Park were used in the CalEEMod model for the proposed dog park (up to 0.3 acre in size) in order to provide a worst-case scenario. Table 4-8 shows the estimated worst-case daily emissions from operation of the proposed Project.

Table 4-8: Operations-Related Regional Criteria Pollutant Emissions

Activity	Pollutant Emissions in pounds/day					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area Sources ¹	0.03	0.00	0.01	0.00	0.00	0.00
Energy Usage ²	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Sources ³	0.01	0.05	0.16	0.00	0.06	0.02
Total Project Emissions	0.04	0.05	0.17	0.00	0.06	0.02
SCAQMD Regional Thresholds	55	55	550	150	150	55
Exceed Thresholds?	No	No	No	No	No	No

Notes:

¹ Area sources consist of emissions from consumer products, architectural coatings, and landscape equipment.

² Energy usage consists of emissions from natural gas usage (no natural gas appliances are anticipated to be installed as part of the Proposed Project).

³ Mobile sources consist of emissions from vehicles and road dust.

Source: CalEEMod Version 2016.3.2.

As shown in Table 4-8, operations-related emissions would not exceed SCAQMD regional thresholds. As such, operations-related regional emissions would be less than significant for the proposed Project.

The proposed Project’s operations-related on-site air emissions may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the South Coast Air Basin. The nearest sensitive receptors to the Project site are multi-family homes located as near as 165 feet (50 meters) to the south.

The local air quality emissions from operations were analyzed in the same manner detailed above for construction emissions. Table 4-9 shows the emissions from the CalEEMod model and the emissions thresholds from the Look-Up Tables.

Table 4-9 : Operations-Related Local Criteria Pollutant Emissions

Activity	On-Site Pollutant Emissions in pounds/day			
	NO _x	CO	PM ₁₀	PM _{2.5}
Area Sources	0.00	0.01	0.00	0.00
Energy Usage	0.00	0.00	0.00	0.00
Mobile Sources	0.05	0.16	0.06	0.02
Total Project Emissions	0.05	0.17	0.06	0.02
SCAQMD Threshold for 50 meters (165 feet) ¹	128	1,089	6	2
Exceed Threshold?	No	No	No	No

Notes:

¹ Since the nearest existing sensitive receptors are multi-family homes located as near as 165 feet (50 meters) south of the project site, the 50 meter threshold was utilized.

Source: CalEEMod Version 2016.3.2.

The data provided in Table 4-9 shows that none of criteria pollutants would exceed the SCAQMD local emissions thresholds at the nearest sensitive receptors. As such, operations-related local emissions would be less than significant for the proposed Project.

Accordingly, the proposed Project would not result in a cumulative considerable net increase of any criteria pollutant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. The nearest sensitive receptors to the proposed Project site are multi-family homes located as near as 165 feet to the south and 220 feet to the northeast and single-family homes located as near as 300 feet to the southwest of the proposed area to be disturbed as part of the proposed Project. As discussed above in (b), the local concentrations of criteria pollutant emissions have been calculated for construction and operational activities. The analysis above found that less than significant criteria pollutant concentrations would occur during construction and operation of the proposed Project.

In addition, to the criteria pollutant emissions impacts analyzed above, construction activities have the potential to expose nearby sensitive receptors to toxic air contaminants (TACs), which would be created from the operation of diesel-powered equipment in the form of diesel particulate matter (DPM). According to SCAQMD methodology, health effects from TACs are usually described in terms of “individual cancer risk”. “Individual Cancer Risk” is the likelihood that a person exposed to concentrations of toxic air contaminants over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Given the relatively limited number of heavy-duty construction equipment, the varying distances that construction equipment would operate to the nearby sensitive receptors, and the short-term construction schedule, the proposed Project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. In addition, California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449 regulates emissions from off-road diesel equipment in California. This regulation limits idling of equipment to no more than five minutes, requires equipment operators to label each piece of equipment and provide annual reports to CARB of their fleet’s usage and emissions. This regulation also requires systematic upgrading of the emission Tier level of each fleet, and

currently no commercial operator is allowed to purchase Tier 0 or Tier 1 equipment and by January 2023, no commercial operator is allowed to purchase Tier 2 equipment. In addition to the purchase restrictions, equipment operators need to meet fleet average emissions targets that become more stringent each year between years 2014 and 2023. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the proposed Project.

Therefore, implementation of the proposed Project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant.

d) *Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)*

Less than Significant Impact. Any diesel equipment used during construction of the proposed Project would consist of mobile equipment that would be changing locations, allowing the odors to disperse rapidly and not impact any nearby receptors. Should diesel equipment be required during maintenance at the proposed Project site, it would also change locations, allowing the odors to disperse rapidly and not impact any nearby receptors. Construction and operation of the proposed dog park could result in accumulation of pet waste; however, a regular maintenance schedule will ensure proper handling and removal of pet waste such that objectionable odors will not be allowed to accumulate. Similarly, as part of the dog park design, waste receptacles and bags will be provided for owners' use in maintaining the dog park. Use of bags to contain pet waste limit odors from penetrating beyond the boundaries of the dog park. Further, waste receptacles will be sited to avoid locations closest to residences, while maintaining convenient locations for dog park users. In addition, the proposed dog park would include natural turf, that would be watered daily, and the regular watering and the organic processes of the turf would quickly break down any waste remnants including urine that would limit any remaining odors from penetrating the boundaries of the dog park. The Project site would not introduce any other objectionable odors. Therefore, construction and operation of the proposed Project would not create objectionable odors affecting a substantial number of people, and impacts would be less than significant.

4.4 BIOLOGICAL RESOURCES

4.	BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.	BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Have a substantial adverse effect on state or federally protected wetlands as (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.4.1 Existing Conditions

Detailed analysis related to Biological Resources is presented in Appendix B, including the Project’s Biological Resources Technical Report (Appendix B-1) and Jurisdictional Delineation Report (Appendix B-2).

Survey Methods

A field general reconnaissance survey was conducted on foot within the survey area, to identify vegetation communities present and the potential for occurrence of sensitive plant and wildlife species. The proposed Project site was also assessed for the presence of wetlands, riparian/riverine areas, vernal pools, and drainage features. During the survey, the biologists identified and mapped all vegetation communities found within the survey area onto aerial photographs and documented all plant and wildlife species observed. Plant communities were determined in accordance with the categories set forth in Sawyer et al. (2009), Holland (1986), or Gray and Bramlet (1992). Plant nomenclature follows The Jepson Manual: Second Edition (Baldwin et al. 2012). Photographs were taken of the survey area to document current site conditions (Appendix B of the Biological Resources Technical Report). Lists of plant and wildlife species observed on site were noted during the survey and are presented in Appendix C of the Biological Resources Technical Report (Appendix B-1 of this Initial Study).

Additionally, focused surveys were conducted within habitat that was determined to be suitable for California Gnatcatcher (CAGN) in 2019. Survey methodology followed current CAGN survey protocol (USFWS 1997) and the conditions of the permitted biologists’ species recovery permits. A total of three breeding season CAGN surveys were conducted by USFWS-permitted biologists Heather Franklin on August 13, 21, and 29, 2019. Each survey was conducted during favorable weather

conditions to maximize detection probability. Survey periods generally occurred between 0600 and 1200 hours. All surveys were conducted on foot by looking and listening for the target species in suitable habitat within the Survey Area for CAGN. Observations of the songs, scolds, whisper calls, flight patterns, behaviors, and plumage characteristics were used in conjunction to ascertain presence/absence of CAGN. The biologists conducted the surveys from optimal stationary locations to see and hear the target species without harming any other wildlife species in the area.

Finally, Chambers Group conducted a field survey delineation for the Project to determine the identification and mapping of wetlands within and immediately adjacent to the proposed Project site that may be subject to potential California Coastal Commission (Commission) jurisdiction. An initial survey and jurisdictional delineation of the proposed Project site and adjacent areas including the off-site slope of the north side of Superior Avenue (survey area) were conducted by Chambers Group biologists Jim Harrison and Heather Franklin on August 5, 2019. Additional follow-up delineation work was conducted Mr. Harrison on August 15, 2019. The proposed Project site and the off-site slope along the north side of Superior Avenue were surveyed on foot in order to identify areas exhibiting wetland vegetation, hydric soil indicators, and/or wetland hydrology that might denote potential Commission wetland jurisdiction. Areas of potential wetland jurisdiction were evaluated according to the current Commission criteria and when applicable the boundaries of potential jurisdictional wetlands were recorded. Additional details of the delineation are provided below and within Appendix B-2.

Biological Conditions in the Study Area

The survey area is located in the City of Newport Beach and ranges from approximately 11 to 75 feet above mean sea level (AMSL) in elevation. The survey area is located along existing paved roads with high vehicular and human activity; therefore, a high level of disturbance exists adjacent to the roads due to the presence of non-native invasive plants. Vegetation within the survey area consists of areas with planted non-native ornamental landscaping, planted native vegetation communities, and disturbed ruderal vegetation with a high percentage of non-native weedy species. Residential homes and commercial businesses are located adjacent to (within 500 feet of) the survey area.

Literature Search

Prior to performing the biological reconnaissance-level field survey, Chambers Group biologists reviewed existing documentation relevant to the proposed Project site. This literature review consisted of examining the Trust Resource Report generated through USFWS Information for Planning and Conservation (IPaC) for critical habitat on or within the proposed Project vicinity and federally listed species identified as potentially occurring in or near the proposed Project area (USFWS 2019). The most recent records in the California Natural Diversity Database (CDFW 2019) and the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California (CNPS 2019) for the U.S. Geological Survey (USGS) 7.5-minute *Newport Beach OE S, Laguna Beach, Tustin, and Seal Beach*, California, topographic quadrangles were examined. These records contain reported occurrences of federally and state listed endangered or threatened species, California Species of Special Concern, or otherwise documented sensitive species or habitats that may occur in the vicinity of the proposed Project. All critical habitat units and federally and/or State listed and

special status species occurrences that either overlap the proposed Project or that exist within 5 miles of the study area were mapped.

4.4.2 Impact Analysis

- (a) *Would the project have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less than Significant with Mitigation Incorporated. A biological study was prepared in June 2019 by Chambers Group for the proposed Project. A literature review and biological field reconnaissance-level survey was conducted in the proposed Project site. The survey area includes the entirety of the proposed Project footprint comprised of approximately 3.45 acres (Appendix B-1).

Special Status Animal Species Occurrences

Based on current conditions of the proposed Project footprint, of the 34 special status wildlife species with known records of occurrences in the survey area identified during the literature search, two regional sensitive wildlife species have a potential to be present within the proposed Project footprint, the coastal California gnatcatcher and burrowing owl.

The coastal California gnatcatcher is a federally listed threatened species and a California Species of Special Concern. Known occurrences of this species are within one mile of the survey area; however, the habitat within and directly surrounding the proposed Project footprint is sparsely vegetated and is composed of open, low lying shrubs providing poor quality nesting habitat for this species.

Two adult CAGN individuals were observed foraging in the western edge of the 500-foot buffer near the western edge of Sunset Park during the surveys conducted on August 13 and 21. No individuals were observed within the 500-foot buffer during the last survey on August 29. The two individuals were observed utilizing the area within the 500-foot buffer for foraging, no active nests or nesting behavior was observed within the buffer area. Both individuals would fly over to the southwest portion of the 500-foot buffer from Newport Banning Ranch area located west of Sunset Ridge Park to forage briefly and then return to the Newport Banning Ranch area for extended lengths. The habitat within the Newport Banning Ranch area consists of moderate to high quality. The suitable habitat that occurs within the 500-foot buffer consists of moderate to low quality habitat near the western edge of the buffer area and decreases in value to low quality throughout the areas surrounding Sunset Ridge Park (north, south, immediately west and east of the park) and within the proposed Project site. The habitat within the majority of the 500-foot buffer and the proposed Project site is low quality, consisting primarily of low-lying shrubs with an average height of 1.5 to 2 feet and is sparsely vegetated with patches of bare ground intermixed throughout. The areas surrounding Sunset Park and within the proposed Project site are lacking the higher density vegetation and mature shrubs that is required by this species for nesting. Therefore, it is likely the CAGN are utilizing the western edge of the buffer area for foraging only and nesting in the Newport Banning Ranch area, outside of the 500-foot buffer. No CAGN were observed flying or foraging closer than 480 feet to the proposed

Project site; therefore, no impacts to CAGN are anticipated to occur as a result of proposed Project activities.

The burrowing owl is a California Species of Special Concern. This species inhabits dry, open, native or non-native grasslands, deserts, and other arid environments with low-growing and low-density vegetation. It may occupy golf courses, cemeteries, road rights-of way, airstrips, abandoned buildings, irrigation ditches, and vacant lots with holes or cracks suitable for use as burrows. Burrowing owls often are found within, under, or in close proximity to man-made structures. Prey sources for this species include small rodents; arthropods such as spiders, crickets, centipedes, and grasshoppers; smaller birds; amphibians; reptiles; and carrion. Threats to the burrowing owl include loss of nesting burrows, habitat loss, and mortality from motor vehicles. Low quality habitat occurs within the eastern portion of the proposed Project footprint; however, the proposed Project site lacks connectivity to additional suitable habitat for this species. Therefore, this species has a low potential to occur within the proposed Project footprint.

Approximately 0.01 acre of *Artemisia californica-Eriogonum fasciculatum* Shrubland will be directly impacted due to proposed Project construction activities. Due to the level of disturbance in the area of the proposed Project and the high level of human activity directly adjacent to the *Artemisia californica-Eriogonum fasciculatum* Shrubland, the sensitive wildlife species with a potential to occur are not expected on the proposed Project footprint; therefore, no Project impacts to the species are expected.

Direct and indirect impacts to habitat for sensitive wildlife species or to sensitive wildlife species that may be present within natural communities located adjacent to the proposed Project footprint will be avoided or minimized with the implementation of the minimization measures. The following avoidance/minimization measures (MMs) are proposed in order to mitigate for potential indirect impacts that may occur to natural communities located adjacent to the proposed Project footprint as a result of the proposed construction activities. Implementation of these measures to result in less than significant impacts to the existing habitats.

- MM BIO-1: Project-related activities likely to have the potential to disturb suitable bird nesting habitat shall be prohibited from February 15 through August 31, unless a Project Biologist acceptable to the City of Newport Beach surveys the Project area prior to disturbance to confirm the absence of active nests. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment and/or artificial night lighting. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. If an active nest is discovered, disturbance within a particular buffer shall be prohibited until nesting is complete; the buffer distance shall be determined by the Biologist in consideration of species sensitivity and existing nest site conditions. Limits of avoidance shall be demarcated with flagging or fencing. The Biologist shall record the results of the recommended protective measures described above and shall submit a memo summarizing any nest avoidance measures to the City of Newport Beach to document compliance with applicable State and federal laws pertaining to the protection of native birds. Similarly, for preserved vegetation that occurs within 50 to 100 feet of construction activities, if

construction is occurring during the nesting season, preserved vegetation shall be surveyed for the presence of nesting birds.

- MM BIO-2: Flag or install construction fencing or silt fencing along the proposed Project boundaries to delineate construction limits and to prevent encroachment into adjacent natural communities. The limits of both the Superior and West Coast Highway wetlands will be clearly demarcated in the field and all on-site construction personnel will be informed about the wetland avoidance area prior to the commencement of construction activities. The construction contractor will install a solid protective barrier that is clearly visible to construction personnel, particularly any construction equipment operators, and that prevents any incidental discharge of soil or debris into the jurisdictional wetlands. Furthermore, a biologist will monitor the construction work to ensure that encroachment into the wetlands does not occur.
- MM BIO-3: Gravel bags should be placed along the tops of the v-ditches in order to minimize erosion and to prevent construction debris and potentially hazardous materials from entering the waterway during a rain event.

The proposed Project will not result in significant impacts to sensitive animal species because of their low potential to occur within the proposed Project site. Implementation of the listed mitigation measures will result in less than significant impacts to sensitive wildlife species and habitats within the proposed Project site.

Special Status Plant Species

No sensitive plant species (defined as federally and state listed endangered or threatened species, California Species of Special Concern, or otherwise documented sensitive species or habitats) were found during the survey. Therefore, of the 32 special status plant species with records of occurrences within the vicinity of the survey area identified during the literature search, there are no regional sensitive plant species that have a potential to be present within the survey area. There are no Project impacts anticipated to special status plant species due to proposed Project construction activities. Indirect impacts to habitat for sensitive plant species or to sensitive plant species that may be present within natural communities located adjacent to the proposed Project footprint will be avoided. As no sensitive plant species have a potential to grow in the proposed Project footprint, impacts to sensitive plant species are not anticipated and therefore, minimization measures are not necessary.

The Project site contains 0.01 acre of planted *Artemisia californica*-*Eriogonum fasciculatum* Shrubland Alliance (Coastal Sage Scrub; CSS). The Restored Coastal Sage Scrub was planted as part of a habitat restoration project in Sunset Ridge Park on the northwest side of Superior Avenue and West Coast Highway.

Construction of the project will result in temporary and permanent impacts to this planted vegetation, depending on the bridge design option selected. No matter which bridge design is chosen, permanent impacts would be limited to direct disturbance from load-supporting posts and limited impacts would occur due to shading. Areas that are temporarily impacted during construction will be replanted once construction is complete. These impacts are further described by bridge option below.

Steel Truss Bridge Design Option

The construction of a proposed pedestrian and bicycle bridge extending over Superior Avenue will result in both permanent and temporary impacts to the existing coastal sage scrub (CSS) vegetation along the slope on the north side of Superior Avenue. The extent of disturbance to the planted CSS vegetation along the slope will be limited to only those areas needed to complete the construction of the proposed bridge. In addition, the subsequent existence of the bridge structure will result in shading of the vegetation areas directly under the bridge and those areas immediately adjacent to the bridge. The duration and position of shading attributed to the bridge will vary both seasonally as well as daily.

Permanent impacts to existing CSS vegetation on the slope will occur at the base of the bridge abutment along the slope. The actual footprint of the proposed bridge abutment structure where it would make physical contact with the slope will account for approximately 640 square feet of permanent impacts to the associated CSS vegetation on the slope. In addition, there is expected to be some shading effects that would result in the permanent loss of planted CSS vegetation on the slope directly under the bridge. It is important to note that the existing CSS vegetation, which was planted on the slope as part of the special condition of the Sunset Ridge Park Coastal Development Permit, is established albeit sparse, and most plants are not yet fully mature.

It is assumed that at least 10 feet of vertical clearance between the bottom of the bridge (having a maximum width of 16 feet) and the surface of the slope is needed to provide sufficient sunlight (either fully or partially exposed light, depending on daily and/or seasonal conditions) to support the CSS vegetation on the slope directly under the bridge. The area of permanent CSS vegetation impacts due to shading would extend down the slope from the edge of the bridge abutment structure to the contour at which the 10-foot vertical clearance limit, described above, exists. Where the bridge clearance described above is greater than 10 feet, there is expected to be enough sunlight throughout the year (even with the occurrence of some reduced light conditions and partial shading) to support the normal growth of existing CSS vegetation directly under the bridge. Given an approximate slope ratio of 2:1, the potential permanent impacts to vegetation on the slope attributed to shading would be approximately 246 square feet. Therefore, the total cumulative surface area of permanent impacts from both the installation of the actual bridge abutment (i.e., approximately 640 square feet) and shading of the CSS vegetation directly under the bridge (i.e., approximately 246 square feet) is estimated to be approximately 886 square feet (or 0.02 acre).

The temporary impacts to existing vegetation on the slope will consist of construction-related activities associated with the building of the proposed bridge structure. BMPs during construction will be implemented to minimize the disturbance to the maximum extent possible. Following completion of the bridge construction, any crushed native vegetation in the temporary impact areas that does not fully recover will be restored in place with the same plant species composition as existed prior to the project impacts. Further, the City replant and restore habitat to be equivalent to existing conditions, which consists of superior high quality native vegetation with coverage of primarily CSS. It is also recommended that adaptive management of these temporary impact areas (through coordination and consultation with the City and possibly others regarding monitoring, potential weed control, and periodic watering, to name a few) would help increase the likelihood of successfully reestablishing the affected CSS vegetation.

Therefore, given the information provided above, it is reasonable to conclude that the Steel Truss Bridge construction activities would result in approximately 886 square feet (or approximately 0.02 acre) of permanent impacts, which would include the area associated with the actual bridge abutment structure and the additional area of shading to CSS vegetation directly under the bridge. Also, areas of temporary impacts to CSS vegetation on the slope due to construction of the Steel Truss Bridge will be defined by the City and will be mitigated as outlined in MM BIO-4 following completion of construction activities.

Concrete Cast-in-Place Bridge Design Option

Permanent impacts to existing CSS vegetation on the slope will occur at the base of the bridge abutment and the mid-span support along the slope. The build-out footprint of this bridge design option is similar to the Steel Truss Bridge option. The actual footprint of the proposed bridge abutment structure and the support column where it would make physical contact with the slope will account for approximately 528 square feet of permanent impacts to the associated CSS vegetation on the slope. In addition, there is expected to be shading effects that would result in the permanent loss of planted CSS vegetation on the slope directly under the bridge. As previously stated, it is assumed that at least 10 feet of vertical clearance between the bottom of the bridge (having a maximum width of 16 feet) and the surface of the slope is needed to provide sufficient sunlight (either fully or partially exposed light, depending on daily and/or seasonal conditions) to support the CSS vegetation on the slope directly under the bridge. The area of permanent CSS vegetation impacts due to shading would extend down the slope from the edge of the bridge abutment structure to the contour at which the 10-foot vertical clearance limit, described above, exists. Where the bridge clearance described above is greater than 10 feet, there is expected to be enough sunlight throughout the year (even with the occurrence of some reduced light conditions and partial shading) to support the normal growth of existing CSS vegetation directly under the bridge. Given an approximate slope ratio of 2:1, the potential permanent impacts to vegetation on the slope attributed to shading would be approximately 358 square feet. Therefore, the total cumulative surface areas of the permanent impacts from both the installation of the actual bridge abutment (i.e., approximately 528 square feet) and the shading of the CSS vegetation directly under the bridge (i.e., approximately 358 square feet) is estimated to be approximately 886 square feet (or 0.02 acre).

The temporary impacts to existing vegetation on the slope will consist of construction-related activities associated with the building of the proposed bridge structure. BMPs during construction will be implemented to minimize the disturbance to the maximum extent possible. Following completion of the bridge construction, any crushed native vegetation in the temporary impact areas that does not fully recover will be restored in place with the same plant species composition as existed prior to the project impacts. Further, the City will replant and restore habitat to be equivalent to existing conditions, which consists of superior high quality native vegetation with coverage of primarily CSS. It is also recommended that adaptive management of these temporary impact areas (through coordination and consultation with the City and possibly others regarding monitoring, potential weed control, and periodic watering, to name a few) would help increase the likelihood of successfully reestablishing the affected CSS vegetation.

Therefore, given the information provided above, it is reasonable to conclude that the Concrete Cast-in-Place Bridge construction activities would result in approximately 886 square feet (or

approximately 0.02 acre) of permanent impacts, which would include the area associated with the actual bridge abutment structure and the additional area of shading to CSS vegetation directly under the bridge. Also, areas of temporary impacts to CSS vegetation on the slope due to construction of the Concrete Cast-in-Place Bridge will be defined by the City and will be mitigated as outlined in MM BIO-4 following completion of construction activities.

Mitigation measures for direct impacts that may occur to sensitive plant species that may be present within the proposed Project footprint are listed below.

- MM BIO-4: *Artemisia californica-Eriogonum fasciculatum* Shrubland located within the proposed Project footprint should be avoided to the greatest extent feasible.
 - *Artemisia californica-Eriogonum fasciculatum* Shrubland located within the proposed Project footprint, that may be avoided, shall be flagged or construction or silt fencing should be installed along the avoidable vegetation to delineate construction limits and to prevent encroachment into adjacent natural communities.
 - Any impacts to *Artemisia californica-Eriogonum fasciculatum* Shrubland which cannot be avoided will be mitigated through one of the following, in order of priority:
 - Onsite Mitigation: Any temporary impacts to CSS will be revegetated within the Sunset Ridge planted area, in areas that are not currently vegetated. Specifically, there is an opportunity for revegetation in an area outside of the delineated wetlands that, with approval from the Commission, could provide additive benefits to the Sunset Ridge Park planted area, immediately to the northeast of the Project site. This will provide a continuation of the CSS habitat previously revegetated onsite. The City will replant the area to be equivalent to existing conditions, which consists of superior high quality native vegetation with coverage of primarily CSS. If this area is not approved for revegetation by the Commission, alternative onsite mitigation opportunities will be evaluated.
 - Offsite Mitigation: Additive habitat assessment in the area adjacent to the project site within the replanted CSS would be provided to mitigate impacts from direct disturbance from the bridge structure and potential impacts from shading.

The proposed Project will not result in significant impacts to sensitive plant species, as both temporary and permanent impacts will be mitigated as outlined above. Implementation of the listed mitigation measures will result in less than significant impacts to sensitive plant species and habitats within the proposed Project site. Impacts to areas determined by the Coastal Commission to be wetlands are discussed in item (b), below.

(b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less than Significant with Mitigation Incorporated. A small portion of the survey area is within Sunset Ridge Park. The park forms part of a riparian habitat corridor that stretches from Fairview Park in Costa Mesa to Sunset Ridge Park, Banning Ranch, and the Santa Ana River at the West Coast Highway

in Newport Beach. This corridor provides habitat for terrestrial wildlife as well as a way to travel within the wildland urban interface. West Coast Highway, however, runs the width of the corridor and will discourage some wildlife from crossing. Wildlife can pass under the West Coast Highway in the Santa Ana River Channel, approximately 2 miles northwest of Sunset Ridge Park.

Habitats and Natural Communities of Concern

Four sensitive vegetation communities were identified in the literature search as being present within 5 miles of the survey area (CDFW 2019). These four communities include Southern Dune Scrub, Southern Foredunes, Southern Coastal Salt Marsh, and Southern Cottonwood Willow Riparian Forest. None of these communities occur within the survey area.

The Southern Cottonwood Willow Riparian Forest is located within 5 miles of the survey area. Southern Cottonwood Willow Riparian Forest is of special concern because the community contains habitat requirements for special-status plant and wildlife species and is therefore, considered valuable to the ecosystem. The community is considered sensitive by CDFW due to the due to habitat loss and fragmentation from development and water infrastructure. Based on the list of species with potential to occur within the survey area that was generated in the NESMI, the Southern Cottonwood Willow Riparian forest is not located within the survey area. There are no Southern Dune Scrub, Southern Foredunes, Southern Coastal Salt March, or Southern Cottonwood Willow Riparian Forest habitats within the survey area. No permanent or temporary impacts to these areas are proposed.

Critical habitat has been designated in areas of Newport Beach for the coastal California gnatcatcher (USFWS 2011) and is located within the western portion of the survey area; however, the habitat within the proposed Project site is low quality and provides low quality nesting habitat. As discussed above, protocol surveys were conducted to assess habitat quality and potential use by CAGN. The habitat within the majority of the 500-foot buffer on those surveys and the proposed Project site is low quality. The areas surrounding Sunset Park and within the proposed Project site are lacking the higher density vegetation and mature shrubs that is required by CAGN for nesting. Therefore, it is likely the CAGN are utilizing the western edge of the buffer area, for foraging only and nesting in the Newport Banning Ranch area, outside of the 500-foot buffer. No CAGN were observed flying or foraging closer than 480 feet to the proposed Project site; therefore, no impacts to CAGN are anticipated to occur as a result of proposed Project activities.

Coastal Land Use Plan 4.1.1-1 requires that the City define any area in which plant or animal life, or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments as an environmentally sensitive habitat area (ESHA). Utilizing the site-specific survey and analyses conducted for the project, the following attributes were evaluated the following attributes when to determining whether a habitat area meets the definition of an ESHA:

A. The presence of natural communities that have been identified as rare by CDFW: As discussed above, none of the 4 habitats as identified as rare by CDFW that were found to be in the proximity of the Project site.

B. The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law: Through the implementation of protocol surveys, it was determined that the presence of CAGN is unlikely within the project site. Over the course of the protocol surveys, CAGN were observed, however these observations indicated only foraging behavior within the outermost portion of the 500-foot buffer applied to the limits of disturbance for the Project, adjacent to Newport Banning Ranch and on the other side of Sunset Ridge Park, where habitat quality is considered to be high. Because Sunset Ridge Park is located between the Project site and the areas occupied by CAGN, the potential for presence of the species is considered to be low. No other threatened or endangered species have the potential to be present within the Project site.

C. The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society: As indicated in Appendix B-1, there are no other species likely to be present within the Project vicinity that may be considered rare.

D. The presence of coastal streams. There are no coastal streams present within the Project site.

E. The degree of habitat integrity and connectivity to other natural areas. Because the project site is made up primarily of developed or previously disturbed areas, the degree of habitat integrity and connectivity to other natural areas is low.

For these reasons and consistent with the Coastal Land Use Plan, the Project site is not considered to contain ESHA.

Implementation of the listed minimization and avoidance measures in Section 4.4.1 (a) would result in less than significant impacts to the existing habitats and other natural communities within the proposed Project site.

Table 4-10: General Plan and Coastal Land Use Plan Consistency Analysis – Communities and Habitats

Policy	Consistency with Policy
<p><u>General Plan NR 10.3 Analysis of Environmental Study Areas</u></p> <p>Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs.</p>	<p>Consistent. Several site specific surveys and analyses were prepared and are presented within this section of the IS and Appendix B.</p>

Policy	Consistency with Policy
<p><u>Coastal Land Use Plan 4.1.1-1</u></p> <p>Define any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments as an environmentally sensitive habitat area (ESHA). Using a site-specific survey and analysis by a qualified biologist, evaluate the following attributes when determining whether a habitat area meets the definition of an ESHA:</p> <p>A. The presence of natural communities that have been identified as rare by the California Department of Fish and Game.</p> <p>B. The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law.</p> <p>C. The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society.</p> <p>D. The presence of coastal streams.</p> <p>E. The degree of habitat integrity and connectivity to other natural areas.</p> <p>Attributes to be evaluated when determining a habitat’s integrity/connectivity include the habitat’s patch size and connectivity, dominance by invasive/non-native species, the level of disturbance, the proximity to development, and the level of fragmentation and isolation.</p> <p>Existing developed areas and existing fuel modification areas required by the City of Newport Beach Fire Department or the Orange County Fire Authority for existing, legal structures do not meet the definition of ESHA.</p>	<p>Consistent. As discussed above, an evaluation was conducted based on site-specific surveys and analyses which determined that the Project site does not contain ESHA.</p>
<p><u>Coastal Land Use Plan 4.1.1-2</u></p> <p>Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for coastal development permit applications where development would occur within or adjacent to areas identified as a potential ESHA. Identify ESHA as habitats or natural communities listed in Section 4.1.1 that possess any of the attributes listed in Policy 4.1.1-1.</p>	<p>Consistent. Several site-specific surveys and analyses were prepared and are presented within this section of the IS and Appendix B. An evaluation was conducted to assess whether any of the habitats present in the Project site should be identified as ESHA. Those habitats were not found to meet any of the attributes listed in Policy 4.1.1-1.</p>

Policy	Consistency with Policy
<p><u>Coastal Land Use Plan 4.1.1-6</u></p> <p>Require development in areas adjacent to environmentally sensitive habitat areas to be sited and designed to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of those habitat areas.</p>	<p>Consistent. While no located adjacent to ESHA, the project has been designed to avoid impacts that could degrade adjacent areas and, through a combination of minimization and mitigation measures, it was found that the project will not impact adjacent sensitive habitat areas. Any temporary impacts will be mitigated through revegetation and, to the extent that permanent impacts cannot be avoided, they will be mitigated.</p>
<p><u>Coastal Land Use Plan 4.1.1-14</u></p> <p>Require mitigation in the form of habitat creation or substantial restoration for allowable impacts to ESHA and other sensitive resources that cannot be avoided through the implementation of siting and design alternatives. Priority shall be given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.</p>	<p>Consistent. The project will not impact ESHA. Any temporary impacts will be mitigated through revegetation and, to the extent that permanent impacts cannot be avoided, they will be mitigated using the following order of priority:</p> <ol style="list-style-type: none"> 1. Onsite Mitigation: any temporary impacts to CSS will be revegetated. 2. Offsite Mitigation: Additive habitat assessment in the area adjacent to the project site within the replanted CSS would be provided to mitigate impacts from direct disturbance from the bridge structure and potential impacts from shading.

(c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Less than Significant Impact. There are no riparian/riverine areas, vernal pools, or waters of the United States or State are present within the proposed Project footprint. Within the survey area conducted for the jurisdictional delineation surveys, wetlands, as defined by the Coastal Act and the City’s LCP were identified both on and off the Project site.

Superior Avenue Wetlands

There is one distinct wetland area located off site within relatively close proximity to the Proposed Project site, along the slope on the north side of Superior Avenue. The Superior Avenue wetland area is approximately 115 feet from its closest point to the proposed bridge impact boundary is approximately 0.15-acre in size.

Per Title 21, Section 21.30B.040.C of the City of Newport Beach Local Coastal Program (LCP) Implementation Plan:

- C. Wetland Buffers. A protective open space buffer shall be required to horizontally separate wetlands from development areas. Wetland buffers shall be of a sufficient size

to ensure the biological integrity and preservation of the wetland. Wetlands shall have a minimum buffer width of one hundred (100) feet wherever possible.

1. Exception: Smaller wetland buffers may be allowed only where it can be demonstrated that:
 - a. A one hundred (100) foot wide buffer is not possible due to site-specific constraints; and
 - b. The proposed narrower buffer would be amply protective of the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and intensity of disturbance.”

The Superior Avenue wetlands is outside of the 100-foot buffer. Further, the existing wetlands are already surrounded by a variety of on-going disturbances, primarily attributed to recreational and maintenance activities associated with the Sunset Ridge Park above and immediately adjacent to the wetlands, as well as the pedestrian and vehicle traffic adjoining the wetlands below. These on-going urban activities are less than 20 feet (and in some cases only a few feet away) from the wetlands. In addition, the wetlands are upslope from the proposed impact area, and moreover, the intensity of the bridge construction impacts would be strictly confined to the identified impact area, which would be approximately 115 feet from the nearest point to the wetlands.

To further obviate concerns regarding any unforeseen impacts to the wetlands, the limits of the wetlands will be clearly demarcated in the field prior to the commencement of construction activities, and a biologist shall monitor the construction work to ensure that encroachment into the wetlands does not occur. Also, the construction contractor should install a suitable barrier (e.g., snow fencing) that is clearly visible to construction personnel, particularly any construction equipment operators, to prevent any incidental construction impacts to these jurisdictional wetland areas.

Therefore, given the information above, it is reasonable to conclude that the proposed bridge construction activities would not temporarily or permanently impact those wetlands nor jeopardize the biological integrity or preservation of the wetlands.

Following its completion, the pedestrian and bicycle bridge over Superior Avenue is not expected to create any adverse shading impacts to the existing wetlands identified upslope along the north side of Superior Avenue because of the distance the bridge will be from the nearest point to the wetlands (i.e., 115+ feet).

West Coast Highway Wetlands

There is one small area (approximately 1,090 square feet, or 0.025 acre) adjacent to the proposed Project site that exhibits sufficient hydrology to establish a prevalence of hydrophytic vegetation and/or the formation of hydric soils. This West Coast Highway wetland is situated on a moderately steep slope facing West Coast Highway near the southeast corner of the proposed Project site. These wetlands are composed mostly of coastal freshwater (cattail) marsh vegetation having several strong wetland indicator plants, but some portions of the wetland area are completely unvegetated (bare

ground), likely attributed to past disturbance. Upon seeing a moderately steep slope with prominent but very localized saturation at or near the surface, the original suspicion was that a leaky irrigation line was responsible, but there was no direct evidence of this observed during the fieldwork. It was reported to the City who then had the irrigation system in the area tested for leaks. The City also had the mainline tested for leaks. The testing results were all negative, however additional testing and evaluation are ongoing. Nevertheless, the presence of wetland hydrology is sufficient to meet the Commission's definition/criteria for jurisdictional wetlands.

The proposed Project has been designed to avoid directly impacting the Commission wetlands located on the slope along West Coast Highway (see Figure 2 in the Jurisdictional Delineation, Appendix B-2). Project features are approximately 10 feet from the wetlands; however impacts are estimated to be only a few feet from the edge of the wetlands along West Coast Highway, well within the 100-foot wetland buffer specified in Title 21, Section 21.30B.040.C of the City of Newport Beach Local Coastal Program (LCP) Implementation Plan. The following is an excerpt from that plan:

"C. Wetland Buffers. A protective open space buffer shall be required to horizontally separate wetlands from development areas. Wetland buffers shall be of a sufficient size to ensure the biological integrity and preservation of the wetland. Wetlands shall have a minimum buffer width of one hundred (100) feet wherever possible.

1. Exception: Smaller wetland buffers may be allowed only where it can be demonstrated that:
 - a. A one hundred (100) foot wide buffer is not possible due to site-specific constraints; and
 - b. The proposed narrower buffer would be amply protective of the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and intensity of disturbance."

Exception (C)(1)(a): The project area is too confined in area, relative to the location of the existing wetlands, to accommodate a 100-foot buffer around the wetlands without eliminating essential components of the proposed project.

Exception (C)(1)(b): The existing wetlands are already surrounded by a variety of on-going disturbances, primarily attributed to landscape maintenance and transient activities immediately adjacent to the wetlands, as well as the pedestrian and vehicle traffic adjoining the wetlands below, along West Coast Highway. These on-going urban activities are less than 20 feet (and in some cases only a few feet away) from the existing wetlands. In addition, the wetlands are relatively small in size (i.e., approximately 1,090 square feet, or less than 0.03 acre) and are isolated from any adjacent habitat having substantive ecological value as a resource. Since the wetlands, both along Superior Avenue and along West Coast Highway, do not contain habitat of ecological value, these areas do not qualify as ESHA. The adjacent habitat is very disturbed and dominated by ornamental landscape vegetation, non-native weeds, and bare ground.

Although proposed construction activities will occur within a few feet of the existing West Coast Highway wetlands, impacts to these wetlands will be prevented through the implementation of the following avoidance and minimization measures (e.g., protective fencing, signage, on-site monitoring, construction worker awareness). For instance, the limits of the wetlands will be clearly demarcated in the field and all on-site construction personnel will be informed about the wetland avoidance area prior to the commencement of construction activities. Also, the construction contractor will install a solid protective barrier that is clearly visible to construction personnel, particularly any construction equipment operators, and that prevents any incidental discharge of soil or debris into the jurisdictional wetlands. Furthermore, a biologist will monitor the construction work to ensure that encroachment into the wetlands does not occur.

The measures identified above are intended to protect and preserve the wetlands along West Coast Highway. Therefore, the proposed Project construction activities are not expected to result in any impacts to the existing vegetation, soils, and/or hydrology associated with the West Coast Highway wetlands.

Surface water (sheet flow) on the slope where the wetlands occur is currently captured and conveyed to the storm drain system by a concrete v-ditch above the wetlands and another at the toe of the slope below the wetlands. It does not appear that surface water is conveyed to the wetlands; the only surface water currently utilized by the wetlands is the incidental rainfall that hits the wetlands. The surface water conveyance system proposed with the expansion of the parking lot and dog park will be consistent with what currently exists on site. Since surface water does not appear to be what's supporting the wetland hydrology, surface water conveyed to the storm drain system is not expected to adversely affect the wetlands.

The wetlands appear to subsist by the existing ground water. Due to the depth of construction activities (approximately 6 feet), it is not expected that the Project will interrupt the existing flow of groundwater to the wetlands. However, the City will implement Mitigation Measure BIO-5, below, to ensure that the Project will not impact the wetlands. This adaptive management approach would safeguard the biological integrity of, as well as protect and preserve, the existing West Coast Highway wetlands.

- MM BIO-5: Following completion of the construction activities, the City will conduct monthly monitoring of the West Coast Highway wetlands to evaluate and document the associated conditions to determine if any unforeseen impacts from the proposed construction activities are occurring. This monthly monitoring will continue for up to one year, or until such time as it can be sufficiently demonstrated that the wetlands will continue to persist in perpetuity. If it is determined during post-construction monitoring that construction has resulted in an unexpected impact to the wetlands, appropriate remedial actions will be implemented by the City. For instance, an unforeseen disruption or obstruction of subsurface hydrology to the wetlands may warrant the City's provision of an alternative water source that would continue to supply sufficient water to sustain the wetlands.

Therefore, given the available information and analysis provided above, a smaller than 100-foot wetland buffer would meet the LCP conditions identified above, in this particular case and impacts to wetlands would be less than significant with implementation of mitigation measure BIO-5.

Table 4-11: General Plan and Coastal Land Use Plan Consistency Analysis – Wetlands

Policy	Consistency with Policy
<p><u>General Plan NR 13.1 Wetland Protection</u> Recognize and protect wetlands for their commercial, recreational, water quality, and habitat value.</p>	<p>Consistent. The Project was developed to avoid known wetlands on the northern side of Superior Avenue as well as newly discovered wetlands along West Coast Highway south of the Project area.</p>
<p><u>General Plan NR 13.2 Wetland Delineation</u> Require a survey and analysis with the delineation of all wetland areas when the initial site survey indicates the presence or potential for wetland species or indicators. Wetland delineations will be conducted in accordance with the definitions of wetland boundaries established by California Department of Fish and Game, and/or United States Fish and Wildlife Service. (Imp 14.7, 14.11, 14.12)</p>	<p>Consistent. Appendix B-2 provides the results of the survey and delineation of potential wetlands, in accordance with the definitions provided by CDFW, USFWS, ACOE, and the Coastal Commission.</p>
<p><u>Coastal Land Use Plan 4.2.2-1</u> Define wetlands as areas where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of hydrophytes. Such wetlands can include areas where vegetation is lacking and soil is poorly developed or absent as a result of frequent drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentration of salts or other substances in the substrate. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides.</p>	<p>Consistent. Appendix B-2 provides the results of the survey and delineation of potential wetlands, in accordance with this policy.</p>
<p><u>Coastal Land Use Plan 4.2.2-2</u> Require a survey and analysis with the delineation of all wetland areas when the initial site survey indicates the presence or potential for wetland species or indicators. Wetland delineations will be conducted in accordance with the definitions of wetland boundaries contained in section 13577(b) of the California Code of Regulations.</p>	<p>Consistent. Appendix B-2 provides the results of the survey and delineation of potential wetlands, in accordance with this policy.</p>

Policy	Consistency with Policy
<p><u>Coastal Land Use Plan 4.2.2-3</u></p> <p>Require buffer areas around wetlands of a sufficient size to ensure the biological integrity and preservation of the wetland that they are designed to protect. Wetlands shall have a minimum buffer width of 100 feet wherever possible. Smaller wetland buffers may be allowed only where it can be demonstrated that 1) a 100-foot wide buffer is not possible due to site-specific constraints, and 2) the proposed narrower buffer would be amply protective of the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and intensity of disturbance.</p>	<p>Consistent. The Superior Avenue wetlands are outside of the 100-foot buffer and these wetlands would remain amply protected. For the reasons discussed above, reducing the buffer between the project’s limits of disturbance and the West Coast Highway wetlands is required to due the onsite and engineering constraints; however, the West Coast Highway wetland will remain protected through MM BIO-5. Therefore, the buffer size provided is consistent with this policy.</p>

(d) *Would the project Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Less than Significant Impact. Refer to previous Section 4.4.(b). According to the Biological Resources Technical Report (Appendix B), the results of the survey and literature review states that essential fish habitats are not present within the proposed Project. There are 18 listed bird species with potential to occur within the survey area. Of the 18 species, only two have been identified as having low potential to occur within the proposed Project, the burrowing owl (*Athene cunicularia*) and the coastal California gnatcatcher (*Polioptila californica californica*). All other species are considered to be absent. All migratory, non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918 (USFWS 2013). Pursuant to the MBTA, it is unlawful to “take” (i.e., capture, kill, pursue, or possess) migratory birds or their nests. Virtually all native bird species are covered by the MBTA, as listed in 50 Code of Federal Regulation 10.13.

To avoid impacts to other birds protected by the MBTA, ground disturbance or removal of vegetation should be done outside the breeding season. If ground disturbance or vegetation removal will take place during the breeding season (generally February 15 through September 1), then, to minimize impacts, a qualified biologist will conduct a nesting bird survey within the proposed Project footprint at least two weeks prior to construction with a buffer at a minimum of 300 feet around the Project footprint and again within three days of construction activities. If a nest is found within the proposed Project footprint, minimization measures will be implemented under the direction of the qualified biologist. These measures may include a no-work zone around the nest, noise minimization measures, and biological monitoring of the nest to assess if the breeding birds are being disturbed by construction.

The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such

activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to the MBTA:

The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.

Due to the low potential of the burrowing owl (*Athene cunicularia*) and the coastal California gnatcatcher (*Polioptila californica californica*), and with ground disturbances and vegetation removal to occur outside of the breeding season, impacts would be less than significant with regard to wildlife species.

As discussed in Section 4.4.1 (b), a portion of the survey area is within Sunset Ridge Park, and the park forms part of a riparian habitat corridor that stretches from Fairview Park in Costa Mesa to Sunset Ridge Park, Banning Ranch, and the Santa Ana River at the West Coast Highway in Newport Beach. However, because West Coast Highway runs the width of the corridor, it will discourage some wildlife from crossing. Wildlife can pass under the West Coast Highway in the Santa Ana River Channel, approximately 2 miles northwest of Sunset Ridge Park. Therefore, impacts would be less than significant regarding interfering with wildlife corridors.

(e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. The proposed Project would involve the removal of trees that are located adjacent to the existing parking lot. These trees are ornamental and new trees will be installed within the larger proposed parking lot. A Tree Removal or Reforestation Application will be submitted to the Municipal Operations Department prior to tree removal activities. New trees will be installed in accordance with the tree planting specifications and street tree designation list by the City of Newport Beach (City of Newport Beach 2019b). The proposed Project would not conflict with any tree preservation ordinances. The proposed Project is not located within the City of Newport Beach's environmental study areas according to the Local Coastal Program (City of Newport Beach 2005). Therefore, impacts would be less than significant.

(f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less than Significant Impact. See previous response in Section 4.4.1 (e). The proposed Project is not located within the City of Newport Beach's environmental study areas. The County of Orange—in conjunction with the State and federal resource agencies, local jurisdictions, utility companies, the Transportation Corridor Agencies, and major private landowners—has prepared the Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan (HCP) for the Central/Coastal Subregion (approved on July 10, 1996). These plans are intended to ensure the long-term survival of the coastal California gnatcatcher and other special status coastal sage scrub-dependent plant and wildlife species in accordance with State-sanctioned NCCP program guidelines. The Project site occurs within the Central/Coastal Subregion. Sunset Ridge Park and a portion of the northern area of the

proposed Project is designated as ‘existing use’ according to the Orange County Central Coastal Habitat Conservation Plan Reserve. However, based on the results of the Biological Study, there are no potentially significant impacts anticipated to the habitats or species that have the potential to occur. In addition, avoidance and minimization efforts would result in direct and indirect impacts to be less than significant to habitats, natural communities, and wildlife. Impacts would be less than significant.

Table 4-12: General Plan and Coastal Land Use Plan Consistency Analysis – Conservation Plans

Policy	Consistency with Policy
<p><u>General Plan NR 10.2 Orange County Natural Communities Conservation Plan</u></p> <p>Comply with the policies contained within the Orange County Natural Communities Conservation Plan.</p>	<p>Consistent. For the reasons described above, the Project complies with the policies contained within the Orange County NCCP.</p>

4.5 CULTURAL RESOURCES

5.	CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.5.1 Existing Conditions

A records’ search dated May 28, 2019, was obtained from the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. The records’ search provided information on all documented cultural resources and previous archaeological investigations within 0.5-mile of the Project area. Resources consulted during the records search conducted by the SCCIC included the National Register of Historic Places (NRHP), California Historical Landmarks, California Points of Historical Interest, and the California State Historic Resources Inventory.

Based upon the records search conducted by the SCCIC, 22 cultural resource studies have previously been completed within the 0.5-mile records search radius. Of the 22 previous studies, six of these studies were within the current proposed Project area.

Based upon the records search conducted by the SCCIC, three previously recorded cultural resources were recorded within the 0.5-mile records search radius. None of the previously recorded resources are within the study area.

Field Methods

On May 31, 2019, Chambers Groups Cultural Resources Department Head Ted Roberts, RPA completed an archaeological pedestrian survey of the proposed Project area. The proposed Project site was surveyed using transects spaced no greater than 15 meters apart and oriented in an east-west direction.

The archaeologist examined exposed ground surface for artifacts (e.g., flaked stone tools, tool-making debris, milling tools, ceramics), ecofacts (e.g., marine shell and bone), soil discoloration that might indicate the presence of a cultural midden, and features indicative of the former presence of structures or buildings (e.g., standing exterior walls, postholes, foundations) or historic debris (e.g., metal, glass, ceramics). Ground disturbances such as burrows were visually inspected for both cultural resources and paleontological resources. A Cultural Resources Technical Report was prepared, and is included as Appendix C. A separate Paleontological Report was prepared, and is included as Appendix D, which discusses the methods and results of the paleontological sensitivity of the proposed Project. Further discussion is provided in Section 4.7.1 (b).

Results of the Archaeological Survey

Other than the existing paved parking lot, no geographic obstructions or impediments were present, which allowed the site to be surveyed in its entirety. The current proposed Project area is disturbed and contains large areas of anthropogenic mounding with extra local fill sediments and soils. Evidence of modern use and visitation of the current Project area was abundant and consisted of common trash. A temporary homeless encampment is located in the southeast of the proposed Project, adjacent to the parking lot.

No historic or prehistoric resources were identified as a result of the field survey indicating the likelihood of encountering previously unrecorded resources is low.

4.5.2 Impact Analysis

a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

No Impact. Since no historical resources were identified within the proposed Project area, no further work for historical resources is recommended and no impact would occur.

b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Less than Significant Impact with Mitigation Incorporated. Archival record searches and background studies of the proposed Project area were conducted as part of a Phase I cultural resource study. The

NAHC Sacred Lands File search did identify sacred sites or tribal cultural resources within the search radius or surrounding vicinity. The cultural record search identified six previous cultural resource studies conducted within the proposed Project area. No archaeological sites were identified within the study area.

Based on the record search and pedestrian survey, no resources were identified within the proposed Project area. Based on the archaeological survey, no geographic obstructions or impediments were present, and no historic or prehistoric resources were identified as a result of the field survey indicating the likelihood of encountering previously unrecorded resources is low. However, buried cultural materials may be encountered during construction. It is the City of Newport Beach and Caltrans policy that work will stop in that area until a qualified archaeologist can evaluate the nature and significance of the find. Additional surveys would be required if the proposed Project changes to include areas not previously surveyed. In addition, the following mitigation would be implemented should resources be discovered:

- MM CUL-1: If archaeological or paleontological resources are discovered during construction, all construction activities in the general area of the discovery shall be temporarily halted until the resource is examined by a qualified monitor, retained by the Developer. The monitor shall recommend next steps (i.e., additional excavation, curation, preservation, etc.). Therefore, impacts would be less than significant with mitigation incorporated.

c) *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

Less than Significant Impact with Mitigation Incorporated. The survey and record search did not result in the identification of prehistoric or historical archaeological resources within the proposed Project site and it is not expected that significant archaeological or historical resources would be on-site. However, because resources are often buried and not easily identifiable, the proposed Project will be subject to the standard condition of approval that any cultural resources identified. The following mitigation measure would be implemented should resources be identified.

- MM CUL-2: During proposed Project construction, activities will be halted and an archaeologist must be available to evaluate the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

As a result, impacts would be less than significant with mitigation incorporated.

4.6 ENERGY

This section describes the potential energy usage effects from implementation of the proposed Project. Construction and operational energy usage modeling was performed through use of the CalEEMod Version 2016.3.2 and EMFAC2017 models. The EMFAC2017 model output files are provided in Appendix E and the CalEEMod model output files are provided in Appendix F and were also utilized for the greenhouse gas emissions analysis.

6.	ENERGY Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.6.1 Impact Analysis

a) *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?*

Less than Significant Impact. The following calculates the potential energy consumption associated with the construction and operations of the proposed Project and provides a determination if energy consumption utilized by the proposed Project is wasteful, inefficient, or an unnecessary consumption of energy resources.

Construction Energy Usage

Construction activities for the proposed Project would consume energy in three general forms:

1. Petroleum- based fuels used to power off-road construction vehicles and equipment on the Project Site, construction worker travel to and from the Project Site, as well as delivery and haul truck trips (e.g. hauling of demolition material to off-site reuse and disposal facilities);
2. Electricity associated with the conveyance of water that would be used during Project construction for dust control (supply and conveyance) and electricity to power any necessary lighting during construction, electronic equipment, or other construction activities necessitating electrical power; and,
3. Energy used in the production of construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Construction-Related Electricity

During construction the proposed Project would consume electricity to construct the new bridge, and parking lot and dog park. Where possible, electricity would be supplied to the proposed Project site by Southern California Edison and would be obtained from the existing electrical lines in the vicinity of the proposed Project site. The use of electricity from existing power lines rather than temporary diesel or gasoline powered generators would minimize impacts on energy use. Electricity consumed during project construction would vary throughout the construction period based on the construction activities being performed. Various construction activities include electricity associated with the conveyance of water that would be used during project construction for dust control (supply and conveyance) and electricity to power any necessary lighting during construction, electronic equipment, or other construction activities necessitating electrical power. Such electricity demand would be temporary, nominal, and would cease upon the completion of construction. Overall, construction activities associated with the proposed Project would require limited electricity consumption that would not be expected to have an adverse impact on available electricity supplies and infrastructure. Therefore, the use of electricity during Project construction would not be wasteful, inefficient, or unnecessary.

Since the proposed Project site is located in a developed area of the City, it is anticipated that only nominal improvements would be required to Southern California Edison distribution lines and equipment with development of the proposed Project. Where feasible, the new service installations and connections would be scheduled and implemented in a manner that would not result in electrical service interruptions to other properties. Compliance with City's guidelines and requirements would ensure that the proposed Project fulfills its responsibilities relative to infrastructure installation, coordinates any electrical infrastructure removals or relocations, and limits any impacts associated with grading, construction, and development. Construction of the project's electrical infrastructure is not anticipated to adversely affect the electrical infrastructure serving the surrounding uses or utility system capacity.

Construction-Related Natural Gas

Construction of the proposed Project typically would not involve the consumption of natural gas. Natural gas would not be supplied to support construction activities, thus there would be no demand generated by construction. Since the proposed Project site is located in a developed portion of the City that has natural gas lines in the vicinity of the proposed Project site, construction of the proposed Project would be limited to the potential relocation of existing natural gas line (if necessary) within the proposed Project site. Construction-related energy usage impacts associated with the potential relocation of natural gas connections are expected to be confined to trenching in order to place the lines below surface. In addition, prior to ground disturbance, the proposed Project would notify and coordinate with SoCalGas to identify the locations and depth of all existing gas lines and avoid disruption of gas service. Therefore, construction-related impacts to natural gas supply and infrastructure, if needed, would be less than significant.

Construction-Related Petroleum Fuels

Construction of the proposed Project would utilize petroleum fuels for both off-road equipment and from on-road vehicles that include automobiles for transporting workers to and from the project site as well as trucks transporting dirt from the project site and building supplies to the project site.

The off-road construction equipment fuel usage was calculated through use of the off-road equipment assumptions utilized in the CalEEMod model run (see Appendix E) and the fuel usage calculations provided in the 2017 Off-road Diesel Emission Factors spreadsheet, prepared by CARB (<https://ww3.arb.ca.gov/msei/ordiesel.htm>). The off-road construction equipment fuel calculations are shown in Appendix E, which found that the off-road equipment utilized during construction of the proposed Project would consume 47,069 gallons of fuel.

For the on-road construction trips, the fleet average miles per gallon rates have been calculated through use of the EMFAC2017 model (<https://www.arb.ca.gov/emfac/2017/>) and the EMFAC2017 model printouts are provided in Appendix E. Appendix E also shows the on-road construction vehicle trips modeled in CalEEMod and the fuel usage calculations, which found that the on-road construction-related vehicle trips would consume 12,893 gallons of fuel.

As shown above, the combined fuel used from off-road construction equipment and on-road construction trips for the proposed Project would result in the consumption of 59,908 gallons of fuel. Construction activities associated with the proposed Project would be required to adhere to all State and SCAQMD regulations for off-road equipment and on-road trucks, which provide minimum fuel efficiency standards. As such, construction activities for the proposed Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources. Impacts regarding transportation energy would be less than significant. Development of the proposed Project would not result in the need to manufacture construction materials or create new building material facilities specifically to supply the proposed Project. It is difficult to measure the energy used in the production of construction materials such as asphalt, steel, and concrete, it is reasonable to assume that the production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest of minimizing the cost of doing business.

Operational Energy Usage

The on-going operation of the proposed Project would require the use of energy resources for multiple purposes, including electrical usage associated with lighting and transport of water, as well as petroleum fuel usage associated with new vehicle trips to the proposed Project site and landscape equipment. No natural gas is anticipated to be consumed as part of the operation of the proposed Project.

Operations-Related Electricity Usage

Operation of the proposed Project would result in consumption of electricity at the project site. According to the CalEEMod model run provided in Appendix F, operation of the proposed Project

would utilize 17,920 kilowatt-hours per year of electricity. It should be noted that, the proposed project would comply with all Federal, State, and City requirements related to the consumption of electricity, including the California Green (CalGreen) Building Standards. Therefore, it is anticipated the proposed Project will be designed and built to minimize electricity use and that existing and planned electricity capacity and electricity supplies would be sufficient to support the proposed project's electricity demand. Thus, impacts with regard to electrical supply and infrastructure capacity would be less than significant and no mitigation measures would be required.

Operations-Related Petroleum Fuel Usage

Operation of the proposed Project would result in increased consumption of petroleum-based fuels related to vehicular travel to and from the project site. According to the CalEEMod model run provided in Appendix F, operation of the proposed project would generate 8,047 vehicle miles traveled per year. According to the EMFAC2017 model run (see Appendix E), the fleet average miles per gallon rate for all gasoline-powered vehicles in Southern California is 23.9 miles per gallon. Based on this rate, operation of the proposed Project would use 336 gallons of transportation fuel per year. It should be noted that, the proposed Project would comply with all Federal, State, and City requirements related to the consumption of transportation energy that includes California Code of Regulations Title 24, Part 11 CalGreen Building Standards that require all new non-residential parking lots to provide preferred parking for clean air vehicles as well as provide electric vehicle charging spaces. Therefore, it is anticipated the proposed Project will be designed and built to minimize transportation energy through the promotion of the use of electric-powered vehicles and it is anticipated that existing and planned capacity and supplies of transportation fuels would be sufficient to support the proposed Project's demand. Thus, impacts with regard transportation energy supply and infrastructure capacity would be less than significant and no mitigation measures would be required.

In conclusion, the proposed Project would comply with regulatory compliance measures outlined by the State and City related to Air Quality, Greenhouse Gas Emissions (GHG), Transportation/Circulation, and Water Supply. Additionally, the proposed Project would be constructed in accordance with all applicable City Building and Fire Codes. Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant.

- b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less than Significant Impact. Energy consumption from new projects that do not include building structures, such as the proposed Project are primarily controlled by Title 24, Part 11 California Green Building Standards Code (CalGreen), which provides minimum requirements for bicycle parking, carpool/vanpool/electric vehicle parking spaces, use of water efficient plumbing and landscaping fixtures, recycling and use of recycled materials in building products. Specific CalGreen requirements that are applicable to the proposed Project include requiring that a minimum of 65 percent of construction waste to be diverted from landfills, the providing of bicycle parking spaces, as well as the provision of electric vehicle charging stations within the proposed parking lot. Through

implementation of the above programs, regulations, and policies, the proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.7 GEOLOGY AND SOILS

7.	GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.7.1 Impact Analysis

a)i) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less than Significant Impact. The proposed Project area is located within the seismically active region of southern California; and regional earthquakes have the potential to occur. The nearest fault to the

proposed Project is the Newport-Inglewood-Rose Canyon fault zone located approximately 700 feet northwest from the proposed Project site. The Seismic Hazards map from the City’s General Plan shows that south of West Coast Highway and Superior Avenue are areas designated as Fault Disclosure Zone for real-estate disclosure purposes.

The intersection of Superior Avenue and West Coast Highway contains major fault traces presumed to be active (City of Newport Beach 2006). The proposed Project is not within an Alquist-Priolo Earthquake Fault Zone (USGS 2019). Structural plans will be provided to the City to indicate that the proposed Project will meet the seismic design parameters within the California Building Code and policies outlined in the Safety Element in the General Plan. Impacts will be less than significant.

a)ii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Less than Significant Impact. See previous response in Section 4.7.1 (a(i)). The proposed Project may experience ground shaking due to its location within Southern California, a seismically active region. Seismic ground shaking could result in potential impacts to persons using the bridge. However, the proposed Project will be built in accordance to the seismic design parameters from the California Building Code. The proposed Project would also comply with the Caltrans Engineering Manuals per the Division of Engineering Services. The manuals include bridge standard details, design criteria, construction records and procedures, geotechnical, materials, and engineering. As provided in the table below, the proposed Project would be consistent with policies for natural geological resources. Impacts would be less than significant.

Table 4-13: General Plan and Coastal Land Use Plan Consistency Analysis – Seismic Hazards

Policy	Consistency with Policy
<p><u>General Plan NR 4.4: Erosion Minimization/ Coastal Land Use Plan 4.3.1-6:</u> Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.</p>	<p>Consistent. During construction, the proposed Project would implement grading and erosion control plans to minimize erosion within the proposed Project in the event of a seismic disturbance or ground instability.</p>
<p><u>General Plan Policy NR 3.5 Storm Sewer System Permit/Coastal Land Use Plan 4.3.2 (4.3.2-1 to 4.3.2-25)</u> Require all development to comply with the regulations under the City’s municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System. (Policy HB8.5).</p>	<p>Consistent. The proposed Project would comply with the NPDES permit and Waste Discharge Requirements to minimize or control surface runoff.</p>
<p><u>Coastal Land Use Plan 4.3.1-7:</u> Require measures be taken during construction to limit land disturbance activities such as clearing and grading, limiting cut-and fill to reduce erosion and sediment loss, and avoiding steep slopes,</p>	<p>Consistent. The proposed Project would include BMPs to minimize erosion. The proposed Project would also implement slope stabilization methods to reduce erosion, and the area would be flattened to reduce erosion and landslide potential.</p>

unstable areas, and erosive soils. Require construction to minimize disturbance of natural vegetation, including significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation.	
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a)iii) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

Less than Significant Impact. West Coast Highway, and the neighborhoods south of West Coast Highway are located in an area subject to liquefaction due to its vicinity to the Pacific Ocean. The proposed Project site, however, is not located within a liquefaction zone, and risk of seismic-related ground failure is low (City of Newport Beach 2006). Impacts would be less than significant.

a)iv) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

Less than Significant Impact. According to the City's General Plan, there are several areas within the proposed Project site designated to be prone to landslides (City of Newport Beach 2006). The proposed bridge would not be located within a landslide or liquefaction zone; however, portions of the proposed parking lot are located within a landslide zone. During construction, the vacant lot of the proposed Project will be graded flat. During this phase, the proposed Project will implement slope stabilization methods and best management practices (BMPs) to reduce surface erosion and reduce the potential of landslides. Once the parking lot and park is constructed, the area will be landscaped and relatively flat thereby reducing the potential for landslides. In addition, retaining walls along Coast Highway will be installed as part of the proposed Project and will reduce impacts associated with landslides. Impacts would be less than significant.

b) *Would the project result in substantial soil erosion or the loss of topsoil?*

Less than Significant Impact. Erosion is a concern for the City of Newport Beach especially for shoreline areas including bluffs along the Upper Newport Bay and slopes and canyons within the San Joaquin Hills (City of Newport Beach 2006). The soil profiles in the proposed Project area consists of sandy loam, fine sandy loam, and gravelly coarse sand (USDA 2019).

The proposed Project is located in an urbanized area and not within the bluffs along the upper bay or canyons. The proposed Project consists of significant grading and earthwork to construct the bridge, parking lot, and fenced park. The proposed Project will comply with the policies listed in the Natural Resources Element to minimize soil erosion or loss of topsoil by implementing best management practices, site design and source control (City of Newport Beach 2006). As provided in the table below, the proposed Project would be consistent with policies under the General Plan and Coastal Land Use Plan for erosion minimization. Impacts would be less than significant.

Table 4-14: General Plan and Coastal Land Use Plan Consistency Analysis – Erosion

Policy	Consistency with Policy
<p><u>General Plan NR 4.4: Erosion Minimization/Coastal Land Use Plan 4.3.1-6</u> Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.</p>	<p>Consistent. During construction, the proposed Project would implement grading and erosion control plans to minimize erosion within the proposed Project.</p>

c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less than Significant Impact. The proposed Project is not located in an area identified to have the potential for liquefaction. Areas prone to liquefaction are located south of West Coast Highway (City of Newport Beach 2006). The proposed Project is not located within a seismic hazard zone of required investigation according to the Department of Conservation data viewer for the Seismic Hazards Program (DOC 2019). There are no proposed buildings to be built as part of the proposed Project. The design and construction of the bridge will be built in compliance with Section 3104 of the California Building Code of Pedestrian Walkways and Tunnels and Goal S 4 of the General Plan that states the following:

- Adverse effects caused by seismic and geologic hazards are minimized by reducing the known level of risk to loss of life, personal injury, public and private property damage, economic and social dislocation, and disruption of essential services (City of Newport Beach 2006).

As stated in the table below, the proposed Project would be consistent with the General Plan policies for seismic strengthening by complying with applicable seismic design parameters. Impacts would be less than significant.

Table 4-15: General Plan and Coastal Land Use Plan Consistency Analysis – Seismic Design

Policy	Consistency with Policy
<p><u>General Plan S 4.2: Retrofitting of Essential Facilities</u> Support and encourage the seismic retrofitting and strengthening of essential facilities such as hospitals and schools to minimize damage in the event of seismic or geologic hazards.</p>	<p>Consistent. While the proposed Project is not considered an essential facility nor would it include retrofits, it would comply with applicable seismic design parameters within the California Building Code and the Caltrans Engineering Manuals per the Division of Engineering Services to reduce the risk of damage from a fault line or significant seismic activity.</p>

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Less than Significant Impact. The proposed Project would not include the construction of any buildings in the proposed area. The proposed location of the pedestrian bridge would not be built on a landslide or liquefaction zone. A portion of the parking lot would be built in a landslide zone. During construction, the proposed Project will comply with Section 3104 of the California Building Code for Pedestrian Walkways and Tunnels and the General Plan Goal S 4 to minimize the potential risk to life or property for both construction of the pedestrian bridge and parking lot (See previous Section 4.7.1 part c). Impacts would be less than significant.

- e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

No impact. The proposed Project would not include the installation of septic tanks or other wastewater disposal systems. No impact would occur.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less than Significant with Mitigation Incorporated. A Paleontological Resources Report and record search was conducted for the proposed Project on June 3, 2019 (Appendix D). The results of the literature review indicate that both geological units underlying the Project area are determined to have high paleontological sensitivity. That is, the current proposed Project area contains an above average potential for paleontological resources. Therefore, any project-related ground disturbance may result in an adverse impact to non-renewable fossil resources.

The Department of Paleontology and PaleoServices staff at the San Diego National History Museum (SDNHM) performed a paleontological records search to locate fossil localities within an in the immediate vicinity of the proposed Project area. Museum records indicate that three vertebrate fossil localities have been documented within a one-mile radius from the Project site. None of the fossil localities are located within the proposed Project area.

The destruction of fossils as a result of human-caused ground disturbance has a significant cumulative impact, as it makes biological records of ancient life permanently unavailable for study by scientists. Implementation of proper mitigation measures can, however, reduce the impacts to the paleontological resources to below the level of significance.

Implementation of the following mitigation measures developed in accordance with the Society of Vertebrate Paleontologists (SVP) standards have been used throughout California and have been demonstrated to be successful in protecting paleontological resources while allowing timely completion of construction. Impacts would therefore be reduced to less than significant.

- MM PALEO-1: All project-related ground disturbance that could potential impact the Monterey Formation and the Old Paralac Deposits will be monitored by a qualified paleontological monitor

on a full-time basis, as these geologic units are determined to have a high paleontological sensitivity. Project-related excavations that occur in surficial younger alluvial deposits (not mapped in the current study area but existing in the vicinity) will be monitored on a part-time basis to ensure that underlying paleontologically sensitive sediments are not being impacted. Excavations exceeding 5 feet in depth in Quaternary alluvium will be monitored on a full-time basis.

- **MM PALEO-2:** A qualified paleontologist will be retained to supervise monitoring of construction excavations and to produce a Paleontological Monitoring and Mitigation Plan for the proposed project. Paleontological resource monitoring will include inspection of exposed rock units during active excavations within sensitive geologic sediments. The monitor will have authority to temporarily divert grading away from exposed fossils and halt construction activities in the immediate vicinity in order to professionally and efficiently recover the fossil specimens and collect associated data. The qualified paleontologist will prepare progress reports to be filed with the lead agency.
- **MM PALEO-3:** At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.
- **MM PALEO-4:** Matrix sampling would be conducted to test for the presence of microfossils. Testing for microfossils would consist of screen-washing small samples (approximately 200 pounds) to determine if significant fossils are present. If microfossils are present, additional matrix samples will be collected (up to a maximum of 6,000 pounds per locality to ensure recovery of a scientifically significant microfossil sample).
- **MM PALEO-5:** Recovered fossils will be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and repositied in a designated paleontological curation facility. The most likely repository is the SDNHM.
- **MM CUL-1:** If archaeological or paleontological resources are discovered during construction, all construction activities in the general area of the discovery shall be temporarily halted until the resource is examined by a qualified monitor, retained by the Developer. The monitor shall recommend next steps (i.e., additional excavation, curation, preservation, etc.).

4.8 GREENHOUSE GAS EMISSIONS

This section describes the potential global climate change effects from implementation of the proposed Project. GHG emission modeling was performed through use of the CalEEMod Version 2016.3.2. The CalEEMod model output files are provided in Appendix F.

8.	GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.8.1 Impact Analysis

a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less than Significant Impact. Significant legislative and regulatory activities directly and indirectly affect climate change and GHGs in California. The primary climate change legislation in California is AB 32, the California Global Warming Solutions Act of 2006. AB 32 focuses on reducing greenhouse gas emissions in California, and AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. In addition to AB 32, Executive Order B-30-15 was issued on April 29, 2015 that aims to reduce California’s GHG emissions 40 percent below 1990 levels by 2030. In September 2016, AB 197 and SB 32 codified into statute the GHG emission reduction targets provided in Executive Order B-20-15.

CARB is the state agency charged with monitoring and regulating sources of emissions of GHGs in California that contribute to global warming in order to reduce emissions of GHGs. The CARB Governing Board approved the 1990 GHG emissions level of 427 million tons of CO₂ equivalent (MtCO₂e) on December 6, 2007. Therefore, in 2020, annual emissions in California are required to be at or below 427 MtCO₂e. The CARB Board approved the Climate Change Scoping Plan (Scoping Plan) in December 2008, the First Update to the Scoping Plan in May 2014, and California’s 2017 Climate Change Scoping Plan in November 2017. The Scoping Plans define a range of programs and activities that will be implemented primarily by state agencies but also include actions by local government agencies. Primary strategies addressed in the Scoping Plans include new industrial and emission control technologies; alternative energy generation technologies; advanced energy conservation in lighting, heating, cooling, and ventilation; reduced-carbon fuels; hybrid and electric vehicles; and other methods of improving vehicle mileage. Local government will have a part in implementing some of these strategies. The Scoping Plans also call for reductions in vehicle-associated GHG emissions through smart growth that will result in reductions in vehicle miles traveled (CARB 2008, 2014, 2017).

The CalEEMod model used above to calculate the criteria pollutant emissions was also utilized to calculate the GHG emissions associated with construction and operation of the proposed Project (see Appendix F). The CalEEMod model calculated GHG emissions generated from the proposed Project that include construction and operation of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot, and a fenced dog park. Per the analysis methodology presented in the SCAQMD Working Group meetings, the construction emissions were amortized over 30 years. Table 4-16 shows the estimated GHG emissions that would be predicted from development of the proposed Project.

Table 4-16 : Annual Greenhouse Gas Emissions from the Proposed Project

Activity	Greenhouse Gas Emissions in metric tons/year			
	CO ₂	CH ₄	N ₂ O	CO ₂ e
Area Sources	0.00	0.00	0.00	0.00
Energy Usage	5.71	0.00	0.00	5.73
Mobile Sources	3.06	0.00	0.00	3.06
Solid Waste	0.01	0.00	0.00	0.02
Water and Wastewater	1.69	0.00	0.00	1.69
Total Construction Emissions Amortized over 30 Years ¹	24.23	0.00	0.00	24.34
Total Project Emissions	34.70	0.00	0.00	34.84
SCAQMD Draft Threshold of Significance				3,000
Exceed Threshold?				No

Notes:

¹ Construction emissions amortized over 30 years as recommended in the SCAQMD GHG Working Group on November 19, 2009.

Source: CalEEMod Version 2016.3.2 (see Appendix F).

This analysis proposes to use the “Tier 3” quantitative threshold for all land use projects² as recommended by the SCAQMD. The SCAQMD proposes that if a project generates GHG emissions below 3,000 MtCO₂e, it could be concluded that the Project’s GHG contribution is not “cumulatively considerable” and is therefore less than significant under CEQA. As shown in Table 4-17, the proposed Project would generate 34.84 MtCO₂e per year, which would not exceed SCAQMD draft annual threshold of 3,000 MtCO₂e. As such, it could be concluded that the Project’s GHG contribution is not “cumulatively considerable” and is therefore less than significant under CEQA.

- c) *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Less than Significant Impact. The California State Legislature adopted AB 32 in 2006, that requires the State’s GHG emissions by 2020 to meet the GHG emissions level created in 1990 and adopted AB 197 and SB 32 in 2016, that requires the State’s GHG emissions to be 40 percent below 1990 levels by 2030.

In order to achieve the target provided in AB 32, the SCAQMD developed a Working Group that developed a tiered approach in order to determine if proposed land use projects would contribute to an exceedance of the GHG emissions targets detailed in AB 32. As shown above in Section 4.8.1(a), the proposed Project would generate 34.84 MTCO₂e per year from construction and operation of the proposed Project. The GHG emissions generated from the proposed Project would be within the “Tier 3” quantitative threshold of 3,000 MTCO₂e per year for all land use projects as recommended by the SCAQMD.

² Greenhouse Gas CEQA Significance Threshold Stakeholder Working Group Meeting # 15. *South Coast Air Quality Management District. September 2010.*

The SCAQMD has not yet updated its “Tier 3” quantitative threshold to address AB 197 and SB 32. However, it is anticipated that the “Tier 3” thresholds would be reduced around 40 percent, which is equivalent to how much more stringent AB 197 and SB 32 are over AB 32. Since the proposed Project’s GHG emissions are 99 percent below the “Tier 3” threshold, it is anticipated that the proposed Project’s GHG emissions would remain less than significant under any future thresholds developed to address AB 197 and SB 32. Therefore, the proposed Project would not conflict with any applicable plan, policy, or regulation adopted for reducing the emissions of GHGs. A less than significant impact would occur.

4.9 HAZARDS AND HAZARDOUS MATERIALS

9.	HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	For a project located within an airport land use plan or, where such a plan had not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.9.1 Impact Analysis

a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less than Significant Impact. The proposed Project consists of the construction of a bicycle and pedestrian bridge, as well as an asphalt parking lot and fenced dog park. Construction activities would result in the temporary transport and storage of hazardous materials. During construction, the proposed Project will utilize hazardous materials such as fuels and solvents. Potentially hazardous materials will be stored and disposed of according to regulations set forth by local, State, and federal regulations during construction operations. Once the construction of the bridge, parking lot, and dog park are completed, the proposed Project would not introduce new land uses that would require the routine transport, use, or disposal of significant amounts of hazardous materials. On site activities and uses would be consistent with what currently exists on site. Impacts would be less than significant.

- b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less than Significant Impact with Mitigation. A Hazardous Materials Assessment (HMA) was prepared for the proposed Project by Ninyo & Moore on July 2019 (Appendix G). The objective of the HMA is to evaluate for recognized environmental conditions (RECs), which is, “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.”

Identification of RECs fall into the following three categories: existing RECs (as defined above); Historical RECs (HRECs); or Controlled RECs (CRECs). HRECs and CRECs are defined as follows:

HREC – An HREC is defined as “a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations [AULs], institutional controls, or engineering controls).” An HREC is an environmental condition, which in the past, would have been considered a REC, but currently may or may not be considered a REC. An example of an HREC may be a former gas station where a release of gasoline had occurred, but the site was cleaned up to an unrestricted land use standard.

CREC – A CREC is defined as a “recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by a regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, AULs, institutional controls, or engineering controls).” An example of a CREC could be a former gas station where a release of gasoline has been cleaned up to a commercial use standard, but does not meet unrestricted residential cleanup criteria.

Additional Environmental Record Sources

According to the ASTM Standard, “if the property or any of the adjoining properties is identified on one or more of the standard environmental record sources, pertinent regulatory files and/or records associated with the listing should be reviewed.” The review of regulatory agency records for these addresses is discussed in the following sections.

South Coast Air Quality Management District

Ninyo & Moore reviewed the South Coast Air Quality Management District Facility Information Detail Search (FIND) website for records regarding the site addresses. The site and adjoining addresses were not included in the FIND database. The “adjoining” address of 377 Superior Avenue was listed on this database as Unocal Corp, “Union DLR, Barbara Wilcox,” and “Union DLR, Harry Wilcox Y.” According to the database, this property is approximately 0.40-mile northeast of the site and was incorrectly plotted by EDR as adjoining the site. Based on the distance and regulatory status, this facility is not considered an environmental concern.

Online Regulatory Databases

Online regulatory databases were reviewed by Ninyo & Moore to supplement the environmental database search conducted by EDR. The following is a summary of information.

Table 4-17: Online Regulatory Database Findings

Online Database/Website	Findings
California Department of Toxic Substances Control (DTSC) EnviroStor	The site and adjoining properties were not included in the EnviroStor database.
State Water Resources Control Board (SWRCB) GeoTracker	The site was not included in the GeoTracker database. The former TOSCO Oil facility, previously located at 4625 Pacific Coast Highway, was included in the GeoTracker database as a closed LUST case. A summary of this LUST case is provided in Appendix G.
State of California, Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) Well Finder website	The site is located within the administrative boundaries of the Newport Oil Field. The nearest oil well (State of California No. 4), approximately 100 feet east-southeast and down to cross-gradient of the site, was listed as plugged. According to the review of the Newport Beach website, the site is located within a methane gas mitigation district. The parcel was listed as “That certain parcel of land bounded by Superior Avenue, the southerly line of Tract No. 8336 (commonly known as Villa Balboa), Newport Boulevard, and the southerly right-of-way of West Coast Highway.” Based on this information, there this a potential for encountering methane during excavation.

Historic Aerial Photographs

Historical aerial photographs were provided by EDR and reviewed online using Google Earth for select years from 1938 through 2016. A listing of the photographs reviewed and summary of notable observations from the photograph review are provided in the HMA. The proposed Project site and vicinity were used for agricultural purposes from 1938 to 1953. Superior Avenue was developed through the southern portion of the proposed Project site by 1963 and was redeveloped in its current configuration adjoining the site to the north and west by 1987. A parking lot was developed on the site by 1990. Residential and commercial development of the vicinity progressed from the 1930s to the 1980s. Because Pacific Coast Highway and Superior Avenue (in both its former and present positions) were used as roadways prior to 1992, when leaded gasoline was utilized, the potential presence of aerially deposited lead (ADL) in shallow unpaved soil adjoining the roadways (i.e., within 20 feet of the rights-of-way) represents a REC for the site. Based on the historical agricultural use of the property, commercial pesticides and herbicides may have been applied to the site and site vicinity during the agricultural use of the land. Residual concentrations of these substances and/or their breakdown derivatives may be present in the site soils. The historical aerial photographs reviewed by Ninyo & Moore did not indicate the presence of buildings or other structures on the site where pesticides or herbicides may have been mixed or stored. Based on the duration since pesticides/herbicides may have been applied (more than 60 years), it is assessed that the former agricultural usage of the site is considered a de minimis condition.

Because Pacific Coast Highway and Superior Avenue (in both its former and present locations) were used as roadways prior to 1992, when leaded gasoline was utilized, the potential presence of ADL in shallow unpaved soil adjoining the roadway represents a REC for the site. The presence of a closed LUST case adjoining the site to the south-southwest (former TOSCO Oil at 4625 Pacific Coast Highway) is considered an HREC for the site. The HMA revealed no evidence of RECs in connection with the proposed Project site, except for the following:

- The potential for ADL in shallow soil adjacent to roadway (i.e., within 20 feet of the rights-of-way) along Pacific Coast Highway and Superior Avenue.
- The presence of a closed LUST case adjoining the site to the south-southwest (former TOSCO Oil at 4625 Pacific Coast Highway) is considered an HREC.
- Based on historical research and the results of the VESM conducted by Ninyo & Moore, a VEC cannot be ruled out beneath the southwestern portion of the site.
- Although not considered a REC, the site is located within a methane gas mitigation district. Based on this information, there is a potential for encountering methane during excavation.

As stated in Section 4.9.1 Impact (a), the proposed Project will require the use, storage, disposal, and transport of hazardous materials during construction activities. Based on the results of the HMA, construction activities may result in some potential release of contaminants during ground disturbing activities. Implementation of mitigation HAZ-1 would result in the impacts to less than significant (City of Newport Beach 2009).

- MM HAZ-1: Any contaminated soils or other hazardous materials removed from the proposed Project site shall be transported only by a Licensed Hazardous Waste Hauler who shall be in compliance with all applicable State and federal requirements, including U.S. Department of Transportation regulations under Title 49 of the CFR (Hazardous Materials Transportation Act), California Department of Transportation standards, Occupational Safety and Health Administration standards, and the Resource Conservation and Recovery Act (42 United States Code §6901 et seq.). The City of Newport Beach Public Works and Community Development Departments shall verify that only Licensed Haulers who are operating in compliance with regulatory requirements are used to haul hazardous materials.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

No Impact. The nearest school is Pacifica Christian High School located approximately 0.45 miles from northeast from the proposed Project site on 883 West 15th Street in the City of Newport Beach (Google Maps 2019). The proposed Project would not emit hazardous emissions or handle hazardous materials within one-quarter mile of a school. No impact would occur.

- d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. The HMA included the results from an environmental database search for the proposed Project area. An environmental information database search was performed by Environmental Data Resources Inc. (EDR) on June 11, 2019. The search included federal, state, tribal, and local databases. A summary of the environmental databases searched, their corresponding search radii, and number of noted properties of potential environmental concern, is presented in the EDR report of the HMA appendices. The review was conducted to evaluate whether the proposed Project site or properties within the site vicinity have been documented as having experienced significant unauthorized releases of hazardous substances or other events with potentially adverse environmental effects.

The proposed Project site was not listed on searched environmental databases. Off-site properties/facilities listed in the database report were evaluated as to their potential to impact soil and/or groundwater at the site. To supplement the information in the EDR report, the State Water Resources Control Board (SWRCB) GeoTracker online database and Department of Toxic Substances Control's (DTSC's) EnviroStor database (where applicable) were reviewed. Of the seven locations located nearby the proposed Project, none were listed within the proposed Project. Because the proposed Project is not included on a list of hazardous materials site, no impact would occur.

- e) *For a project located within an airport land use plan or, where such a plan had not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

No Impact. The nearest public airport is John Wayne Airport located approximately 4.5 miles north from the proposed Project site. The nearest private heliport is located at Hoag Memorial Hospital

approximately 0.5 miles northeast from the proposed Project site. The proposed Project site is not located within 2 miles of a public airport and is not within the John Wayne Airport runway protection and accidental potential zones (City of Newport Beach 2006). No impact would occur.

- f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less than Significant Impact. The City of Newport Beach prepared an Emergency Operations Plan in 2004 to provide guidance in the City’s response to emergency situations ranging from natural disasters, technology incidence, and nuclear defense operations. Superior Avenue and West Coast highway have been identified as potential tsunami run up zones, and evacuation route signs are located along Superior Avenue, and at the intersection of West Coast Highway (City of Newport Beach 2006). Superior Avenue has the potential to be temporarily closed at night to accommodate the installation of the proposed bridge’s superstructure, depending on the bridge design chosen. However, all other roads in the vicinity would remain open for travel, and Superior Avenue would maintain its current accessibility once construction is complete. The proposed Project would not impair the implementation of, or interfere with an adopted emergency response or emergency evacuation plan. The proposed Project would not include any significant roadway work, or altering the routes of Superior Avenue or West Coast Highway. Impacts would be less than significant.

- g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

No impact. The proposed Project site is located in a low/no susceptibility area for wildfire hazards (City of Newport Beach 2006). The proposed Project would not include construction of new, habitable structures. No impact would occur.

4.10 HYDROLOGY AND WATER QUALITY

10.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	i) Result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

10.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
	ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flood on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.10.1 Impact Analysis

a) *Would the project violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality?*

Less than Significant. According to the City’s General Plan, construction activities that disturb one or more acres of land surface are subject to the Construction General Permit, 99-08 DWQ and will require preparation of a Storm Water Pollution Prevention Plan (SWPPP) to comply with the National Pollutant Discharge Elimination System (NPDES) permit. The proposed Project could generate potential pollutants during construction including sediment, organic compounds, trash, debris, oils, grease, and solvents. Implementation of these requirements will minimize any potential of violating water quality standards and waste discharge requirements (City of Newport Beach 2006). Implementation of BMPs that would be outlined in the SWPPP would prevent impacts to the water quality. These practices include but are not limited to litter control, landscape design, efficient irrigation system, and general waste management. And as stated in the table below, the proposed Project would comply with the policies identified in the Local Coastal Implementation Plan for water quality control (City of Newport Beach 2017b). Impacts would be less than significant.

Table 4-18: General Plan and Coastal Land Use Plan Consistency Analysis – Water Quality Control

Policy	Consistency with Policy
<p><u>Local Coastal Implementation Plan: Chapter 21.35: Water Quality Control</u></p> <p>Development that requires a coastal development permit and has the potential for adverse water quality or hydrologic (i.e., due to changes in runoff flows) impacts to coastal waters shall in most cases require both a construction-phase plan and a post-development plan for water quality protection.</p>	<p>Consistent. The proposed Project is located within the coastal zone. The proposed Project has the potential to result in hydrologic impacts. However, BMPs would be implemented throughout the proposed Project. The development of the proposed Project would include the application for a Coastal Development Permit.</p>

- b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

No Impact. According to the City's General Plan, the Santa Ana River transports reclaimed water from the counties of Riverside and San Bernardino into the Orange County Groundwater Basin. There are no designated recharge areas in the City (City of Newport Beach 2006), and no monitoring or production wells within the proposed Project vicinity (OCWD 2018). The Environmental Impact Report prepared for the Sunset Ridge Park states that groundwater levels in the area range between 54 and 86 feet below ground level. The depth of excavation would not reach the groundwater depth (City of Newport Beach 2009). Therefore, the proposed Project would not interfere with groundwater recharge because it will not be constructed in a recharge area. No impact would occur.

- c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i) result in substantial erosion or siltation on- or off-site?*

Less than Significant Impact. According to the Orange County Flood Control District drainage system maps, the proposed Project is located in Watershed G which includes unincorporated areas of Orange County, Costa Mesa, and Newport Beach. The proposed Project is not located near any of the identified channels or storm drains (OCFCD 2005). The proposed Project is not located within a stream or river, nor would include activities that would alter a water resource, channel, or storm drain facilities.

The drainage patterns of the area, as indicated in the Sunset Ridge Park Environmental Impact Report, routes runoff to the south and west through existing concrete V-ditches and terrace drains. All runoff would flow into an 8-foot by 5-foot concrete box culvert that is maintained by the California Department of Transportation. The culverts are located along West Coast Highway (City of Newport Beach 2009).

The location for the proposed expanded parking lot and dog park has an estimated elevation of approximately 70 feet above sea level. The southern boundary of the proposed Project along West Coast Highway to the intersection of West Coast Highway and Superior has an approximate elevation of 10 feet above sea level. The existing area slopes south towards West Coast Highway, and southwest northeast corner of West Coast Highway and Superior Avenue (Google Earth 2019). Surface runoff currently flows south towards West Coast Highway and southwest towards Superior Avenue and West Coast Highway. Runoff currently flows southbound along the concrete road channels on the northbound lane of Superior Highway. These channels eventually reach the storm drains located along Superior Avenue and West Coast Highway. Three storm drains are located on the northbound lane of Superior Avenue from Sunset Park Lane to the intersection of West Coast Highway and Superior Avenue. Two storm drains are located along the westbound lane of West Coast Highway south of the Hoag Memorial parking lot, and existing Superior Parking Lot. An additional storm drain is located along West Coast Highway in front of the existing bus stop.

Once constructed, the proposed Project area would be graded and have a relatively uniform slope and elevation. Drainage flows would be altered and be redirected towards the concrete channels along Superior Avenue and West Coast Highway to flow into the existing storm drains.

The proposed Project would result in the alteration of drainage patterns due to the proposed ground disturbing activities and grading of the vacant land. The proposed Project will include development of approximately 65,000 square feet of impervious surfaces consisting of asphalt parking lot and sidewalks that would increase surface runoff. The proposed Project would comply with Policy NR 3.11 and NR 4.4 of the General Plan and the Coastal Land Use Plan (stated below) to minimize erosion, runoff, and flooding during and after construction.

Table 4-19: General Plan and Coastal Land Use Plan Consistency Analysis – BMP and Erosion

Policy	Consistency with Policy
<p><u>General Plan Policy NR 3.11: Best Management Practices</u> Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations. (Policy HB8.11)</p>	<p>Consistent. The proposed Project would implement site specific BMPs during the construction and operation of the proposed Project to enhance and protect water quality for all natural water bodies.</p>
<p><u>General Plan NR 4.4: Erosion Minimization / Coastal Land Use Plan 4.3.1-6</u> Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.</p>	<p>Consistent. During construction, the proposed Project would implement grading and erosion control plans to minimize erosion within the proposed Project.</p>

The proposed Project would not involve the alteration or blockage of the concrete culverts. The proposed Project would not include the construction of any buildings or facilities, or introduce permanent populations such as residents and employees that would significantly increase the capacities for the existing stormwater systems. The proposed Project would implement BMPs provided in the Orange County Stormwater Program to control pollutant discharges from construction sites. Impacts would be less than significant.

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less than Significant Impact. During construction, areas within the Project site would be compacted and the drainage patterns would be altered. The proposed Project would introduce impervious surfaces to the area with the development of the parking lot and dog park. The development of the dog park, which would be composed of grass, granite, and other permeable surfaces, would be more pervious to stormwater, and would not result in flooding. The proposed Project would result in increased pervious surfaces, and increased run-off for the parking lot area. The City of Newport Beach

is subject to requirements of the California Regional Water Quality Control Board NPDES Permit and Waste Discharge Requirements for the area-wide urban runoff Orange County MS4 permit. Construction and post-construction activities would implement BMPs identified in the proposed Project SWPPP and NPDES permit to minimize the amount of surface runoff (SWRCB 2014). The development of a SWPPP and Erosion Control Plans would identify site specific BMPs that would manage and control surface runoff, and minimize flooding. Impacts would be less than significant.

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources or polluted runoff?

Less than Significant Impact. See previous response to Section 4.10.1 c)i to c)ii. While the proposed Project’s construction and operational activities would introduce impervious surfaces and increase runoff to the area, compliance with the General Plan’s goals and policies to minimize runoff would reduce impacts to less than significant. In addition, the proposed Project would not include the development of residential, commercial, or industrial facilities that could require expansion of existing stormwater drainage capacities. Per the goals of the Natural Resources Element (NR3) to enhance and protect the water quality, the proposed Project would comply with the following General Plan policies to minimize runoff and therefore would not exceed the capacity of the stormwater drainage systems, nor would it result in additional polluted runoff.

Table 4-20: General Plan and Coastal Land Use Plan Consistency Analysis – Water Quality Control

Policy	Consistency with Policy
<p><u>General Plan Policy NR 3.5 Storm Sewer System Permit/Coastal Land Use Plan 4.3.2 (4.3.2-1 to 4.3.2-25)</u> Require all development to comply with the regulations under the City’s municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System. (Policy HB8.5).</p>	<p>Consistent. The proposed Project would comply with the NPDES permit and Waste Discharge Requirements to minimize or control surface runoff.</p>
<p><u>General Plan Policy NR 3.10: Water Quality Management Plan</u> Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction. (Policy HB8.10)</p>	<p>Consistent. Prior to ground disturbance, the City will prepare and implement a Water Quality Management Plan to minimize runoff from rainfall events during construction and post construction.</p>
<p><u>General Plan Policy NR 3.18 Parking Lots and Rights-of-Way</u> Require that parking lots, and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue. (Policy HB8.18)</p>	<p>Consistent. Once developed, the proposed parking lot and dog park would be maintained and cleaned to minimize waste and contamination that could result in the degradation of water quality.</p>
<p><u>Coastal Land Use Plan</u> 2.17-2: New development shall provide for the protection of the water quality of the bay and adjacent natural habitats. New development shall be designed</p>	<p>Consistent. The proposed Project is not located within a coastal bluff. However, there are scenic views of the water from the proposed Project. Construction of the pedestrian bridge and dog park will comply with the</p>

Policy	Consistency with Policy
and sited to minimize impacts to public views of the water and coastal bluffs	General Plan policies to minimize contamination and degradation of water quality, and minimize or control surface runoff with the implementation of site specific BMPs.

The proposed Project’s addition of the dog park would introduce dog wastes (feces and urine) to the area which could introduce polluted runoff and impact water quality. In addition to compliance with the proposed Project’s BMPs, the proposed Project would comply with the following Municipal Code Chapter 7.20.020 Nuisances Committed by Animals (City of Newport Beach 2019a).

- A. It is unlawful for the owner or person having charge, custody or control of any animal to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that of the owner or person who has custody or control of the animal.
- B. No person having the care, custody, charge or control of any animal shall permit or allow that animal on any public sidewalk, public beach or park or on any other public property, or on any private property other than that of the owner or person who has custody or control of the animal, unless that person has, in his or her possession, an implement or device capable of removing any feces deposited by the animal.

Impacts would be less than significant with the Project’s compliance with existing Municipal Code requirements.

d) Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The proposed Project is located approximately 1,000 feet northeast from the Pacific Ocean. According to the General Plan, the City is susceptible to low probability, but high-risk tsunami events (a wave generated by an earthquake, landslide or volcanic eruption creating a large displacement of water). Superior Avenue and West Coast Highway are identified as potential tsunami run up zones. There are evacuation route signs along Superior Avenue, and at the intersection of West Coast Highway (City of Newport Beach 2006). The proposed Project would not introduce new structures that could expose people to a tsunami or seiche. The existing conditions of the area identified as within a tsunami run up zone would remain consistent.

During construction, the proposed Project could result in the release of pollutants due to flooding. As such, the proposed Project would handle potentially hazardous materials according to local, State, and federal regulations and would implement site control measures to minimize flooding. Impacts would be less than significant.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. The proposed Project would comply with the NPDES permit and would implement BMPs to reduce any impacts associated with water quality to less than significant. Additionally, the proposed Project would not include activities that would impact or modify groundwater resources. The Orange County Water District (OCWD) Groundwater Management Plan manages the Orange County Groundwater Basin. The proposed Project would not be located within any sampling wells or groundwater replenishment systems. Impacts would be less than significant.

4.11 LAND USE AND PLANNING

11.	LAND USE/PLANNING Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.11.1 Impact Analysis

a) *Would the project physically divide an established community?*

No Impact. The proposed Project includes the construction of a bicycle and pedestrian bridge to connect a new, larger parking lot to Sunset Ridge Park. The proposed Project also includes the addition of a fenced dog park adjacent to the new parking lot. The proposed Project will not physically divide an established community and would instead provide a needed connection between a parking lot and existing park for bicycle and pedestrian users. The uses onsite will remain as a public facility for public use. The bridge, parking lot, and park would not result in a new barrier in the community. No impact would occur.

b) *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

No Impact. The proposed Project’s surrounding land uses are parks and recreation for areas west and east of Superior Avenue (City of Newport Beach 2006). The proposed Project will maintain the current land uses and better support them because the proposed activities consists of the construction of a pedestrian and bicycle bridge, expansion of the existing parking lot to accommodate additional vehicles, and the addition of a fenced dog park. The uses will be consistent to what is currently onsite. No impact would occur.

The majority of the project is located within the boundaries of the City’s Local Coastal Program (LCP). The Project would be consistent with the City’s Local Coastal Program (LCP) for issuance of a Coastal Development Permit (CDP) and conforms to all applicable sections of the certified Local Coastal Program. As is described in detail in Section 4.4, Biological Resources, the project will be developed in accordance with Section 4.2.2, Wetland Definition and Delineation of the City Coastal Land Use Plan.

Specifically, the three policies 4.2.2-1, 4.2.2-2, and 4.2.2-3 within this section require a delineation by the Coastal Commission method and a minimum 100-foot buffer, unless it can be demonstrated that a narrower buffer would be “amply protective of the biological integrity of the wetland...”. Consistency with the LCP and Coastal Land Use Plan are detailed in respective resource area sections.

The portion of the Project which will be constructed within Sunset Ridge Park is expected to require an amendment to the CDP issued for the construction and use of Sunset Ridge Park. The Project is consistent with the requirements in the CDP and provides an increase in access and ease of use of Sunset Ridge Park.

4.12 MINERAL RESOURCES

12.	MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.12.1 Impact Analysis

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The State of California Division of Mines and Geology classified the proposed Project vicinity as a Mineral Resource Zone 3 (MRZ-3). These are areas as “continuing known mineral occurrences of undetermined mineral resource significance” (DOC 1981). There is no active mining within the area (City of Newport Beach 2006). The proposed Project would not include any mining activities that would result in the loss of availability of known mineral resources. While the proposed Project will require heavy ground disturbance and earthwork activities, excavation depths are not anticipated to be deep enough to uncover significant mineral resources. No impact would occur.

b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The proposed Project area does not contain any known mineral resources that would be of value and the proposed Project is not located in a mineral resource recovery site and no mining or mineral extracting activities are proposed. No impact would occur.

4.13 NOISE

13.	NOISE Would the project result in:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section describes the existing noise setting and potential noise and vibration effects from project implementation on the site and its surrounding area. Construction noise modeling was performed through use of the Roadway Construction Noise Model (RCNM) Version 1.1. The model output is provided in Appendix H along with the noise measurement printouts and a photo index of the noise measurement locations.

4.13.1 Environmental Setting

The proposed Project site is located within the City of Newport Beach. Currently, the primary sources of noise within the study area consists of vehicle noise from Coast Highway and Superior Avenue. In addition, the cooling plant for the Hoag Hospital is located on the east of the Project site and contributes to the noise environment in the immediate vicinity of the cooling plant. In order to determine the existing noise levels, three long-term (24-hour) ambient noise measurements were taken in the vicinity of the proposed Project between 12:06 p.m. on Tuesday June 25, 2019 and 12:27 p.m. on Wednesday, June 26, 2019. The results of the noise level measurements are presented in Table 4-21 and the noise measurement printouts and photos of the noise measurements sites are provided in Appendix H.

Table 4-21: Existing Noise Level Measurements

Site No.	Site Description	Average (dBA Leq)		1-hr Average (dBA Leq/Time)		Average (CNEL)
		Daytime ¹	Nighttime ²	Minimum	Maximum	
1	Southwest Side of Coast Hwy/Superior Ave Intersection	69.6	66.5	55.6 3:37 AM	72.6 10:34 PM	74.6
2	Northwest Side of Superior Avenue	67.0	56.7	51.6 3:41 AM	69.6 2:55 PM	67.4
3	South Side of Coast Hwy	76.2	68.3	60.6 3:21 AM	78.0 6:46 PM	77.7

Notes:

¹ Daytime defined as 7:00 a.m. to 10:00 p.m. (Section 10.26.025 of the Municipal Code)

² Nighttime defined as 10:00 p.m. to 7:00 a.m. (Section 10.26.025 of the Municipal Code)

Source: Larson-Davis Model LXT1 Type 1 sound level meters programmed in "slow" mode to record noise levels in "A" weighted form.

City of Newport Beach Noise Standards

For construction activities within the City of Newport Beach, Municipal Code Section 10.28.040(A) exempts construction noise from the City's noise standards, provided that construction activities are conducted between 7:00 a.m. and 6:30 p.m. Monday through Friday or between 8:00 a.m. and 6:00 p.m. on Saturdays. Section 10.28.040(D)(2)(b) of the Municipal Code exempts public works construction projects from the City noise standards provided that the City Manager or department director determines that the construction activities cannot be conducted during normal business hours.

Operational activities are subject to the City's exterior noise standards detailed in Section 10.26.025 of the Municipal Code that limits noise to 55 dBA between 7:00 a.m. and 10:00 p.m. and 50 dBA between 10:00 p.m. and 7:00 a.m. at the exterior of the nearby homes.

4.13.2 Impact Analysis

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Less than Significant Impact. The proposed Project would consist of construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot, and a fenced dog park. Both construction and operation of the proposed Project would have the potential to generate noise in excess of standards and have been analyzed separately below

Construction-Related Noise

Construction activities for the proposed Project are anticipated to begin in early 2021 and would be completed in 14 to 18 months. The first phase of construction would consist of demolition of the existing parking lot that has been estimated to require the export of up to 1,000 tons of paving debris from the project site. The second phase would be grading of the proposed Project site that would require the export of up to 25,000 cubic yards of dirt from the project site. Bridge construction would occur after the completion of grading, which may occur concurrently with paving and landscaping

activities for the proposed Project. The nearest sensitive receptors to the Project site are multi-family homes located as near as 165 feet to the south and 220 feet to the northeast and single-family homes located as near as 300 feet to the southwest of the proposed area to be disturbed as part of the proposed Project

Municipal Code Section 10.28.040(A) exempts construction noise from the City's noise standards, provided that construction activities are conducted between 7:00 a.m. and 6:30 p.m. Monday through Friday or between 8:00 a.m. and 6:00 p.m. on Saturdays. However, the City has stated that it may be necessary for portions of bridge construction activities to close Superior Avenue, which will need to occur outside of the allowable hours for construction, in order to minimize traffic impacts. Section 10.28.040(D)(2)(b) of the Municipal Code exempts public works construction projects from the City noise standards provided that the City Manager or department director determines that the construction activities cannot be conducted during normal business hours.

However, the City construction noise standards do not provide any limits to the noise levels that may be created from construction activities and even with adherence to the City standards, the resultant construction noise levels may result in a significant substantial temporary noise increase to the nearby residents. In order to determine if the proposed construction activities would create a significant substantial temporary noise increase, the Federal Transit Administration (FTA) construction noise criteria thresholds³ have been utilized, which show that a significant construction noise impact would occur if construction noise exceeds 80 dBA during the daytime or 70 dBA during the nighttime at any of the nearby homes.

The Federal Highway Administration (FHWA) compiled noise level data regarding the noise generating characteristics of several different types of construction equipment used during the Central Artery/Tunnel project in Boston. Table 4-22 below provides a list of the construction equipment measured, along with the associated measured noise emissions and measured percentage of typical equipment use per day. From this acquired data, FHWA developed the Roadway Construction Noise Model (RCNM). The RCNM, which uses the Spec 721.560 L_{max} at 50 feet, has been used to calculate the construction equipment noise emissions (see Appendix H).

³ Source: Transit Noise and Vibration Impact Assessment, prepared by Federal Transit Administration, May 2006.

Table 4-22: Construction Equipment Noise and Usage Factors

Equipment	Acoustical Use Factor ¹ (Percent)	Spec 721.560 L _{max} @ 50 Feet ² (dBA, slow ³)	Actual Measured L _{max} @ 50 feet ⁴ (dBA, slow)
Auger Drill Rig	20	85	N/A
Backhoe	40	80	78
Compressor (air)	40	80	78
Concrete Mixer Truck	40	85	79
Concrete Pump	20	82	81
Concrete Saw	20	90	90
Crane	16	85	81
Dozer	40	85	82
Dump Truck	40	84	76
Excavator	40	85	81
Flatbed Truck	40	84	74
Front End Loader	40	80	79
Generator	50	82	81
Gradall (Forklift)	40	85	83
Mounted Impact Hammer	20	90	90
Paver	50	85	77
Roller	20	85	80
Tractor	40	84	N/A
Welder/Torch	40	73	74

¹ Acoustical use factor is the percentage of time each piece of equipment is operational during a typical workday.

² Spec 721.560 is the equipment noise level utilized by the Roadway Construction Noise Model program.

³ The “slow” response averages sound levels over 1-second increments. A “fast” response averages sound levels over 0.125-second increments.

⁴ Actual Measured is the average noise level measured of each piece of equipment during the Central Artery/Tunnel project in Boston, Massachusetts primarily during the 1990s.

Source: Federal Highway Administration, 2006.

The anticipated areas of construction and construction equipment that will be utilized during development of each area were obtained from the Project applicant. For each area of development, the nearest piece of equipment was placed at the shortest distance of the proposed area to the nearest sensitive receptor and each subsequent piece of equipment was placed an additional 50 feet away. The results are shown below in Table 4-23.

Table 4-23: Proposed Project Construction Noise Levels at Nearby Homes

Construction Phase	Construction Noise Level at: (dBA L _{eq})		
	Multi-Family Homes to South	Multi-Family Homes to Northeast	Single-Family Homes to Southwest
Demolition of Existing Parking Lot	71	71	67
Grading (Excavation)	72	66	66
Bridge Construction	66	65	68
Paving	68	65	63
Landscaping	70	68	65
Construction Noise Threshold (day/night)¹	80/70	80/70	80/70

Construction Phase	Construction Noise Level at: (dBA L _{eq})		
	Multi-Family Homes to South	Multi-Family Homes to Northeast	Single-Family Homes to Southwest
Exceed Threshold (day/night)	No/Yes	No/Yes	No/No

Notes:

¹ Construction Noise Thresholds from Federal Transit Administration, 2006.

Source: RCNM Version 1.1 (see Appendix H).

Table 4-23 shows that the greatest construction noise impacts would occur during grading (excavation) activities with a noise level as high as 72 dBA L_{eq} at the multi-family homes located south of the project site. Table 4-23 also shows that construction noise impacts from the proposed Project would be below the 80 dBA daytime noise standard for all phases of construction, however the Demolition and Grading phases of construction would exceed the 70 dBA nighttime noise standard. This would be considered a significant noise impact.

City Manager or department director would be restricted from utilizing the public works exemption to construction times as detailed in Section 10.28.040(D)(2)(b) of the Municipal Code for the Demolition or Grading (Excavation) phases of construction activities. This restriction does not apply to the Bridge Construction, Paving, or Landscaping phases of construction. Compliance with the municipal code would minimize nighttime construction noise impacts.

Operation-Related Noise

The proposed Project consists of development of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot, and a fenced dog park. The operation of the proposed Project may create an increase of onsite noise levels from the new parking lot, pedestrian bridge and dog park. The proposed Project may also generate additional vehicle trips from the dog park, however according to the CalEEMod model runs (see Appendix H), the proposed Project is anticipated to generate nine or fewer additional daily trips above what the existing park and parking lot already generate, which would have a negligible impact to the nearby roads noise levels and therefore no additional roadway noise analysis is provided in this analysis.

Section 10.26.025 of the Municipal Code limits exterior noise impacts to the nearby residential uses to 55 dBA between 7:00 a.m. and 10:00 p.m. and 50 dBA between 10:00 p.m. and 7:00 a.m.

In order to determine potential noise impacts from the proposed parking lot, pedestrian bridge, and dog park, reference noise measurements were taken of similar activities at other Parks, which are shown in Table 4-24. The dog park noise was obtained from the *Draft Initial Study-Mitigated Negative Declaration City of Beverly Hills Dog Park Project*⁴, which found that a dog park creates noise from both dogs barking and dog owners talking. The study found that a dog park creates a noise level of 51.8 dBA L_{eq} at a distance between 10 to 50 feet from the dog park. Table 4-24 also shows the calculated noise levels at the nearest homes to each activity, based on a standard attenuation rate of 6 dB per doubling of distance. Noise is only additive if the noise source is within 10 dB of ambient

⁴ Source: Rincon Consultants, July 2015, <http://www.beverlyhills-ca.gov/cbhfiles/storage/files/1622915470371464222/DogParkMNDDraft.pdf>

noise levels. The noise from the proposed dog park would be at least 30 dB below ambient noise levels, so it would not provide a quantitative contribute to existing ambient noise levels and will not be discernible at the nearby homes.

Table 4-24: Operational On-Site Noise Impacts to the Nearest Homes

Noise Source	Reference Noise Measurement		Project Impacts at Nearest Homes	
	Distance of Receptor to Source (feet)	Noise Level (dBA Leq)	Distance of Receptor to Source (feet)	Noise Level ¹ (dBA Leq)
New Parking Lot	5	63.1	200	31
Pedestrian Bridge	5	45.0	330	9
Dog Park	50	51.8	260	37
City Noise Standard (day/night) ²				55/50
Exceed City Standards (day/night)?				No/No

Notes:

¹ Project noise impacts calculated based on typical noise propagation rates of 6 dB per doubling of distance.

² City Noise Standard from Section 10.26.025 of the Municipal Code.

The data provided in Table 4-24 shows that anticipated worst-case noise levels created from the proposed parking lot, pedestrian bridge, and dog park would be within the City’s exterior daytime and nighttime residential noise standards at the nearest home to each activity. As such, operations-related onsite noise impacts to the nearby homes would be less than significant for the proposed Project. Accordingly, the proposed Project would not expose persons to noise levels in excess of standards established by the City of Newport Beach.

b) *Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

Less than Significant Impact. The proposed Project would consist of construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot, and a fenced dog park. Construction activities would require the operation of off-road equipment and trucks that are known sources of vibration. Construction activities may occur as near as 165 feet to the multi-family homes located on the south side of the proposed Project site.

Since neither the City’s General Plan nor the Municipal Code provide any thresholds related to vibration, Caltrans guidance⁵ has been utilized, which defines the threshold of perception from transient sources at 0.25 inch-per-second peak particle velocity (PPV). Table 4-25 shows the typical PPV produced from some common construction equipment.

⁵ From *Transportation and Construction Vibration Guidance Manual*, prepared by Caltrans, September 2013.

Table 4-25: Typical Construction Equipment Vibration Emissions

Equipment	Peak Particle Velocity in inches per second at 25 feet	Vibration Level (Lv) at 25 feet
Pile Driver (impact)	0.644	104
Pile Driver (sonic)	0.170	93
Clam Shovel Drop	0.202	94
Hydromill		
- in soil	0.008	66
- in rock	0.017	75
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
Large Bulldozer	0.089	87
Caisson Drill	0.089	87
Loaded truck (off road)	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Source: Federal Transit Administration 2006.

From the list of equipment shown in Table 4-25, an impact pile driver with a vibration level of 0.644 inch-per-second PPV would be the source of the highest vibration levels of all equipment utilized during construction activities for the proposed Project. Based on typical propagation rates this would result in a vibration level of 0.081 inch-per-second PPV at the nearest home to construction activities. The construction-related vibration levels would be within the 0.25 inch-per-second PPV threshold detailed above. Construction-related vibration impacts would be less than significant.

The on-going operation of the proposed Project would not result in the creation of any known vibration sources. Therefore, a less than significant vibration impact is anticipated from the operation of the proposed project.

Accordingly, the proposed Project would not expose persons to excessive groundborne vibration or groundborne noise levels.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

Less than Significant Impact. The proposed Project site is not located within two miles of a public airport and is not in the vicinity of a private airstrip. The nearest airport is John Wayne Airport, which is located approximately 4.5 miles northeast of the proposed Project site. The project site is located outside of the 65 dBA CNEL noise contours of John Wayne Airport. The proposed Project would not expose people residing or working in the surrounding area to excessive levels of airport-generated noise. As such, airport and airstrip noise impacts to the proposed Project would be less than significant.

4.14 POPULATION AND HOUSING

14.	POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.14.1 Impact Analysis

a) *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

No Impact. The proposed Project will not directly induce a substantial unplanned population growth because the proposed activities do not include the development of new homes and businesses that would promote relocation into the proposed Project area. The proposed Project may include extending an access road through the parking lot to connect to the Hoag Memorial Hospital property. However, the proposed Project would not indirectly induce population growth through the extension of roads or other infrastructure within public roads, as the potential access road extension would be intended to serve the existing population. The proposed Project is limited to the construction of a pedestrian and bicycle bridge, parking lot, and the addition of a fenced dog park. No impact would occur.

b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

No Impact. The proposed Project would not include construction of any residences or housing units and would not involve any activities that would result displacing existing residents or housing. No impact would occur.

4.15 PUBLIC SERVICES

PUBLIC SERVICES.					
15.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.15.1 Impact Analysis

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?*

Less than Significant Impact. The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities. The proposed Project would not include the construction of new fire protection facilities or require the alteration of nearby fire protection facilities. The nearest fire station to the proposed Project site is the Newport Beach Fire Department Lido Station located at 475 32nd Street, approximately 0.7 miles southeast from the proposed Project site (Google Maps 2019). The proposed Project would not result in increased populations that would require additional public services. The proposed Project does not include any activities that would require the modification of the Lido Fire Station or other fire stations.

The construction of the proposed Project would temporarily increase the risk of fire due to the presence of construction equipment at the Project site. However, compliance with the Newport Beach Fire Department requirements for fire protection standards would minimize the risk of fire. Impacts would be less than significant.

b) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?*

No Impact. The proposed Project would not result in adverse physical impacts associated with the provision of new or physically altered facilities to maintain acceptable service ratios for police protection. The proposed Project would be provided by police protection services by the Newport Beach Police Department, and supplemented by the Costa Mesa Police Department. The nearest

police station is the Costa Mesa Police Department located at 99 Fair Drive in the City of Costa Mesa, approximately 4.5 miles north from the proposed Project. The Newport Beach Police Department is located at 870 Santa Barbara Drive, and is approximately 5 miles northeast from the proposed Project (Google Maps 2019). The proposed Project would not result in increased populations that would require additional public services, nor would it impact the nearest police station. The development of the proposed bridge would result in a beneficial impact related to emergency responses because the bridge would provide increased safety for pedestrians and bicyclists that would typically cross the busy West Coast Highway and Superior Avenue intersection which are considered major arterials. No impact would occur.

- c) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*

No Impact. The proposed Project would not result in increased populations that would require additional school facilities, nor would it impact the nearest school. The nearest school to the proposed Project site is Pacifica Christian High School, approximately 0.45 miles from the proposed Project site located at 883 West 15th Street in Newport Beach (Google Maps 2019). There are no proposed activities that would occur within or adjacent to the high school area. No impact would occur.

- d) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?*

Less than Significant Impact. The proposed Project consists of the construction of a pedestrian and bicycle bridge, as well as an asphalt parking lot and dog park at the northwest corner of West Coast Highway and Superior Avenue. The proposed Project would connect the southeast portion of the Sunset Ridge Park with the enlarged parking lot at the corner of Superior Avenue and West Coast Highway. Construction activities would be scheduled during low usage months, or events would be relocated to an alternate location temporarily if parking cannot be provided closer to the park. While the presence of the bridge will change the surrounding area, the proposed Project will provide pedestrians additional parking and a safe passageway to access Sunset Ridge Park. Impacts would be less than significant.

- e) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?*

Less than Significant Impact. The Hoag Child Center building is located approximately 0.15 miles east from the proposed parking lot, and the Hoag Hospital is located in the immediate Project vicinity. The proposed Project would not result in increased populations that would require an increase in hospital services. While the proposed Project would occur near the Hoag Child Center parking lot, the

proposed activities would not require physical alterations of the center, and would not impact service, response, or performance. Impacts would be less than significant.

4.16 RECREATION

16.	RECREATION. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.16.1 Impact Analysis

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Less than Significant Impact. The proposed Project consists of the construction of a bicycle and pedestrian bridge, as well as an asphalt parking lot and fenced dog park. The proposed Project will connect the southeast portion of the Sunset Ridge Park and the parking lot at the corner of Superior Avenue and West Coast Highway. The proposed Project will not alter Sunset Ridge Park; however, the southeast portion of the park will be disturbed for the construction of the bridge. Construction activities would be scheduled during low usage months, or events would be relocated to an alternate location temporarily if parking cannot be provided closer to the park. While the presence of the bridge will change the surrounding area, the proposed Project will provide park users additional parking and a safe passageway to access Sunset Ridge Park.

The proposed Project would not result in the increased use of existing parks and recreational facilities. The proposed Project would involve the addition of a bridge and parking lot to provide additional routes for visitors of Sunset Ridge Park and would provide additional parking to existing users. Impacts would be less than significant.

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Less than Significant Impact. The proposed Project would result in the new construction of a 0.2 to 0.3 acre dog park to the area. The dog park would include benches, trash cans, and new water service for the water fountain and for irrigation needs. The construction of the dog park would convert the existing vacant lot located at the northeastern area of the proposed Project. As stated in Section 4.4.1, Biological Resources, the proposed Project does not contain habitats for sensitive or endangered

species. The Project is avoiding sensitive resources to the maximum extent feasible. Any impacts to sensitive habitats will be mitigated consistent with City policies. This is further discussed in Section 4.4, Biological Resources. Therefore, the proposed Project would not result in the adverse effect on the environment for sensitive species. In addition, the proposed Project would result in the conversion of the vacant lot and provide visitors and residents access to a recreational area specific for dogs. Impacts would be less than significant.

Table 4-26: General Plan and Coastal Land Use Plan Consistency Analysis – Recreation

Policy	Consistency with Policy
<p><u>General Plan R 3.1: Adequate Access / Coastal Land Use Plan 3.2.3-1</u></p> <p>Ensure that parks and recreation facilities include provisions for adequate access for persons with disabilities and that existing facilities are appropriately retrofitted to include such access as required by the Americans with Disabilities Act.</p>	<p>Consistent. Access to the pedestrian bridge, dog park, and parking facilities would be accessible for persons with disabilities and compliant with the American Disabilities Act.</p>
<p><u>General Plan R 3.3: Facility Design / Coastal Land Use Plan 3.2.3-3</u></p> <p>Design guardrails on parks, piers, trails, and public viewing areas to take into consideration the views at the eye level of persons in wheelchairs.</p>	<p>Consistent. The proposed Project will be designed in consideration with the viewing level of persons in wheelchairs.</p>
<p><u>General Plan R 7.1: Public Coastal Access / Coastal Land Use Plan 3.2.2-1</u></p> <p>Protect public coastal access recreational opportunities through the provision of adequate support facilities and services.</p>	<p>Consistent. The proposed Project provides a facility for public use to access coastal views, and access to recreational areas. The removal of the dirt mound on the eastern portion of the proposed Project would improve current public views of the coastal area. The proposed Project would not prevent public coastal access, or access to recreational facilities.</p>
<p><u>General Plan R 9.1: Provision of Public Coastal Access</u></p> <p>Provide adequate public access to the shoreline, beach, coastal parks, trails, and bay, acquire additional public access points to these areas and provide parking, where possible. (Policy HB6.1)</p>	<p>Consistent. The proposed Project would provide additional viewing areas for coastal views and access to locations designed to contain viewing areas. The proposed Project includes additional parking facilities for users of the dog park and accommodates users of Sunset Ridge Park.</p>
<p><u>Coastal Land Use Plan: Public Access and Recreation</u></p> <p>3.2.1-1: Protect, and where feasible, expand and enhance recreational opportunities in the coastal zone.</p>	<p>Consistent. The proposed Project provides additional viewing areas for coastal views and access to locations designed to contain viewing areas which expands opportunities to access coastal views. The removal of the dirt mound on the eastern portion of the proposed Project would improve current public views of the coastal area.</p>

<p><u>Coastal Land Use Plan: Public Access and Recreation</u></p> <p>3.2.2-4: Develop parking management programs for coastal zone areas to minimize parking use conflicts between commercial uses, residential uses, and coastal zone visitors during peak summer months.</p>	<p>Consistent. The proposed Project is located within a coastal zone and provides additional parking facilities for users of the area, including Sunset Ridge Park. This allows users to park their vehicles within a designated area and minimizes parking within commercial and residential areas.</p>
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4.17 TRANSPORTATION

17.	TRANSPORTATION. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Substantially increase hazards due to a geometric design feature (e. g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.17.1 Impact Analysis

a) *Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?*

Less than Significant Impact. The proposed Project would not involve the significant modification of roadways, transit, or bicycle lanes and therefore would not conflict with applicable circulation plans. The proposed Project would provide an additional bicycle and pedestrian path to Sunset Ridge park with the addition of the bicycle and pedestrian bridge. The proposed Project would not result in a substantial increase of users that would generate a significant increase in traffic because no construction of businesses or residences would occur and no expansion of park facilities other than dog park are proposed. In addition, the larger parking lot would serve the existing park users. During construction, the proposed Project would result in intermittent sidewalk closures to construct bridge abutments, grading, entrance to the new parking lot, and landscaping. During this phase, alternate routes will be provided to pedestrians and cyclists.

The proposed Project would have the potential to include temporary road closures during construction. Superior Avenue may be closed at night depending on the bridge design chosen to accommodate the installation of the proposed bridge’s superstructure; all other roads in the vicinity would remain open. Superior Avenue, as listed as a tsunami run up area, would not be modified to prevent its use during an emergency. A traffic control plan would be prepared prior to construction

to specify any potential reroutes, speed limits, etc. Therefore, implementation of the proposed Project would result in less than significant impacts.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less than Significant Impact. Uses at the proposed Project site would be similar to existing conditions. Land uses would remain the same with no permanent or significant changes in the number of residences or workers in the vicinity of the proposed Project site. The proposed Project would not change activities that are currently occurring onsite. As per the CEQA Guidelines section 15064.3, subdivision (b)(1), projects that reduce vehicle miles traveled, such as pedestrian, bicycle and transit projects, should have a less than significant impact. As per the CEQA Guidelines section 15064.3, subdivision (b)(2), transportation projects which reduce vehicle miles traveled should be presumed to cause a less than significant transportation impact. The proposed Project is not a land use project and would not involve changes to the existing land uses. The proposed Project would provide additional bicycle and pedestrian connectivity, with safe access between the dog park, parking lot, and Sunset Ridge Park via pedestrian bridge.

Public transit services are provided by the Orange County Transportation Authority (OCTA). OCTA routes 1 and 47 pass through the proposed Project area. The nearest transit stops are Coast-Superior located south of Sunset Ridge Park, Coast-Balboa located south of the proposed parking lot along West Coast Highway, Balboa-River located on West Balboa Boulevard and Superior Avenue, and Balboa-46th located across the Balboa-River stop. The proposed Project would not impact or modify public transit stops provided by OCTA. Impacts would be less than significant.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

Less than Significant Impact. Depending on the bridge design, temporary re-striping of Superior Avenue may occur to build a support structure during construction. However, the proposed Project would not change the roadway design that would include sharp curves, nor would it involve incompatible uses. The addition of the bicycle and pedestrian bridge would not pose a hazard to high profile vehicles because height of the bridge (from ground to base) would be built above the vertical clearance of 14 feet as identified in the California Vehicle Code (Caltrans 2018). The pedestrian bridge would provide access which would increase pedestrian safety. Impacts would be less than significant.

d) Would the project result in inadequate emergency access?

Less than Significant Impact. The proposed Project would not include change to nearby roadways or emergency access routes. While Superior Avenue has the potential to be closed at night, depending on the bridge design chosen, to accommodate the installation of the proposed bridge's superstructure, all other roads in the vicinity would remain open. Superior Avenue, as listed as a tsunami run up area, would not be modified to prevent its use during an emergency. A traffic control plan would be prepared prior to construction to specify any potential reroutes, speed limits, etc. Emergency personnel would be able to access the proposed parking lot and dog park. Emergency access would be provided and maintained off Superior Avenue for the proposed dog park. Therefore,

implementation of the proposed Project would not result in an impact associated with emergency access.

4.18 TRIBAL CULTURAL RESOURCES

This section describes the potential tribal cultural resources effects from implementation of the proposed Project.

18.	TRIBAL CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ii) 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.18.1 Impact Analysis

i) *Would the project cause a substantial adverse change in a listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

No Impact. As discussed in Section 4.5.1 (a), the proposed Project does not have historic or prehistoric resources identified. In addition, the proposed Project area does not contain any structures of historic significance. No impact would occur.

ii) *Would the project cause a substantial adverse change in 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 Public Resources Code Section 5024.1?*

Less than Significant Impact with Mitigation. On May 22, 2019, Chambers Group requested that the NAHC conduct a search of its Sacred Lands File to determine if cultural resources significant

to Native Americans have been recorded in the Project footprint and/or buffer area. On June 7, 2019, Chambers Group received a response from NAHC stating that the search of its Sacred Lands File was positive for the presence of Native American cultural resources within 0.5 mile of the Project area or surrounding vicinity.

A letter dated June 7, 2019 from the Native American Heritage Commission (NAHC) identified the culturally affiliated tribes and provided the positive results of NAHC Sacred Lands File search. On June 27, 2019, the City of Newport Beach submitted AB 52 notification letters to two Native American tribal governments or designated tribal representatives. Of the two tribes or tribal representatives, the City received responses from one tribe.

Responses and consultation requests were received from the following tribes within 30-days:

- Gabrieleno Band of Mission Indians- Kizh Nation (July 8, 2019): The tribe responded within the 30-day timeframe under AB 52 and requested consultation if ground disturbance was planned. Since the project does call for ground disturbance, the City of Newport Beach engaged in consultation with Tribal Councilmembers on July 25, 2019. During the consultation, the Tribal Councilmembers indicated that the Project is within a culturally sensitive area. Because of this information, the City of Newport Beach proposed the following mitigation measure on July 26, 2019:
 - - i. MM TCR -1: Prior to issuance of any grading permit, the Applicant shall provide satisfactory evidence that a Native American monitor (i.e., Gabrieleño Band of Mission Indians-Kizh Nation), has been retained to observe ground disturbance activities during grading and excavation. In the event that tribal cultural resources are discovered, the Native American monitor shall be included in the consultation on the recommended next steps.

The Tribal Councilmembers reviewed the proposed mitigation measure, and confirmed that they approve the proposed mitigation measure. With the tribe's approval, consultation is considered complete.

Pursuant to PRC 21080.3.1(d), each tribal government or representative was given 30 days upon receipt of the AB 52 notification letter to provide a request for consultation on the Project. The 30-day request period for consultation expired on July 27, 2019. One of the two tribal representatives responded to the initial notification letter, with one requesting consultation. Tribal consultation between the City of Newport Beach and the Gabrieleno Band of Mission Indians-Kizh Nation is ongoing. The City of Newport Beach, as lead agency, has fulfilled its obligations under AB 52 to engage in tribal consultation with all other tribal governments.

4.19 UTILITIES AND SERVICE SYSTEMS

Utilities and service systems include potable water and wastewater treatment. The quantity of water consumed and wastewater generated by a project is determined by several factors, including the size, type and characteristics of the project. The need for construction of new or replacement water and wastewater treatment facilities (e.g., reservoirs, storage tanks, water mains, filtration plants, pumps,

wells, and other connections or distribution facilities) would depend on the existing capacity and anticipated demand for the proposed Project site.

19.	UTILITIES/SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.19.1 Impact Analysis

a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or expansion of which could cause significant environmental effects?*

No Impact. The proposed Project would not require relocation or construction of new utilities for wastewater, stormwater, electric power, natural gas, or telecommunications. The proposed Project consists of the construction of a pedestrian and bicycle bridge, asphalt parking lot, and fenced dog park. The proposed construction activities would require water for construction needs; however, expanded or new water entitlements would not be required. The dog park would include new water service for the drinking fountain and for irrigation needs. The dog park would result in demand for water services.; however, the amount of water uses for the dog park would be less than what is required to service commercial, residential, or industrial properties. According to the City of Newport Beach Water Master Plan, the majority of the existing water demands are from land uses for residential and commercial uses. The water needs of the dog park would not result in depletion of existing water services (City of Newport Beach 2019c). There are no proposed structures or facilities,

including commercial and residential properties that would require new utility connections. No impact would occur.

- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal dry and multiple dry years?*

Less than Significant Impact. Irvine Rancho Water District, Mesa, and the City all provide water services within Newport Beach. Water for the proposed Project will be provided by the City, and the City has acknowledged that there is adequate water supply to support the Project. The proposed Project would not involve in the construction of residential, commercial, or industrial buildings that would require large, frequent amounts water supplies for operation and maintenance. The dog park would require new water service for the drinking fountain, and for irrigation purposes. However, as stated in Section 4.19.1 a), the water uses for the dog park would not result in the significant depletion of existing water services, or interrupt water services within the area. The proposed Project would comply with local, regional, and state water conservation policies, and follow best management practices to reduce water consumption during construction including Policy NR 1.1, Water Conservation in New Development, of the General Plan (City of Newport Beach 2006). The proposed Project would include drought tolerant landscaping and the construction of a fenced dog park. Recycled water will be used for maintenance and operation of these areas. Impacts would be less than significant.

- c) *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less than Significant Impact. The proposed Project would not result in an impact associated with new or expanded wastewater treatment facilities. The proposed Project would not involve the construction of residential, commercial, or industrial buildings that would require a significant need in wastewater treatment. Furthermore, the proposed Project would comply with the General Plan goals and policies in water conservation and recycled water use during development. Impacts would be less than significant.

- d) *Would the project generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals?*

Less than Significant Impact. The proposed Project would not involve in an increase in populations within the proposed Project area and would not result in an increase in waste generation.

The construction of the proposed Project would generate solid waste including scrap lumber, concrete, residual waste, packaging material, plastics, etc. Under the General Plan, the Orange County landfills will have adequate capacity to operate until 2035. The Orange County Integrated Waste Management Department owns and operates three active landfills. Frank R. Bowerman Sanitary Landfill services the City of Newport Beach.

The City of Newport Beach has a recycling program which has resulted in recycling over 25 percent of its residential waste stream in 2002, and 100 percent of concrete, asphalt, and green and brown

wastes from City operations. Landscape, turf maintenance, and tree trimming contractors, under the General Plan, are required to recycle 100 percent of waste generated (City of Newport Beach 2006). To ensure optimal diversion of solid wastes generated, the proposed Project would recycle, or salvage solid waste generated to minimize disposal into landfills.

After construction, once the pedestrian bridge, parking lot, and park have been developed, the generation of solid waste would be reduced. Compliance and incorporation of the City’s guidelines in waste reduction and recycling goals would result in less than significant impacts related to solid waste.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. During construction and operation of the proposed Project, all activities would comply with all City, county, and state solid waste diversion, reduction, and recycling mandates, including compliance with the county-wide the Orange County Integrated Waste Management Plan. Therefore, implementation of the proposed Project would result in a less than significant impact associated with waste regulations.

4.20 WILDFIRE

20.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.20.1 Impact Analysis

a) Would the project impair an adopted emergency response plan or emergency evacuation plan?

No Impact. As discussed in Section 4.9.1 Impact (g), the proposed Project site is located in a low/no susceptibility area for wildfire hazards (City of Newport Beach 2006). The proposed Project would not impair emergency access or an emergency response plan. No impact would occur.

b) *Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

No Impact. The proposed Project is located within an established and built urban community that has low/no susceptibility for wildfire. The proposed Project would not include the installation or expansion of associated infrastructures (such as fuel breaks, emergency water sources, or other utilities) that could exacerbate a fire risk. No impact would occur.

c) *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

No Impact. As discussed above in Section 4.20.1 Impact (b), the proposed Project is in an area of low/no susceptibility for wildfire. No impact would occur.

d) *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability or drainage changes?*

No Impact. The proposed Project site is located in an area of low/no susceptibility to wildfire. The proposed Project would not include construction of structures that could be exposed to significant risks of post fire induced landslides. No impact would occur.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

21.	MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.21.1 Impact Analysis

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Less than Significant Impact. The proposed Project consists of the construction of a pedestrian bridge and bicycle bridge, as well as an asphalt parking lot and dog park. The proposed Project is located in an urbanized area with a currently active park and parking lot. The proposed Project will not result in significant impacts to sensitive animal species because of their low potential to occur within the proposed Project site. However, the proposed Project may result in direct and indirect impacts to habitat for sensitive wildlife species or to sensitive wildlife species that may be present within natural communities adjacent to the proposed Project. Implementation of the following mitigation measures would result in less than significant impact to natural communities and sensitive plant species.

- MM BIO-1: Project-related activities likely to have the potential to disturb suitable bird nesting habitat shall be prohibited from February 15 through August 31, unless a Project Biologist acceptable to the City of Newport Beach surveys the Project area prior to disturbance to confirm the absence of active nests. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment and/or artificial night lighting. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. If an active nest is discovered, disturbance within a particular buffer shall be prohibited until nesting is complete; the buffer distance shall be determined by the Biologist in consideration of species sensitivity and existing nest site conditions. Limits of avoidance shall be demarcated with flagging or fencing. The Biologist shall record the results of the recommended protective measures described above and shall submit a memo summarizing any nest avoidance measures to the City of Newport Beach to document compliance with applicable State and federal laws pertaining to the protection of native birds. Similarly, for preserved vegetation that occurs within 50 to 100 feet of construction activities, if construction is occurring during the nesting season, preserved vegetation shall be surveyed for the presence of nesting birds.
- MM BIO-2: Flag or install construction fencing or silt fencing along the proposed Project boundaries to delineate construction limits and to prevent encroachment into adjacent natural communities. The limits of both the Superior and West Coast Highway wetlands will be clearly demarcated in the field and all on-site construction personnel will be informed about the wetland avoidance area prior to the commencement of construction activities. The construction contractor will install a solid protective barrier that is clearly visible to construction personnel, particularly any construction equipment operators, and that prevents any incidental discharge of soil or debris into the jurisdictional wetlands. Furthermore, a biologist will monitor the construction work to ensure that encroachment into the wetlands does not occur.

- MM BIO-3: Gravel bags should be placed along the tops of the v-ditches in order to minimize erosion and to prevent construction debris and potentially hazardous materials from entering the waterway during a rain event.
- MM BIO-4: *Artemisia californica-Eriogonum fasciculatum* Shrubland located within the proposed Project footprint should be avoided to the greatest extent feasible.
 - *Artemisia californica-Eriogonum fasciculatum* Shrubland located within the proposed Project footprint, that may be avoided, shall be flagged or construction or silt fencing should be installed along the avoidable vegetation to delineate construction limits and to prevent encroachment into adjacent natural communities.
 - Any impacts to *Artemisia californica-Eriogonum fasciculatum* Shrubland which cannot be avoided will be mitigated through one of the following, in order of priority:
 - Onsite Mitigation: Any temporary impacts to CSS will be revegetated within the Sunset Ridge planted area, in areas that are not currently vegetated. Specifically, there is an opportunity for revegetation in an area outside of the delineated wetlands that, with approval from the Commission, could provide additive benefits to the Sunset Ridge Park planted area, immediately to the northeast of the Project site. This will provide a continuation of the CSS habitat previously revegetated onsite. The City will replant the area to be equivalent to existing conditions, which consists of superior high quality native vegetation with coverage of primarily CSS. If this area is not approved for revegetation by the Commission, alternative onsite mitigation opportunities will be evaluated.
 - Offsite Mitigation: Additive habitat assessment in the area adjacent to the project site within the replanted CSS would be provided to mitigate impacts from direct disturbance from the bridge structure and potential impacts from shading.

One wetland area is located off site along the slope on the north side of Superior Avenue. Another wetland area is located along West Coast Highway, south of the proposed Project site. The proposed Project has been designed to avoid these wetlands. Mitigation Measure BIO-5, below, to ensure that the Project will not impact the wetlands. This adaptive management approach would safeguard the biological integrity of, as well as protect and preserve, the existing West Coast Highway wetlands.

- MM BIO-5: Following completion of the construction activities, the City will conduct monthly monitoring of the West Coast Highway wetlands to evaluate and document the associated conditions to determine if any unforeseen impacts from the proposed construction activities are occurring. This monthly monitoring will continue for up to one year, or until such time as it can be sufficiently demonstrated that the wetlands will continue to persist in perpetuity. If it is determined during post-construction monitoring that construction has resulted in an unexpected impact to the wetlands, appropriate remedial actions will be implemented by the City. For instance, an unforeseen disruption or obstruction of subsurface hydrology to the wetlands may warrant the City's provision of an alternative water source that would continue to supply sufficient water to sustain the wetlands.

Implementation of the listed minimization measures will result in less than significant impacts to sensitive plant species, wildlife species, and natural communities within the proposed Project site.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)*

Less than Significant Impact. The following project has been identified to be located near the proposed Project site according to the City of Newport Beach proposed Capital Improvement Program (City of Newport Beach 2019d)

Project No: 18L11: West Coast Highway Median Landscaping: This project is the installation and enhancement of the landscaping and irrigation systems in the medians along West Coast Highway between the Santa Ana River and Newport Boulevard, and West Coast Highway and Balboa Boulevard/Superior Avenue.

PA2008-047: Old Newport GPA Project: 328, 332, and 340 Old Newport Boulevard: This project is the demolition of 3 existing buildings to construct a medical office building. This project is currently under construction and is expected to be completed at the end of 2019.

15R19: Old Newport Boulevard/West Coast Highway Widening: This project is the widening of the westbound side of West Coast Highway, and realignment of Old Newport Boulevard.

In combination with other planned and pending development in the area, development of the proposed Project would have less than significant cumulative impacts. The proposed Project impacts will not contribute to cumulative impacts because the proposed activities will not occur in the immediate vicinity of the proposed Project along West Coast Highway. The median landscaping will not occur concurrent with the proposed Project and the demolition at Newport Boulevard is ongoing and will be completed prior to the proposed Project construction. Impacts would be less than significant.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than Significant Impact. Effects to human beings are generally associated with air quality, noise, traffic safety, geology/soils, and hazards/hazardous materials. Hazardous materials used during construction will be handled, stored, and disposed of according to local, State, and federal regulations. These impacts will cease upon completion of the proposed activities. Impacts will be less than significant.

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