SECTION 5.0
CUMULATIVE IMPACT ANALYSIS

5.1 INTRODUCTION

Section 15064 of the State CEQA Guidelines establishes the criteria for determining the significance of environmental effects caused by a project. Subsection 15064 (h)(1) directs the preparation of an EIR "if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. 'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects".

Section 15355 of the State CEQA Guidelines defines cumulative impacts as:

> Two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
>
> (a) The individual effects may be changes resulting from a single project or a number of separate projects.
>
> (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Pursuant to Section 15130(b) of the CEQA Guidelines,

> The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impacts to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

5.2 METHODOLOGY

A project's cumulative impact is "an impact to which that project contributes and to which other projects contribute as well. The project must make some contribution to the impact; otherwise, it cannot be characterized as a cumulative impact of that project."[1]

Section 15130(b) of the State CEQA Guidelines identifies two basic methods for establishing the cumulative environment in which the project is to be considered:

> (a) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or

[1] *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 700.

(b) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

To provide a comprehensive evaluation of the potential cumulative impacts for the Newport Banning Ranch Project, a multi-faceted approach to the analysis has been employed. In keeping with the State CEQA Guidelines, this cumulative evaluation (1) includes specific projects that, because of their size or proximity to the Project site, have the potential to contribute to cumulative impacts ("related projects"); (2) considers the adopted general plans for the affected local jurisdictions; and (3) includes regional development projections. Section 5.3 provides an overview of how the regional projections have been incorporated from adopted plans into the cumulative evaluation. Section 5.4 provides a brief summary of the related projects that have been identified as potentially cumulative; detailed summaries of all projects are provided in Appendix M of this EIR. The summaries identify impacts that are known or are anticipated to occur with implementation of each related project listed. The summaries also identify which, if any, environmental topics for these related projects are assumed in the cumulative analysis. This information is based on completed environmental documents or based on discussions with the lead agency of the respective jurisdiction. This allows the cumulative impact analysis for the Newport Banning Ranch Project to identify which related projects are anticipated to contribute to cumulative impacts for specific topical areas.

Not all related projects would contribute to significant cumulative impacts for each topical area. For example, not all related projects would have impacts on biological resources. Section 5.4 also provides an evaluation of the cumulative projects and how these would contribute to cumulative impacts. The evaluation is organized by topical area. Some of the impacts are very site-specific and would not compound the impacts associated with the Newport Banning Ranch Project. In other cases, short-term impacts would not contribute to cumulative impacts because the construction of the cumulative project and the development of the Newport Banning Ranch Project would not occur in the same time period or be in close proximity to each other. Several projects identified by agencies were determined to not contribute to any cumulative impacts because of factors such as timing of project implementation and distance from the Project site.

To determine which related projects may contribute to cumulative impacts, the City of Newport Beach considered known projects within Newport Beach and the adjacent jurisdictions and special districts. To address regional growth, adopted plans (such as the 2006 Orange County Projections [OCP-2006], the *City of Newport Beach General Plan*, and City of Costa Mesa General Plan) are used in the cumulative impact analysis. Adjacent jurisdictions were contacted (see below) to determine if "related projects" within their respective jurisdictions should be considered in the cumulative analysis.

The cumulative study area varies from one environmental topic to another depending upon the nature of impacts related to the topic. For example, cumulative aesthetic considerations encompass only the surrounding areas with direct views of the Project site, while air quality is a regional issue that is analyzed on a broader scale. Established databases (such as www.CEQAnet.ca.gov) were used to identify projects that were being evaluated by agencies within central/coastal Orange County.

This information was then sent to the jurisdictions with a request for confirmation that the list was comprehensive or, if it was found not to be comprehensive, with a request to identify projects that had not been included on the list. The jurisdictions contacted in June 2009 are as follows:

County of Orange	City of Huntington Beach
Orange County Water District	City of Irvine
City of Costa Mesa	City of Laguna Beach

Other agencies that were considered for cumulative analysis projects included the California Department of Transportation (Caltrans) and Irvine Ranch Water District (IRWD). The Orange County section of the Final 2008 Regional Transportation Plan (RTP) Amendment No. 1 and the 2008 Regional Transportation Improvement Plan (RTIP) Amendment No. 08-01 Modeled Projects list (SCAG 2008) were reviewed and it was determined that no future transportation projects identified on the list were in the traffic study area (see Section 4.9, Transportation and Circulation, which shows the distribution of traffic associated with the Project). Lastly, since the IRWD does not serve the Project area, it was eliminated from consideration.

Follow-up phone calls and/or emails were made to the jurisdictions contacted to obtain input. The City of Laguna Beach and the Orange County Water District did not respond to the request for information and no projects were deemed appropriate for inclusion in the cumulative impacts analysis due to distance or relevance. The responses received from the agencies were evaluated to determine if the projects would qualify as cumulative projects; that is, would the projects be considered as past projects (existing development); present projects (approved but not yet built or approved and under construction); or probable future projects (applications filed and under agency review) whose impacts would compound or increase significant environmental impacts associated with the proposed Newport Banning Ranch Project. Based on this evaluation, certain projects did not qualify as cumulative projects. For example, the Susan Street Exit Ramp project in the City of Costa Mesa was identified through www.CEQAnet.ca.gov as a possible cumulative project; however, the City of Costa Mesa stated that this completed freeway improvement project would not contribute to cumulative impacts. Data was collected for the cumulative impact analysis for potentially significant projects in these jurisdictions and from these agencies until release of this Draft EIR.

5.3 REGIONAL GROWTH ASSUMPTIONS

The use of regional growth projections allows a more comprehensive evaluation of certain categories of cumulative impacts than only relying on known projects identified by the local jurisdictions. It takes into account the effects of growth beyond the immediate study area. This information is particularly useful in evaluating the cumulative impacts associated particularly with traffic, population, housing, and employment; air quality; and greenhouse gases (GHGs) because it provides growth assumptions consistent with the local general plans with a long-range horizon year.

5.3.1 SCAG REGION

The Southern California Association of Governments (SCAG) and OCP-2006 projections are discussed in detail in Section 4.7, Population, Housing, and Employment. In summary, the following data provides a context for understanding how the regional projections would apply to the cumulative impact analysis.

- The SCAG region is projected to increase by approximately 3.1 million people between 2010 and 2030 for a total population of approximately 20 million people by 2030. This represents an approximate 19 percent increase.
- The SCAG region housing numbers are projected to increase from 6,285,473 units in 2010 to 6,534,919 in 2030, an approximate 4 percent growth in the region.
- SCAG region employment numbers are projected to increase from 7,556,100 jobs in 2010 to 8,778,375 jobs in 2030, an approximate 16 percent job growth.

Growth for Orange County is projected to occur at different rates than identified for the SCAG region. Between 2010 and 2030, Orange County is expected to experience:

- A projected 15 percent increase in population (from 3,629,540 persons to 3,166,461 persons);
- A projected 7 percent increase in housing stock (from 1,144,314 units to 1,073,751 units); and
- A projected 12 percent increase in employment (from 1,755,167 jobs to 1,960,633 jobs).

5.3.2 COUNTY OF ORANGE

Orange County Projections 2006

For this Project, one component of the cumulative analysis is the growth projected in the OCP-2006 socioeconomic projections for the study area.[2] As discussed in Section 4.7, Population, Housing, and Employment, the OCP-2006 projections are countywide growth and development forecasts based on input from the County of Orange and the cities of Orange County. These projections reflect adopted land uses and future growth scenarios based on local land use policies. The purpose of establishing countywide projections is to establish a consistent database for jurisdictions to use for planning efforts. The OCP-2006 projections are used in the demographic projections for this EIR to ensure consistency with local and regional planning efforts.

To ensure that the adopted socioeconomic data reflects the current conditions in Orange County, the data sets are updated approximately every four to five years. By having an iterative process, the agencies that use this data (SCAG, the County of Orange, and local jurisdictions) are able to factor in variables such as changes in employment patterns, economic considerations, and migration patterns that occur over time.

The OCP-2006 projections provide both long-term and mid-range projections. The OCP-2006 projections provide forecasts to the year 2035. This allows for a more comprehensive evaluation of certain categories of cumulative impacts than only relying on known projects identified by the local jurisdictions. It takes into account the effects of growth beyond the immediate study area. OCP-2006 is particularly useful in evaluating the cumulative impacts associated with traffic, air quality, GHG emissions, and noise because it provides growth assumptions consistent with the local general plans that have been developed with a long-range horizon year. This allows the cumulative analysis to go beyond just a listing of projects because it is not feasible to have a comprehensive understanding of conditions in 2035 based on a listing of probable projects

[2] OCP-2006 is available for review at the City of Newport Beach Planning Department and at the California State University at Fullerton, Center for Demographic Research, 2600 East Nutwood Avenue, Suite 750, Fullerton, California.

known in 2010. These projections are incorporated into the traffic modeling effort, which, in turn, is used for the noise, air quality, and GHG emissions analyses. Therefore, the long-range (2035) analyses done for traffic, air quality, GHG, and noise (contained in Sections 4.9 through 4.12, respectively), by definition, incorporate the effects of all the development assumed in the OCP-2006 projections.

The OCP-2006 projections reflect not just local growth but the anticipated growth for all of Orange County. In addition, these numbers are also then integrated into the regional planning programs, such as the Air Quality Management Plan (AQMP), the RTP, and Regional Growth Management Element. Consistency between local growth forecasts and regional forecasts is imperative because the regional planning programs have been developed to ensure that the region achieves national and State air quality standards. The control strategies that have been identified in these regional planning programs assume the effects of long-range growth. The regional emissions analysis has demonstrated that, with implementation of the control measures in the AQMP, even with the projected growth, the region would be consistent with the State Implementation Plan for achieving the National Ambient Air Quality Standards.

Orange County General Plan

The County of Orange General Plan (2008) addresses all components that characterize the County, including physical attributes (e.g., how land is used) and social attributes (e.g., economic and housing conditions). The General Plan is considered "long-term" since it looks 15 to 20 years into the future. All 34 cities in Orange County have general plans that address their individual jurisdictions. Although the Orange County General Plan focuses on the unincorporated areas, the General Plan also addresses regional services and facilities provided by the County such as regional parks, roads, and flood-control facilities.

The majority of the unincorporated areas in Orange County are located in the southern portion of the County; however there are large parcels of unincorporated property, developed and undeveloped, located throughout the County. In addition, there are numerous small, unincorporated "islands" of property spread throughout the central and northern County, including approximately 360 acres on the Project site. Since 1993, three new cities—Laguna Woods**,** Rancho Santa Margarita, and Aliso Viejo—have incorporated within Orange County. These incorporations, together with the annexation of unincorporated territory to existing cities during this period, have reduced the unincorporated area in size from approximately 414 square miles to 321 square miles.

To develop the objectives and policies set forth in the County of Orange General Plan, several planning assumptions were identified. These assumptions were prepared for and are consistent with the Orange County Projections 2000 (OCP-2000). As noted in Section 5.3.1, OCP-2000 has been superseded by OCP-2006. With respect to the use of land, the General Plan notes that there will be a steady but declining amount of land available for development. Areas to be developed that are noted by the County would include closed military bases and non- and low-productive oilfields. The General Plan identifies that County's projections "do not exceed that which would be allowable under the cities' and County's general plans, their elements, and related identified city and County land use and development policies".

As addressed in this EIR, approximately 41 acres of the 401.1-acre Project site are within the jurisdictional boundaries of the City of Newport Beach with the remainder of the site located in unincorporated Orange County. However, this remaining area is within the City's Sphere of Influence and has an existing General Plan designation of Open Space (Residential Village) (OS[RV]). Therefore, with the exception of any issues that are regional in nature, the plans,

policies, and projections set forth by the City of Newport Beach take precedent over County policies for the evaluation and implementation of the proposed Project by the City because the City of Newport Beach is the lead agency for the proposed Project.

5.3.3 CITY OF NEWPORT BEACH

The Newport Beach General Plan EIR assesses potential impacts associated with implementation of the General Plan (2006) using year 2002 as the existing conditions baseline year. The use of this data provides a more conservative analysis because it does not include the growth assumed in the existing General Plan that would have occurred between 2002 and the January 2006's General Plan Notice of Preparation (NOP) publication date. Therefore, the analysis presented in the 2006 General Plan EIR was a worst-case scenario based upon the maximum buildout potential development within the City and adjacent areas from 2002 to 2030.

Growth in the City is assumed to occur primarily through the reuse of economically underperforming properties and obsolete development; conversion of uses in response to market demand (e.g., office and industrial to residential); and more intense use of land in a few defined areas. Several subareas within the City, including the Newport Banning Ranch property, were determined to have special planning considerations and were subject to additional evaluation in the General Plan and General Plan EIR. Development outside these subareas remains relatively unchanged. The subareas where change could occur represent only 10.5 percent of the total land area of the City.

Newport Beach forecasts the following long-term growth between 2010 and 2030:

- A projected 12 percent growth in population (from 86,738 in 2010 to 96,892 in 2030);
- A projected 8 percent increase in housing stock (from 43,706 units to 47,073 units); and
- A projected 2 percent increase in employment (from 77,319 jobs to 78,824 jobs).

Table 5-1 summarizes the approximate acreage, dwelling units, and/or square footage resulting from each land use classification and associated with buildout of the City of Newport Beach.

TABLE 5-1
CITY OF NEWPORT BEACH GENERAL PLAN BUILDOUT
LAND USE ASSUMPTIONS

Land Use[a]	Unit	Existing	General Plan Buildout	Difference
Low-Density Residential	du	18,702	20,023	1,321
Medium-Density Residential	du	10,974	15,670	4,696
Apartment	du	9,703	15,077	5,374
Elderly Residential	du	200	320	120
Mobile Home	du	600	455	<145>
Total Dwelling Units	***du***	***40,179 du***	***51,545 du***	***11,366 du***
Motel	room	134	139	5
Hotel	room	3,231	5,642	2,411
Regional Commercial	tsf	1,331.000	1,619.525	288.525
General Commercial	tsf	3,823.398	5,285.609	1,462.211
Commercial/Recreation	ac	5.100	5.100	0
Restaurant	tsf	99.450	158.910	59.460

TABLE 5-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN BUILDOUT
LAND USE ASSUMPTIONS

Land Use[a]	Unit	Existing	General Plan Buildout	Difference
Fast Food Restaurant	tsf	15.640	13.910	<1.730>
Auto Dealer/Sales	tsf	201.300	244.650	43.350
Yacht Club	tsf	51.830	70.310	18.480
Health Club	tsf	16.770	93.050	76.280
Tennis Club	crt	60	62	2
Marina	slip	1,055	1,055	0
Theater	seat	5,489	5,565	76
Newport Dunes	ac	64.000	64.00	0
General Office	tsf	11,657.109	11,187.205	<469.904>
Medical/Government Office	tsf	959.718	1,505.101	545.383
Research and Development	tsf	81.730	81.730	0
Industrial	tsf	1,291.079	1,147.449	<143.630>
Mini-Storage/Warehouse	tsf	196.420	196.420	0
Pre-School/Day Care	tsf	48.050	49.000	0.950
Elementary School	stu	4,999	5,055	56
Junior/High School	stu	5,215	5,215	0
Cultural/Learning Center	tsf	35.000	45.208	10.208
Library	tsf	78.800	84.600	5.800
Post Office	tsf	53.700	63.800	10.100
Hospital	bed	1,031	2,001	970
Nursing/Convalescent Home	bed	661	68	<593>
Church	tsf	377.780	481.854	104.074
Youth Center/Service	tsf	149.540	172.309	22.769
Park	ac	128.360	127.610	<0.750>
Regional Park	ac	0	0	0
Golf Course	ac	305.330	298.330	<7.00>
Total		**40,179 du 3,365 rooms 502.790 ac 20,468.314 tsf 60 crt 1,055 slips 5,489 seats 10,214 stu 1,692 beds**	**51,545 du 5,781 rooms 495.040 ac 22,500.640 tsf 62 crt 1,055 slips 5,565 seats 10,270 stu 2,069 beds**	**11,366 du 2,416 rooms <7.750 ac> 2,032.326 tsf 2 crt 0 slips 76 seats 56 stu 377 beds**

du: dwelling unit; ac: acre; tsf: thousand square feet; crt: court; stu: student

[a] Land use descriptions correlate with the Newport Beach Traffic Analysis Model.

Source: City of Newport Beach General Plan Transportation Study City Council Adopted Land Use Scenario 2006.

5.3.4 CITY OF COSTA MESA

The City of Costa Mesa is adjacent to the Project site to the north and east. The City of Costa Mesa General Plan is based on year 2020 development assumptions for the time period of 2000 to 2020. The General Plan assumes that, by 2020, the following additional growth would occur in the City of Costa Mesa: (1) 12,643,695 sf of non-residential uses, including commercial,

industrial, and institutional uses; (2) 1,892 du; (3) 12,527 new residents based on 2.73 persons/du; and (4) 18,414 new jobs. The 2000 and 2020 projections regarding population, housing, and employment are generated from the OCP-2000. The General Plan Circulation Element and the air quality and noise analyses do not use OCP-2000 projections; instead, the existing conditions and the 2000 General Plan 2020 assumptions are used to forecast to year 2020; these assumptions include the Northwest Orange County Subregion and the proposed Bolsa Chica Local Coastal Program Land Use Plan as projects considered in the cumulative analysis.

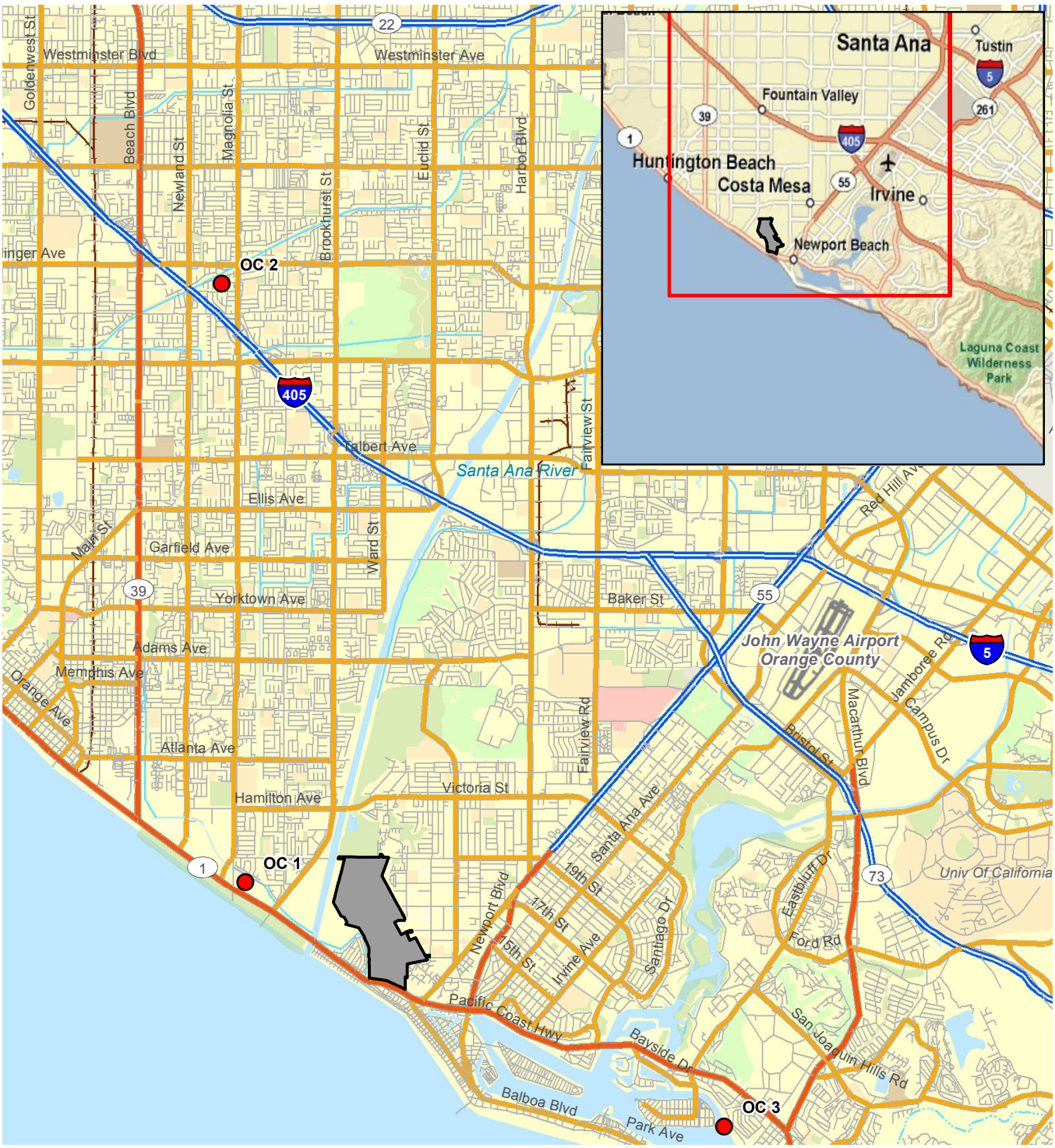
5.3.5 CITY OF HUNTINGTON BEACH GENERAL PLAN

The City of Huntington Beach General Plan assumes buildout in 2020. The General Plan EIR quantifies and describes the maximum potential buildout permitted under two General Plan buildout scenarios: (1) Theoretical Scenario and (2) Policy Scenario. The maximum buildout under the Theoretical Scenario of the General Plan would result in 18,500 du; 8,121,040 sf of commercial office and retail land uses; 7,746,500 sf of industrial land uses; and 2,200 hotel rooms. The Policy Scenario of the General Plan reduces the Theoretical Scenario buildout through a set of Land Use Element Policies that correlate land use development with supporting public infrastructure and services. The Policy Scenario would also permit 18,500 du, but would result a reduction of 8.6 million sf of non-residential uses. The assumptions in the Transportation/Circulation section of the Huntington Beach General Plan EIR are based on the Policy Scenario; the Theoretical buildout scenario could not occur because the roadway improvements necessary to support such development levels would not likely be funded and would therefore prevent the theoretical levels of development.

5.3.6 CITY OF IRVINE GENERAL PLAN

The City of Irvine General Plan assumes that buildout would result in a maximum of 118,097 du and 153,459,773 sf of institutional, industrial, and commercial uses (source: City of Irvine General Plan Land Use Element Tables 2006).

Table 5-2, Cumulative Development Projects, identifies known projects that have been proposed and/or approved in these jurisdictions (e.g., Orange County, Newport Beach, Costa Mesa, Huntington Beach, and Irvine) since the distribution of the NOP on March 18, 2009. The locations of these projects are shown in Exhibits 5-1 through 5-5.



Newport Banning Ranch Project

Project Locations

OC 1: Huntington Beach Wetlands Restoration Project
OC 2: Edinger Storm Channel Improvement Project
OC 3: U.S. Coast Guard Bulkhead Replacement Project

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Orange County Cumulative Projects

Exhibit 5-1

Newport Banning Ranch EIR

N W E S

8,000 4,000 0 8,000 Feet

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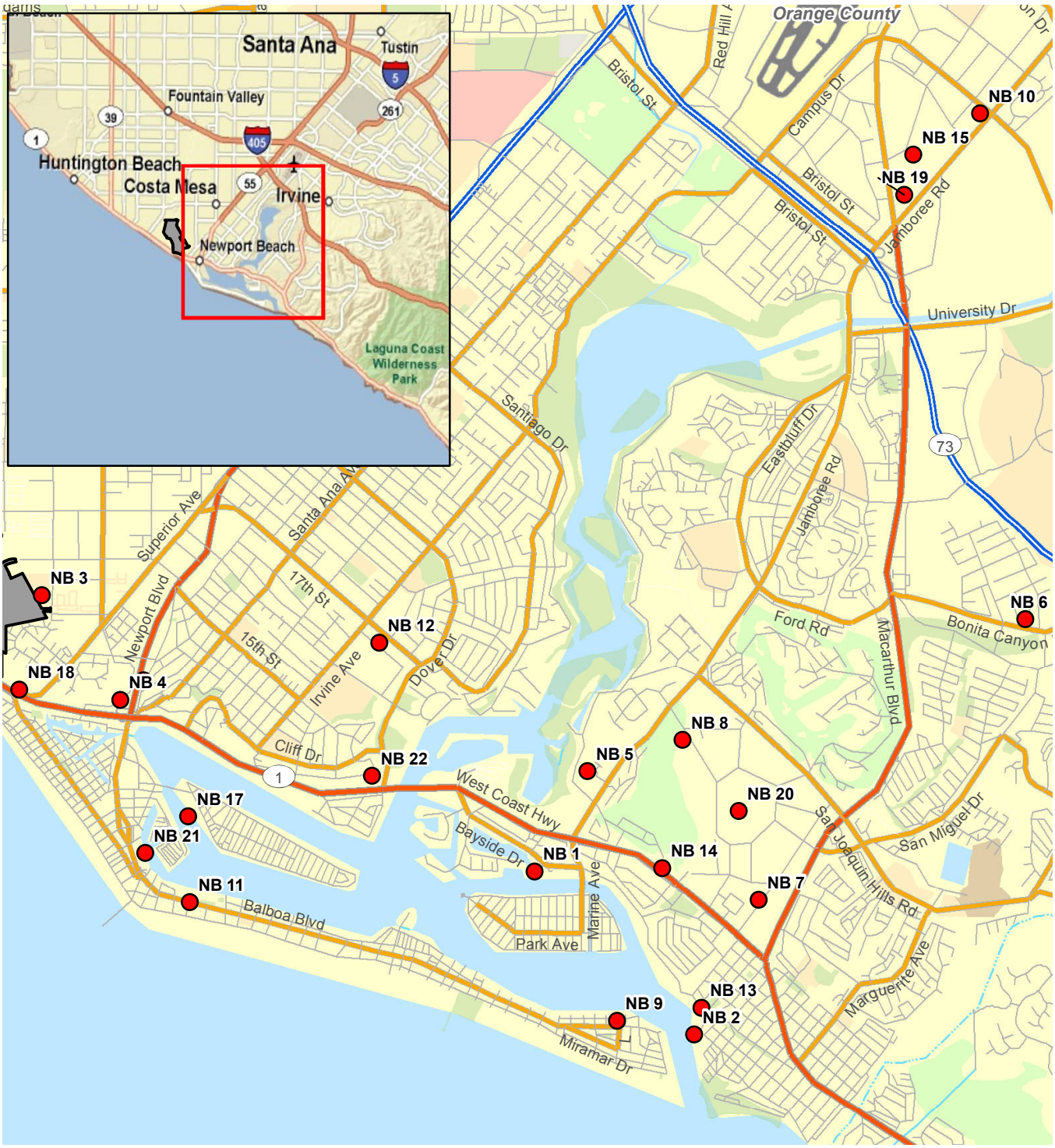

Newport Banning Ranch Project

Project Locations

NB 1: 919 Bayside Drive Project
NB 2: AERIE Project
NB 3: Newport Beach Learning Center Project - Coast Community College District
NB 4: Hoag Memorial Hospital Presbyterian Master Plan Update Project
NB 5: Hyatt Regency Newport Beach Expansion Project
NB 6: LDS Rectory Project
NB 7: Newport Beach City Hall and Park Development Project
NB 8: Santa Barbara Condominiums Project
NB 9: Beauchamp Project
NB 10: Newport Business Plaza Project
NB 11: Marina Park Project
NB 12: Mariner's Medical Arts Project
NB 13: Megonigal Residence Project
NB 14: Newport Beach Country Club Project
NB 15: PRES Office Building B Project
NB 16: Old Newport General Plan Amendment Project
NB 17: Rhine Channel Contaminated Sediment Cleanup Project
NB 18: Sunset Ridge Park Project
NB 19: Koll/Conexant Conceptual Plan;
Uptown Newport Village Specific Plan Project:
NB 20: North Newport Center Planned Community
NB 21: Newport Bay Marina
NB 22: Mariner's Pointe

Newport Beach Cumulative Projects

Exhibit 5-2

Newport Banning Ranch EIR

N W E S

4,000 2,000 0 4,000 Feet

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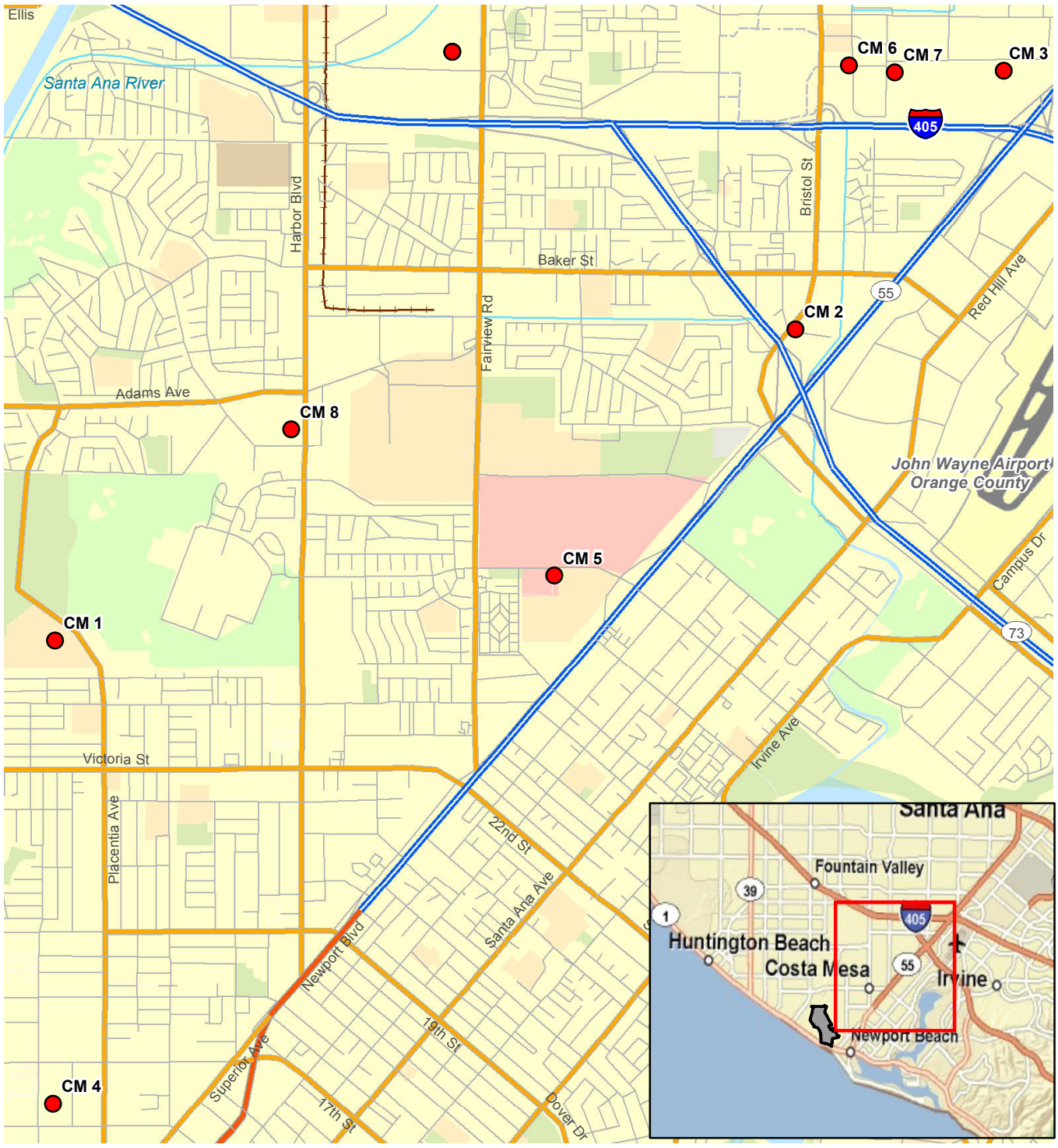

Newport Banning Ranch Project

Project Locations

CM 1: Estancia High School Athletic Stadium Complex Project
CM 2: SoBECA Urban Plan Project
CM 3: The Enclave Apartment Homes Project
CM 4: Westside Lofts Mixed-Use Development Project
CM 5: Costa Mesa Housing Element Update
CM 6: North Costa Mesa High Rise Residential Project
CM 7: Wyndham Boutique Hotel/High-Rise Residential Project
CM 8: Mesa Verde Senior Housing

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Costa Mesa Cumulative Projects

Exhibit 5-3

Newport Banning Ranch EIR

N W E S

3,000 1,500 0 3,000 Feet

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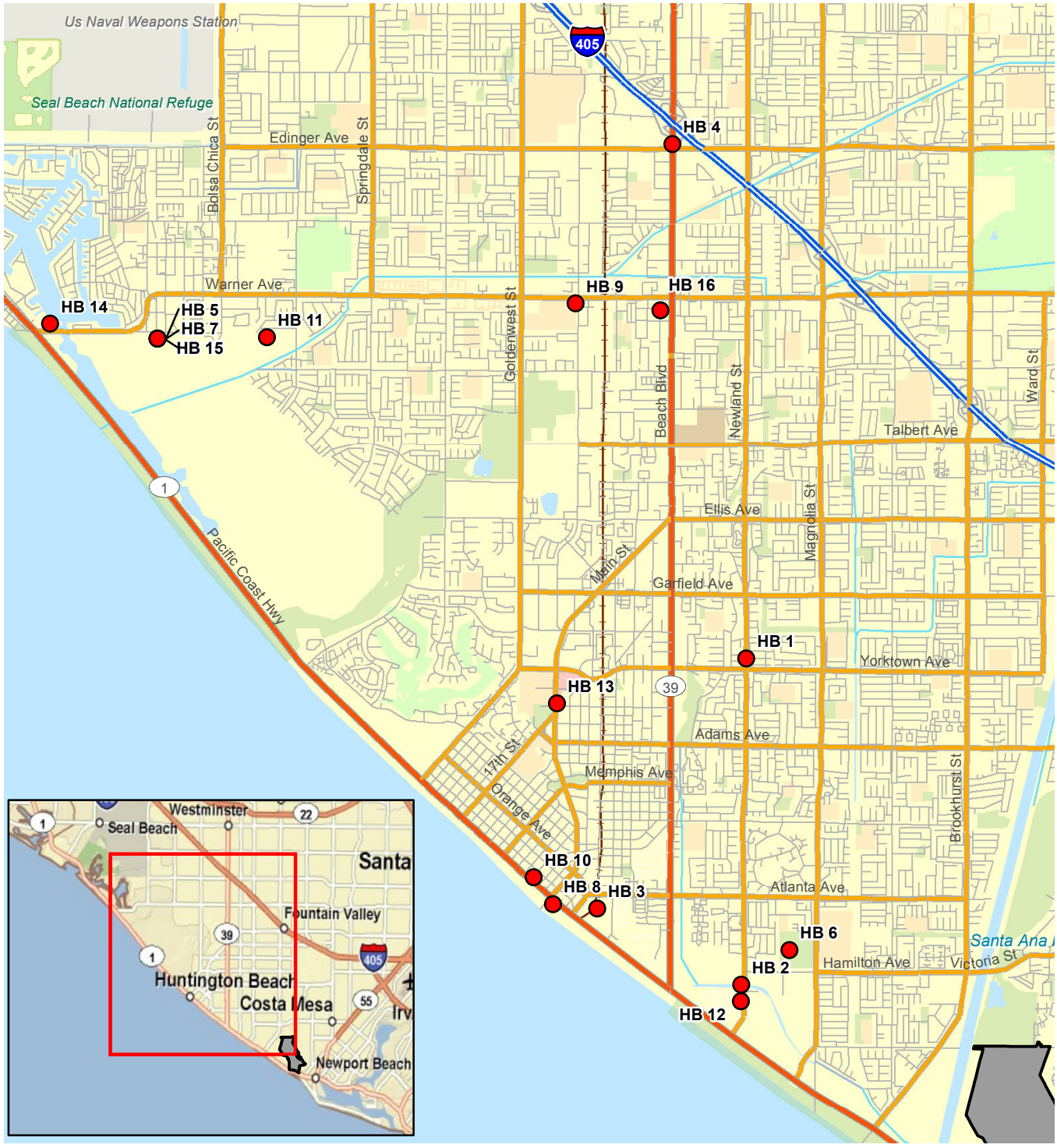

Newport Banning Ranch Project

Project Locations

HB 1: Newland Street Residential Project
HB 2: Newland Street Widening Project
HB 3: Pacific City Project
HB 4: Beach and Edinger Corridors Specific Plan Project
HB 5: Brightwater Specific Plan and Annexation Project
HB 6: Edison Park Master Plan Project
HB 7: Goodell Property Pre-Zoning and Annexation Project
HB 8: Huntington Beach Downtown Specific Plan Update Project
HB 9: Ocean View High School Expansion Project
HB 10: Pacific View Mixed Use Project
HB 11: Parkside Estates Project
HB 12: Poseidon Desalination Plant Project
HB 13: General Plan Circulation Element Update
HB 14: Harmony Cove Development Project
HB 15: The Ridge Project
HB 16: Beach and Warner Mixed-Use Project

Huntington Beach Cumulative Projects

Exhibit 5-4

Newport Banning Ranch EIR

N W E S

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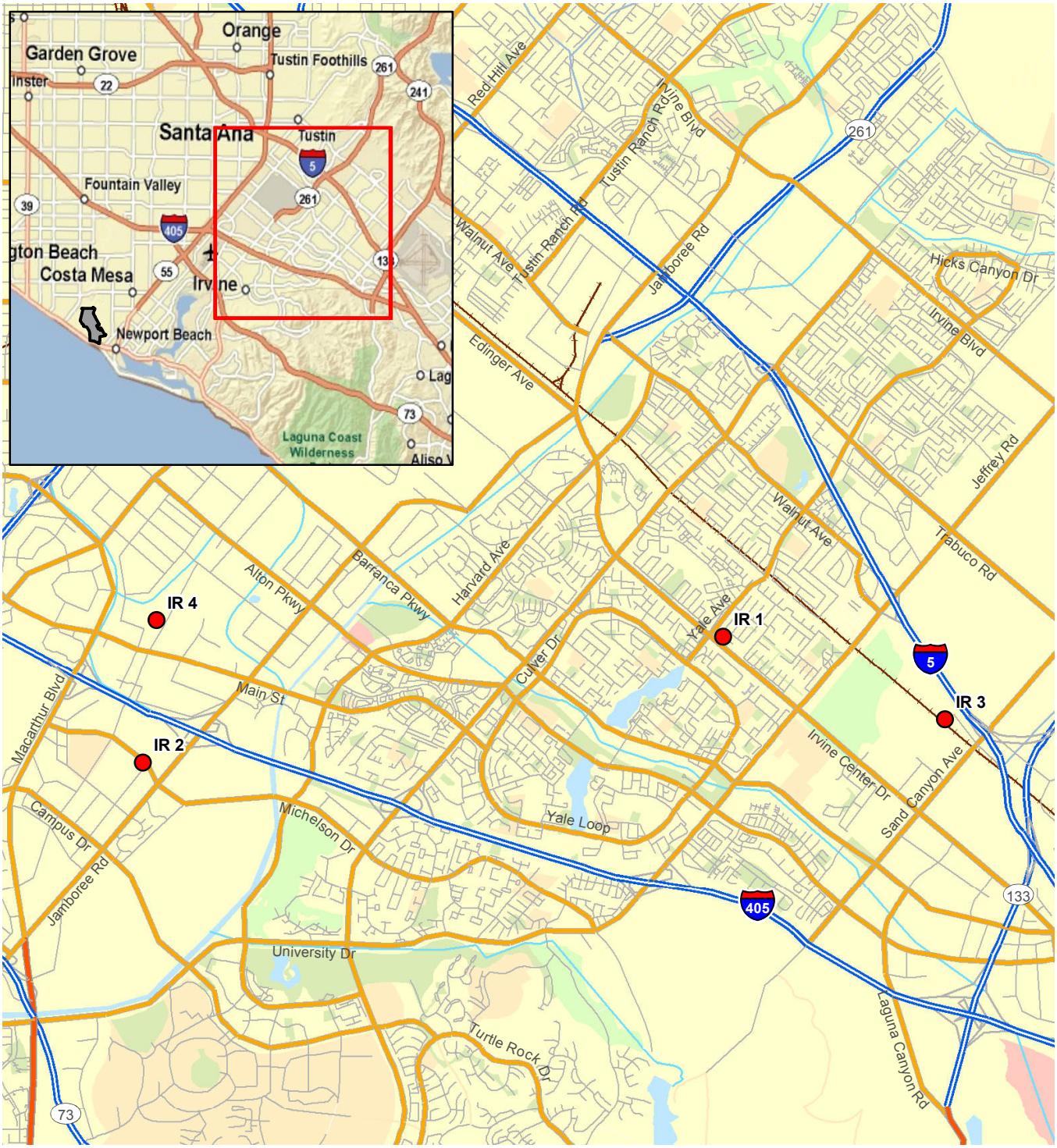

Newport Banning Ranch Project

Project Locations

IR 1: Booth Circle Medical Office Project
IR 2: HCG Irvine Project
IR 3: PA 40/PA 12 General Plan Amendment and Zone Change Project
IR 4: Irvine Business Complex Vision Plan and Mixed Use Overlay Zoning Code Project

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Irvine Cumulative Projects

Exhibit 5-5

Newport Banning Ranch EIR

N W E S

5,000 2,500 0 5,000 Feet

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TABLE 5-2
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
COUNTY OF ORANGE (LEAD AGENCY)				
Projects Where Construction Has Been Initiated or Completed				
Huntington Beach Wetlands Restoration	Restoration of Talbert Marsh (starting adjacent to the Santa Ana River), Brookhurst Marsh, Magnolia Marsh (not including Upper Marsh), and Talbert Ocean Channel; maintenance dredging of Talbert Marsh and Talbert Ocean Channel twice after construction.	Brookhurst St; Magnolia St and Pacific Coast Hwy; 1 mile to the west.	IS/MND approved in December 2007. Phase 1 construction completed in March 2009. Phase 2 construction started in September 2009; work is anticipated to be completed in 2011.	• IS/MND • Section 1602 Streambed Alteration Agreement (CDFG) • Sections 10 and 404 Nationwide Permits (USACE) • Section 401 Certification (RWQCB) • CDP (Coastal Commission) • City CUP • Encroachment Permit (County and State Parks) • State Department of Oil and Gas Permit
Projects With Approved CEQA Documentation				
Edinger Storm Channel Improvement	Installation of 2 additional 66-inch reinforced concrete pipes underneath I-405 and a double 9-foot by 9-foot reinforced concrete box located under Edinger Ave; replacement of an existing trapezoidal channel with a larger capacity 20-foot-wide by 10-foot-deep reinforced concrete channel from I-405 to Edinger Ave and a 20-foot-wide by 9-foot-deep reinforced concrete rectangular channel from Edinger Ave to 1,765 feet upstream of Edinger Ave.	Woodruff St; I-405 and Edinger Ave in the Cities of Huntington Beach and Westminster; 7 miles to the northwest.	IS/MND approved July 15, 2009. The Addendum to the MND was approved on April 20, 2010. The construction of the project has not started.	• IS/MND • Section 1602 Streambed Alteration Agreement (CDFG) • Section 404 Nationwide Permit (USACE) • Section 401 Permit (RWQCB)
U.S. Coast Guard Bulkhead Replacement	Construction of a new 174-foot section of tied back bulkhead; renovations of the guest docks and guide piles; dredging of approximately 1,200 cy of material beneath the proposed dock	1911 Bayside Dr; Corona del Mar; 4 miles to the east.	IS/MND approved March 11, 2008. The project was completed in 2011.	• IS/MND • CDP (Coastal Commission)

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
	systems; and construction of new storm drain infrastructure and replacement of pavement to support the service load requirements of the facilities.			
CITY OF NEWPORT BEACH				
Projects Where Construction Has Been Initiated or Completed				
Hoag Memorial Hospital Presbyterian Master Plan Update	General Plan Amendment to reallocate of up to 225,000 sf of previously approved (but not constructed) square footage from the Lower Campus to the Upper Campus. No additional square footage was requested.	1 Hoag Dr; northwest of West Coast Hwy and Newport Blvd; 1 mile to the east.	Final EIR certified and project approved on May 13, 2008. Project has not been constructed.	• EIR • GP Amendment • Planned Community Development Plan (PC) Text Amendment • Development Agreement Amendment • CDP (Coastal Commission)
North Newport Center Planned Community	The North Newport Center Planned Community (PC) Development Plan serves as the controlling zoning ordinance for the sub-areas identified in the PC Development Plan and is authorized and intended to implement the provisions of the Newport Beach General Plan.	The North Newport Center PC District is comprised of seven sub-areas that include Fashion Island and Block 600 and portions of Block 100, Block 400, Block 500, Block 800, and San Joaquin Plaza.	As of December 31, 2010, the remaining entitlement consists of 126,933 sf of retail in Fashion Island; 430 du in Block 500; and 434,736 sf of office in Block 600.	• Addendum to the Newport Beach General Plan Program EIR
Newport Beach City Hall and Park Development	Relocation of City Hall (except for the Fire Department). Construction and operation of the following: (a) an approximate 90,000-sf City Hall building, meeting hall, and Council Chambers; (b) a 450-space parking structure; (c) an approximate 20,000-sf expansion of the Newport Beach Central Library; and (d) construction of a public park.	1100 Avocado Ave; between Avocado Ave and MacArthur Blvd; 5 miles to the northeast.	Final EIR certified and project approved on November 24, 2009. Project construction began in May 2010. Construction is proposed to be completed in late 2012/early 2013.	• EIR • Design plans • Lot line adjustment • Exemption from Zoning Code and PC 27 or amendment to PC-27

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
Newport Beach Learning Center Project – Coast Community College District	3-story, 67,000-sf learning facility	505–1533 Monrovia Ave; west of Monrovia Ave and north of the terminus of 15th St; contiguous to Project site to the east.	IS/MND and project approved August 2009. Pursuant to the City's Traffic Phasing Ordinance, a traffic study is required. The traffic study and parcel map were approved by the City on April 22, 2010. The project is under construction.	• IS/MND • Parcel Map • Traffic Study
Rhine Channel Contaminated Sediment Cleanup	Dredging of approximately 150,000 cy of contaminated sediments within portions of Lower Newport Harbor, specifically from the Rhine Channel and nearby areas bayward of Marina Park, the American Legion Post and 15th Street. Transport sediment by ocean barge for disposal and beneficial reuse within the approved Port of Long Beach Middle Harbor Redevelopment Project confined aquatic disposal facility.	In the vicinity of Marina Park, the American Legion Post, and 15th Street; approximately 1.5 miles to the southeast.	An IS/MND and conceptual project were approved by City Council on July 27, 2010. Dredging started in July 2011 and is expected to be completed in December 2011.	• Section 404 Permit (USACE) • Section 10 Permit (USACE) • 401 Water Quality Certification (RWQCB) • CDP (Coastal Commission) • Dredging Lease (California State Lands Commission)
Projects With Approved CEQA Documentation				
919 Bayside Drive	Development of 17 individual residential lots; 1 common recreational lot with possible pool and trellis structure; 2 landscape/open space lots; waterfront and dock lots.	919 Bayside Dr; southwest of Bayside Dr and Jamboree Rd; 3 miles to the east.	IS/MND and project approved in 2008. The CDP has been approved by the Coastal Commission. Project has not been constructed.	• IS/MND • Code Amendment • Use Permit • TTM • CDP (Coastal Commission)
AERIE	Residential development including the following: (a) the demolition of the existing residential structures on the 1.4-acre site; (b) the development of 8 residential condominium units; and (c) the replacement, reconfiguration, and expansion of the existing gangway platform, pier walkway, and dock facilities on the site.	201–207 Carnation Ave and 101 Bayside Pl; southwest of Bayside Dr between Bayside Pl and Carnation Ave, Corona del Mar; 5 miles to the east.	Final EIR was certified and project approved by the City on July 14, 2009. The CDP has been approved by the Coastal Commission. The Project has not been constructed.	• EIR • GP Amendment • CLUP Amendment • Zone Change • Tract Map • Modification Permit • CDP (Coastal Commission)

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
Beauchamp	5 unit residential development	2000–2016 East Balboa Blvd; east of East Balboa St and L Street; 4 miles to the southeast.	Draft IS/MND was released for public review on January 12, 2010. Planning Commission recommended approval on March 4, 2010. The IS/MND and the project were approved by the City Council on May 25, 2010. The CDP has been approved by the California Coastal Commission.	• GP Amendment • CLUP Amendment • CDP (Coastal Commission)
Hyatt Regency Newport Beach Expansion	Improvements to the existing hotel which include the addition of 88 new timeshare units; a 24,387-sf, 800-seat ballroom/meeting building; a 10,072-sf spa and new pool; and a 2-level parking garage.	1107 Jamboree Rd; northwest of Back Bay Dr and Jamboree Rd; 4 miles to the east.	Final EIR certified and project approved on February 24, 2009. The project has not obtained a CDP; therefore, the City's entitlements cannot be implemented.	• EIR • Use Permit • Parcel Map • Modification Permit • Development Agreement • CDP (Coastal Commission)
LDS Rectory	Construction of a rectory with a 2,316-sf project footprint, which consists of 1,825 sf of living space and a 491-sf, attached 2-car garage; fuel modification buffer extending 40 ft to the nearest property line; approximately 6,066-sf site.	2300 Bonita Canyon Dr; northeast of Bonita Canyon Dr at terminus with Prairie Rd; 6 miles to the northeast.	IS/MND and project approved on November 19, 2009; currently no project activity.	• IS/MND • Use Permit • Site Plan Review
Marina Park	Development includes a public park and beach with recreational facilities; restrooms; a new Girl Scout House; a public short-term visiting vessel marina and sailing center; and a new community center with classrooms and ancillary office space.	1700 Balboa Blvd; west of 15th St and east of 19th St; 2 miles to the southeast.	Draft EIR was released for public review from February 27, 2009, through April 13, 2009. Due to changes in the project, a Draft Recirculated EIR was prepared and released for public review on January 25, 2010. The Final EIR was certified and the project approved by the City Council on May 11, 2010. The CDP application is under review by the Coastal Commission. Therefore, the City's entitlements cannot be implemented. Construction is proposed to start mid-year 2012 and be completed in 2014.	• EIR • General Construction Activity Storm Water (NPDES) Permit (RWQCB) • CDP (Coastal Commission) • Section 401 Certification (RWQCB) • Section 1602 Streambed Alteration Agreement (CDFG)

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
Megonigal Residence	3,566 sf, single-family residence.	2333 Pacific Dr, Corona del Mar; 5 miles to the southeast.	Final EIR and project approved on January 12, 2010. The CDP has been approved. The project has not been constructed.	• EIR • Modification Permit
Newport Bay Marina	The mixed-use development includes approximately 36,000 sf of commercial uses, 27 du, and a partial subterranean parking garage. The project would require the demolition of all existing buildings on the site.	2300 Newport Boulevard; 1.5 miles to the southeast	Final EIR certified and project approved on December 7, 2006. The CDP has been approved by the Coastal Commission. The project has not been constructed.	• CDP (Coastal Commission) • Use Permit • Site Plan • Vesting Tentative Tract Map • Regional Water Quality Control Board • CDFG requirements • USACE requirements
Newport Business Plaza	Demolition of 2 existing connected buildings to construct a new 46,044 gross sf business plaza. Approve a 11,544 gross sf increase to General Plan.	4699 Jamboree Rd and 5190 Campus Dr; 7 miles to the northeast.	Draft IS/MND was released on May 19, 2010. The City Council approved the project on January 25, 2011. Ordinance effective on February 25, 2011. The project has not been constructed.	• GP Amendment • PC text amendment • Tentative Parcel Map
PRES Office Building B	Increase the maximum allowable entitlement by 11,544 gross sf; increase the maximum allowable entitlement in office suite B by 9,917 net sf to allow for development of a new 2-level office building over a ground-level parking structure.	4300 Von Karman Ave; 5 miles to the northeast.	An IS/MND was released for public review on May 19, 2010. The City Council approved the IS/MND and the project on February 22, 2011.	• GP Amendment • PC Text Amendment
Santa Barbara Condominiums	79 condominium units totaling approximately 205,232 net sf; approximately 97,231 gross sf of subterranean parking structures for a total of 201 parking spaces on site; approximately 79,140 sf of open space and approximately 21,300 sf of recreational area.	Santa Barbara Dr west of Fashion Island; 4 miles to the northeast.	IS/MND and project approved in January 2006. The CDP has been approved by the Coastal Commission; currently no project activity.	• IS/MND • GP Amendment • CLUP Amendment • Code Amendment • Parcel Map • TTM • Modification Permit • CDP (Coastal Commission)

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
Sunset Ridge Park	Develop the approximate 18.9-acre site with active and passive recreational uses and an access road to the park through Newport Banning Ranch.	Northwest of West Coast Hwy and Superior Ave; contiguous to Project site to the east.	The Final EIR was certified and the project approved by the City on March 23, 2010. The EIR was challenged in April 2010 and its adequacy upheld by the Superior Court. The Superior Court decision has been appealed. The project is currently before the Coastal Commission.	• EIR • Site Plan • CDP (Coastal Commission) • Streambed Alteration Agreement (CDFG) • Section 7 (USFWS)
Projects Without Approved CEQA Documentation				
Koll/Conexant Conceptual Plan; Uptown Newport Village Specific Plan	1,504 unit residential development; 260 units on Koll site and 1,244 units on Conexant site (Uptown Newport Village).	4343 Von Karman Ave and 4311, 4321, and 4343 Jamboree Rd; north of MacArthur Blvd and Jamboree Rd; 5 miles to the northeast.	City Council approved the Conceptual Development Plan on September 28, 2010. NOP for preparation of an EIR on Uptown Newport Village Specific Plan (Conexant site) released for public review on May 28, 2010. The project is on hold at the applicant's request.	• Specific Plan Adoption • PC Development Plan Amendment • Regional Water Quality Control Board • South Coast Air Quality Management District • Caltrans District 12 • Airport Land Use Commission • Department of Toxic Substances Control
Mariner's Pointe	Demolition of existing structures and pavement. Construct a 2-story commercial structure of 23,015 gross sf and a 3-story parking structure. Development would include restaurants (10,493 sf), specialty retail (9,522 sf), and medical office (3,000 sf).	100–300 West Coast Highway; intersection of West Coast Highway and Drover Drive; 2 miles to the west.	An IS/MND was released for public review on April 11, 2011. The project was approved by the City Council on August 9, 2011.	• GP Amendment • Code Amendment • CUP • Variance • Site Development Review • Traffic Study
Mariner's Medical Arts Project	10 medical office suites in 3 buildings ranging from 2,350 sf to 9,000 sf equaling approximately 12,250 sf.	1901 Westcliff Dr; 2 miles to the east.	City staff is determining the scope of the project. Environmental documentation has not been completed.	• Undetermined

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
Newport Beach Country Club	Demolition of existing tennis and golf clubhouses to construct a new 3,735 sf tennis clubhouse and 35,000 sf golf clubhouse. Included in the project are 27 short-term, visitor-serving units (bungalows); a bungalow spa/fitness area and concierge and guest meeting facilities; and 5 single-family residential dwelling units (villas).	1600 East Coast Hwy; 4 miles to the southeast.	IS/MND was released for public review from September 20, 2010 through October 19, 2010. The project is before the City Planning Commission.	• GP Amendment • Development Agreement • PC Development Plan Amendment • TTM • CDP (Costal Commission)
Newport Beach Country Club (International Bay Club)	Demolition of existing golf course and clubhouse to construct of a new 51,213 sf golf clubhouse and ancillary facilities including a cart barn and bag storage.	1600–1602 East Coast Hwy; northwest of Pacific Coast Hwy and Newport Center Dr; 4 miles to the east.	An IS/MND was released for public review from October 4, 2010 to November 8, 2010. The project is before the City Planning Commission.	• GP Amendment • Planned Community (PC) Text Adoption • Temporary Use Permit • Development Agreement • Approval-in-Concept for CDP (Coastal Commission)
Old Newport GPA	Demolition of 3 existing buildings to construct a new 25,000-sf medical office building.	328, 332, and 340 Old Newport Blvd; 1 mile to the east.	IS/MND was approved on March 9, 2010. The Project has not been constructed.	• Modification Permit • Traffic Study • Use Permit • GP Amendment
CITY OF COSTA MESA				
Projects Where Construction Has Been Initiated or Completed				
Costa Mesa Housing Element Update	Update to Housing Element.	City of Costa Mesa.	Final Supplemental EIR was certified in August 2008. General Plan Amendment GP-09-01 was approved on February 16, 2010.	• EIR • GP Amendment
The Enclave Apartment Homes	890 multi-family residential units.	South of Sunflower Ave; Anton Blvd to the northwest; east of Sakioka Dr (north of I-405); 6 miles to the northeast.	Project approved on July 5, 2006. Construction has been completed.	• IS/MND • Master Plan
Estancia High School Athletic Stadium Complex	2,500-person-capacity athletic stadium complex on site at Estancia High School.	2323 Placentia Ave; 2 miles to the northeast.	IS/MND approved October 2007. Construction completed in April 2008.	• IS/MND

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
SoBECA Urban Plan	The project is a City-initiated development incentive program to encourage new development and revitalization as part of an overall vision to allow mixed-use development in the Bristol St corridor area.	South of Bristol St and east of SR-73; 5 miles to the northeast.	Final IS/MND was adopted in August 2006.	• GP Amendment • Zoning Code Amendment • Rezone • Urban Plan
Westside Urban Plan	The project is a City-initiated development incentive program to encourage new development and revitalization of the Mixed-Use Overlay District as part of an overall vision to allow mixed-use development in Westside Costa Mesa.	Westside Costa Mesa; south of Victoria St; west of Newport Blvd; includes areas adjacent to Project site.	Final IS/MND was adopted in August 2006.	• GP Amendment • Zoning Code Amendment • Rezone • Urban Plan • Residential Ownership Plan
Westside Lofts Mixed-Use Development	151 residential condominiums, 5 live/work units, and 6 industrial office buildings.	1640 Monrovia Ave; less than 0.25 mile to the east.	Project approved on November 13, 2007. The site has been graded; no further construction has occurred.	• IS/MND • Master Plan • VTTM
Projects With Approved CEQA Documentation				
North Costa Mesa High-Rise Residential	Construction of 5 high-rise towers on separate sites. The sites are: Site 1 – Segerstrom Town Center; Site 2 – Orange County Museum of Art; Site 3 – Californian at Town Center; Site 4 – Symphony Towers; and Site 5 – Pacific Arts Plaza.	South of Sunflower Ave; east of Bristol St; west of Sakioka Dr (north of I-405); 6 miles to the northeast.	Final EIR was certified and project was approved in December 2006. The Planning Commission approved a 2-year time extension for Site 3. Site 4 was approved on October 7, 2007. Construction has not been initiated.	• GP Amendment • Specific Plan Amendment • Zone Change Amendments • AELUP Consistency Determination • FAA Part 77 – No Hazard Determinations • Preliminary/Final Master Plans • TTM/TPM
Wyndham Boutique Hotel/High-Rise Residential Project	The project involves the reuse of the project site into a mixed-use development with both hotel and residential uses. The existing Wyndham Hotel would be renovated to create a boutique hotel; the existing parking structure would be demolished and a 23-story high-rise residential	3350 Ave of the Arts (north of I-405); 5 miles to the northeast.	Final EIR certified and project approved in November 2007. Construction has not been initiated.	• GP Amendment • Specific Plan Amendment • Final Master Plan • VTTM

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
	tower would be constructed; and a new 7-level parking structure serving both the hotel and the residential tower would be constructed.			
Mesa Verde Senior Housing	Master Plan to develop a 7.55-acre vacant portion of the site with 230 senior housing units, 258 parking spaces. Proposed construction includes two, 2- to 4-story buildings with common outdoor amenities.	2701 Harbor Blvd, 1545 Adams Ave, 1555 Adams Ave, and 1500 Mesa Verde Dr East; 3 miles to the west.	Project approved on December 7, 2010.	• MND • Rezone • Master Plan • Lot Line Adjustment
CITY OF HUNTINGTON BEACH				
Projects Where Construction Has Been Initiated or Completed				
Brightwater Specific Plan and Annexation	Development of 358 single-family dwelling units. The project also involves 3 components, including (a) the annexation application to Orange County LAFCO to annex the Brightwater Development project into the City of Huntington Beach; (b) the prezoning for portions of the Brightwater Development project presently located within Orange County; and (c) the rezoning of the portions of the subject property currently located within the City of Huntington Beach from RL (Residential Low Density) to Specific Plan.	Northeastern corner of Bolsa Chica Mesa; south of Los Patos Ave; southeast of Warner Ave; 8 miles to the west.	Construction is ongoing.	• Specific Plan Adoption • Annexation (LAFCO) • Zoning Text Amendment • Zoning Map Amendment • GP Amendment • LCP Amendment (Coastal Commission)
Huntington Beach Downtown Specific Plan Update	The project consists of an update to the existing Downtown Specific Plan (DTSP).	The DTSP project area covers 336 acres. Generally, the area extends from the intersection of Goldenwest St at Pacific Coast Hwy and curves along the coastline, including the Huntington Beach Pier to Beach Blvd; 4 miles to the west.	Final EIR certified and project approved in November 2009; reconsidered by City Council and approved on January 19, 2010. The LCP Amendment was approved by the Coastal Commission in June 2011 and returned to the City for concurrence. Action by the City Council on the concurrence is expected in October 2011.	• GP Amendment • LCP Amendment

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
Newland Street Residential	The project would develop and subdivide a former industrial site into a residential development with 204 multi-family residential units and an approximate 2-acre public park.	21471 Newland St; south of Lomond Dr; west of Newland St, north of the terminus of Hamilton Ave; 4 miles to the northwest.	Final EIR was certified in August 2006. The project has been completed.	• GP Amendment • Zoning Map Amendment • TTM • CUP • Final Tract Map
Newland Street Widening	The project would widen Newland St from Pacific Coast Hwy to Hamilton Ave, widen the reinforced concrete bridge at Huntington Channel, install storm drain improvements in Newland St, and raise the profile of Newland St to improve traffic visibility. The proposed widening would also address stopping sight distance deficiency by raising the road grade at the Huntington Channel and providing a left-turn lane at the intersection of Newland St and Edison Way.	Newland St from Pacific Coast Hwy to Hamilton Hwy; 2 miles to the west.	IS/MND approved in April 2007. The project is under construction.	• IS/MND approval • No other discretionary actions were identified
Ocean View High School Expansion	Modifications to Ocean View High School include the construction of a new Olympic-sized swimming pool; additional bleachers at the existing track; and construction of 20 new classrooms to be used for adult education and the relocation of Coast High School.	1701 Gothard St; 7 miles to the northwest.	Final IS/ND was approved on June 2, 2009. Construction is completed.	• IS/ND • No permits or discretionary actions were identified.
Pacific City	Development of a 10.6 net acre visitor-serving commercial component including hospitality (i.e., hotel) and commercial uses and a 17.2 net acre residential village. The project also includes 3.7 net acres of right-of-way improvements.	Bound by Pacific Coast Hwy, First St, Huntington St, and Atlanta Ave; 3 miles to the west.	Final EIR was certified and approved in June 2004. Entitlements have been approved. Grading started but no further construction has been completed.	• Master Site Plan • Master Plan • TTM • CDP (Coastal Commission) • CUP

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
Projects With Approved CEQA Documentation				
Beach and Edinger Corridors Specific Plan	The Specific Plan is intended to implement a clear and comprehensive vision for growth and change along Beach Blvd and Edinger Ave.	Extends along Beach Blvd from the coastal zone boundary to Edinger Ave; along Edinger Ave from Beach Blvd westward to Goldenwest St; 7 miles to the west.	Final EIR certified and project approved by the City Council in March 2010.	• GP Amendment • Zoning Text Amendment • Zoning Map Amendment
Edison Park Master Plan	The project proposes to establish a Park Master Plan to reconfigure existing open space areas; construct additional recreational amenities including bocce ball courts and a skate park; reconfigure an existing 132-space parking lot along Magnolia St and provide 124 additional parking spaces; construct a new 120-space parking facility along Hamilton Ave; install 9 fitness/wellness exercise stations; install new landscape and hardscape improvements including fencing around the existing fire station and walking paths; and install 4 lighted practice soccer fields and a lighted multi-purpose field.	Magnolia St; Hamilton Ave; 2 miles to the west.	IS/MND approved in June 2009.	• IS/MND • Master Plan
Goodell Property Pre-Zoning and Annexation	Pre-zoning and annexation of approximately 6.2 acres of property at the request of the Orange County LAFCO in conjunction with the annexation of the Brightwater Specific Plan, which resulted in the site becoming an unincorporated "island".	Located at the terminus of Bolsa Chica Street, south of Los Patos Avenue, in an unincorporated area of Orange County; 8 miles to the west.	IS/MND and project approved by the City in November 2009.	• Zoning Map Amendment • Annexation
Pacific View Mixed Use	A 4-story, 35-foot tall, 12,922-sf mixed-use, visitor-serving/residential development.	620 North Pacific Coast Hwy; northeastern corner of Pacific Coast Hwy and 7th St; 4 miles to the west.	IS/MND was approved in December 2008.	• CDP • CUP • Variance
Parkside Estates	The revised project would allow 111 residential units and 23 acres of conservation open space.	West side of Graham St between Warner Ave and Slater Ave; 8 miles to the	Entitlement plan amendments and subsequent entitlements, including preparation of an Addendum to Final	• Annexation (LAFCO) • GP Amendment • TTM

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
		northwest.	EIR No. 97-2, were approved in June 2009. The CDP application is under review by the Coastal Commission.	• CUP • CDP • LCP Amendment
Poseidon Desalination Plant	The project proposes the construction and operation of a 50 million gallon per day seawater desalination facility. The facility would consist of seawater intake pretreatment facilities; a seawater desalination plant using reverse osmosis technology; product water storage; 2 pump stations; materials storage tanks; and 42- to 48-inch diameter product water transmission pipeline possibly up to 10 miles in length in Huntington Beach and Costa Mesa. The facility would use HBGS seawater intake and outfall pipelines for its operations.	21730 Newland St; off Pacific Coast Hwy; 2 miles to the west.	EIR was certified on September 6, 2005. The Applicant is currently securing permits from other regulatory agencies. In May 2010, a Supplemental EIR was released. A Subsequent EIR was certified in September 2010.	• CUP • CDP (Coastal Commission) • Franchise Agreement • Owner Participation • Development Agreement • CDP • Domestic Water Supply Permit • NPDES Permit • SCAQMD Permit to Operate • Various Encroachment Permits • Various Institutional Permits • Lease Agreement • OCSD Industrial Source Control Permit
The Ridge	Residential development with 22 units.	Southeast of the intersection of Bolsa Chica Street and Los Patos Avenue; 8 miles to the northwest.	A Draft IS/MND was circulated for public review in September 2009; changes to the project required recirculation of the Draft IS/MND. The Project was approved by the City Council on July 6, 2010. City submitted LCP Amendment to the Coastal Commission in September 2010. Project is currently in litigation.	• GP Amendment • Zoning Map Amendment • LCP Amendment • Zoning Text Amendment • TTM • CDP • CUP

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
Projects Without Approved CEQA Documentation				
General Plan Circulation Element Update	Adoption and implementation of Huntington Beach General Plan Circulation Element Update.	Citywide	IS/EA in July 2009.	• Circulation Element Update
Harmony Cove Development	A residential development consisting of 15 condominium units and a 25-boat slip marina (15 private slips and 10 commercial slips).	3901 Warner Ave; north side of Warner Ave, west of Weatherly Ln; 9 miles to the northwest.	Application completed February 17, 2009. A Draft IS/MND was circulated for public review in April 2010.	• GP Amendment • Zoning Map Amendment • LCP Amendment • Subdivision
Beach and Warner Mixed-Use Project	Three components: the construction of a mixed-use building on Beach Blvd; a mixed-use building on Warner Ave; and 2 retail buildings on the corner of Beach Blvd at Warner Ave.	Southwest corner of Beach Blvd at Warner Ave; 6 miles to the northwest.	A Draft EIR was circulated for public review in January 2011.	• Site Plan Review • CUP
CITY OF IRVINE				
Projects Where Construction Has Been Initiated or Completed				
Booth Circle Medical Office	17,845-sf, single-story medical office building.	4968 Booth Cir; 10 miles to the northeast.	Final IS/MND approved on July 17, 2007. Construction is completed.	• GP Amendment • Zone Change • Master Plan • Parcel Map
Irvine Business Complex Vision Plan and Mixed Use Overlay Zoning Code	The proposed project would allow for an increase in total units in the IBC from 9,015 units to 15,000 units. A total of 1,598 density bonus units could be allowed within the IBC with implementation of the project.	South of the former Tustin MCAS; west of the San Diego Creek Channel; north of John Wayne Airport and Campus Dr; east of SR-55; 7 miles to the northeast.	Draft EIR was distributed for public review in March 2009. The IBC projects were subject to litigation by the Cities of Newport Beach and Tustin; a settlement agreement was reached between the Cities of Irvine and Newport Beach; the City of Tustin was not a party to the settlement agreement. A revised Draft EIR was prepared and recirculated for public review from December 23, 2009 through February 5, 2010. The Final EIR was certified and the project approved on July 15, 2010.	• GP Amendment • Zoning Ordinance Amendment • Municipal Code Amendment • Circulation Element Amendment

TABLE 5-2 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status	Discretionary Actions
PA 40/PA 12 GPA and Zone Change	The project consists of a General Plan Amendment and Zone Change to portions of PA 40 and PA 12, and the transfer of entitlements for 1,533 du permitted in the General Plan.	Southwesterly corner of PA 33; south of Alton Pkwy; north of I-405; east of SR-133; 11 miles to the northeast.	Final EIR was certified and approved in September 2008.	• GP Amendment • Zone Change • Master Plan
Projects With Approved CEQA Documentation				
HCG Irvine	The project consists of a Master Plan to develop 785,000 sf of office space and 15,500 sf of retail/restaurant space within the IBC.	2722 Michelson Dr; 18582 Teller Ave; 6 miles to the northeast.	Final EIR was certified and approved in December 2008. See *Irvine Business Complex Vision Plan and Mixed Use Overlay Zoning Code Project* regarding status of project.	• Master Plan • Zone Change • TPM • CUP • Development Agreement

IS/MND: Initial Study/Mitigated Negative Declaration; CDFG: California Department of Fish and Game; USACE: U.S. Army Corps of Engineers; RWQCB: Regional Water Quality Control Board; CDP: Coastal Development Permit; CUP: Conditional Use Permit; cy: cubic yards; sf: square feet; GP: General Plan; du: dwelling units; TTM: Tentative Tract Map; CLUP: Coastal Land Use Plan; NPDES: National Pollutant Discharge Elimination System; NOP: Notice of Preparation; SR: State Route; VTTM: Vesting Tentative Tract Map; FAA: Federal Aviation Administration; TPM: Tentative Parcel Map; AELUP: Airport Environs Land Use Plan; LAFCO: Local Agency Formation Commission; LCP: Local Coastal Program; DTSP: Downtown Specific Plan; EIR: Environmental Impact Report; HBGS: Huntington Beach Generating Station; SCAQMD: South Coast Air Quality Management District; OCSD: Orange County Sanitation District; IBC: Irvine Business Complex; MCAS: Marine Corps Air Station; PA: Planning Area; GPA: General Plan Amendment;

For source information, please see summary of each individual project in Appendix M of this EIR.

5.4 CUMULATIVE IMPACT ANALYSIS

A review of the environmental documents that are available for the listed cumulative projects identifies impacts common to multiple projects. Appendix M of this EIR provides a narrative of each of these projects. The narrative summarizes those effects that were identified as significant impacts in the respective environmental documents and identifies which environmental topics are assumed in the cumulative impact assessment for the Newport Banning Ranch Project. Table 5-3 summarizes the significant environmental impacts associated with each of these potential cumulative projects, as determined by the respective jurisdictions in publically available documentation. The table identifies the conclusions made in the environmental documentation prepared by the jurisdiction for each environmental issue: (1) Less than Significant (LS), the environmental impact was found to be less than significant and no mitigation was required; (2) Significant (S), the impact would be less than significant with mitigation; and (3) Unavoidable (U), the impact would remain significant and unavoidable. The table also identifies whether the project is assumed in the proposed Project's cumulative impact analysis.

It should be noted that the environmental documentation prepared by the various lead agencies span many years such that the thresholds of significance and the mandatory topics for analysis have changed over time. For example, the analysis of GHG emissions in CEQA documentation has only recently occurred. Prior to Governor Schwarzenegger's signing of the California's Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32) in September 2006, GHG emissions were not typically considered for evaluation in CEQA documents; the State CEQA Guidelines were not amended until March 2010 to address the topic. Although the topic of climate change/GHG emissions was not evaluated in earlier CEQA documents, projects were emitting GHG emissions. Because of the global nature of the climate change problem, most projects will not result in GHG emissions that are individually significant (CAPCOA 2009). Therefore, while not all CEQA documents evaluate potential GHG impacts, the presumption of this EIR's cumulative impact analysis is that the majority, if not all, projects included in the cumulative study area incrementally contribute to cumulative GHG impacts whether or not addressed in their respective CEQA documents.

This section analyzes potential cumulative impacts to the environment that could be associated with implementation of the proposed Project in concert with the cumulative projects and projected growth, including the above-listed probable future projects. Additionally, the analysis also considers long-term growth projections to acknowledge the Project's anticipated buildout in 2023. As discussed above, the OCP-2006 projections are used for projecting regional growth that would occur within the study area even though this growth is not currently tied to specific projects. The list of related projects collectively constitutes only a portion of expected growth in the area, and it is likely that over the Project's buildout time frame, other developments, which cannot be foreseen now, will be proposed. For that reason, the regional growth projections may be the best measure of long-term cumulative impacts.

It is important to note that a quantification of cumulative impacts is not feasible for some impact topics such as visual resources. In some cases, no environmental document has been prepared for the related projects and impacts are unknown. In other instances, the impacts have not been quantified. Therefore, much of the cumulative evaluation is a qualitative judgment regarding the combined effects of the relationship among the projects and projected regional growth.

In some cases, application of the identified proposed Project's Mitigation Program may reduce the significance of their respective Project-related impacts and would also help to mitigate cumulative impacts. The thresholds of significance used in each of the sections to evaluate

Project-specific impacts would also be applicable to the cumulative evaluation. For the cumulative evaluation, these thresholds would be used to evaluate whether the cumulative projects, together with the proposed Project, would create a significant impact on the environment.

TABLE 5-3
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS
IMPACT SUMMARY TABLE

Project Name	Land Use	Aesthetics	Geology and Soils	Hydrology and Water Quality	Hazards and Hazardous Materials	Biological Resources	Population, Housing, and Employment	Recreation & Trails	Transportation and Circulation	Air Quality: Short-Term & Long-term	Greenhouse Gas Emissions	Noise: Short-Term & Long-Term	Cultural Resources	Public Services	Utilities	Assumed in Cumulative Analysis?[a]
COUNTY OF ORANGE																
Projects Where Construction Has Been Initiated or Completed																
Huntington Beach Wetlands Restoration	LS	LS	LS	LS	LS	S	LS	LS	LS	LS	N/A	S	LS	LS	LS	Yes
Projects With Approved CEQA Documentation																
Edinger Storm Channel Improvement	LS	S	S	S	LS	S	LS	LS	S	S	N/A	S	LS	LS	LS	No; all impacts are construction related
U.S. Coast Guard Bulkhead Replacement	LS	LS	LS	S	LS	S	LS	LS	LS	LS	N/A	S	LS	LS	LS	No
CITY OF NEWPORT BEACH																
Projects Where Construction Has Been Initiated or Completed																
Hoag Memorial Hospital Presbyterian Master Plan Update	U	LS	N/A	N/A	N/A	N/A	N/A	N/A	S	U	N/A	U	N/A	N/A	N/A	Yes
North Newport Center Planned Community	S	S	S	S	S	S	U	S	S	U	S	S	S	S	S	Yes
Newport Beach City Hall and Park Development	S	S	S	LS	S	S	LS	LS	S	U	U	S	S	LS	LS	Yes
Newport Beach Learning Center – Coast Community College District	LS	S	LS	LS	LS	S	LS	LS	S	S	LS	S	S	LS	LS	Yes
Rhine Channel Contaminated Sediment Cleanup	LS	S	LS	S	LS	S	LS	LS	LS	S	LS	S	LS	LS	LS	No; all impacts are construction related

TABLE 5-3 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS
IMPACT SUMMARY TABLE

Project Name	Land Use	Aesthetics	Geology and Soils	Hydrology and Water Quality	Hazards and Hazardous Materials	Biological Resources	Population, Housing, and Employment	Recreation & Trails	Transportation and Circulation	Air Quality: Short-Term & Long-term	Greenhouse Gas Emissions	Noise: Short-Term & Long-Term	Cultural Resources	Public Services	Utilities	Assumed in Cumulative Analysis?[a]
Projects With Approved CEQA Documentation																
919 Bayside Drive	LS	LS	S	LS	S	LS	LS	LS	LS	LS	N/A	S	LS	LS	LS	Yes
AERIE	S	LS	S	LS	S	S	N/A	N/A	S	LS	LS	S	LS	N/A	N/A	Yes
Beauchamp	LS	LS	LS	S	S	LS	LS	LS	LS	LS	LS	S	LS	LS	S	Yes
Hyatt Regency Newport Beach Expansion	LS	LS	S	LS	S	S	N/A	N/A	S	LS	LS	U	S	LS	N/A	Yes
LDS Rectory	S	S	S	S	S	S	LS	LS	LS	LS	LS	LS	S	LS	LS	Yes
Marina Park	LS	S	S	S	S	S	N/A	N/A	LS	S	LS	S	S	LS	S	Yes
Megonigal Residence	LS	LS	S	LS	LS	LS	LS	LS	S	LS	N/A	S	LS	LS	LS	Yes
Newport Bay Marina	LS	S	S	S	S	S	LS	LS	LS	S	N/A	S	U	S	S	Yes
Newport Business Plaza	LS	S	S	LS	S	S	LS	LS	LS	S	LS	S	S	LS	LS	Yes
PRES Office Building B	LS	LS	S	S	LS	S	LS	LS	LS	LS	LS	S	S	LS	S	Yes
Santa Barbara Condominiums	LS	LS	S	LS	LS	LS	LS	LS	S	S	N/A	S	S	S	S	Yes
Sunset Ridge Park	S	LS	S	LS	LS	S	N/A	N/A	LS	U	LS	U	S	LS	LS	Yes
Projects Without Approved CEQA Documentation																
Koll/Conexant Conceptual Plan: Uptown Newport Village Specific Plan	An Initial Study was prepared; the project was subsequently placed on hold by the applicant. The Initial Study notes that the project could have significant environmental impacts associated with aesthetics, air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, recreation, transportation, and utilities and service systems.															Yes
Mariner's Pointe	LS	LS	S	LS	LS	S	LS	LS	S	LS	LS	S	S	LS	LS	Yes

TABLE 5-3 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS
IMPACT SUMMARY TABLE

Project Name	Land Use	Aesthetics	Geology and Soils	Hydrology and Water Quality	Hazards and Hazardous Materials	Biological Resources	Population, Housing, and Employment	Recreation & Trails	Transportation and Circulation	Air Quality: Short-Term & Long-term	Greenhouse Gas Emissions	Noise: Short-Term & Long-Term	Cultural Resources	Public Services	Utilities	Assumed in Cumulative Analysis?[a]
Mariner's Medical Arts Project	The property owner has not submitted an application to the City. Environmental documentation has not been prepared. Should the project proceed, it is anticipated that the CEQA documentation would address the following topics: aesthetics, land use, geology and soils, water quality, transportation and circulation, air quality, GHG emissions, noise, public services and utilities, and cultural resources (particularly historic resources).															Yes
Newport Beach Country Club	LS	LS	S	LS	S	LS	LS	LS	S	LS	LS	S	LS	LS	LS	Yes
Newport Beach Country Club (International Bay Club)	LS	LS	S	LS	S	LS	LS	LS	S	LS	LS	S	S	LS	LS	Yes
Old Newport GPA	LS	S	LS	S	S	LS	LS	LS	S	S	N/A	S	LS	S	S	Yes
CITY OF COSTA MESA																
Projects Where Construction Has Been Initiated or Completed																
Costa Mesa Housing Element Update	LS	LS	S	S	S	S	LS	S	U	U	N/A	U	S	S	S	Yes
The Enclave Apartment Homes	LS	LS	LS	LS	LS	Ls	LS	LS	LS	U	N/A	S	LS	LS	LS	Yes
Estancia High School Athletic Stadium Complex	LS	LS	LS	LS	LS	LS	LS	LS	LS	LS	N/A	LS	LS	LS	N/A	Yes
SoBECA Urban Plan	LS	LS	LS	S	U	LS	LS	LS	LS	S	N/A	S	LS	S	S	Yes
Westside Urban Plan	LS	LS	LS	S	U	LS	LS	LS	LS	S	N/A	S	LS	S	S	Yes
Westside Lofts Mixed-Use Development	LS	LS	S	S	S	LS	LS	LS	LS	S	LS	S	LS	LS	LS	Yes
Projects With Approved CEQA Documentation																
North Costa Mesa High-Rise Residential	LS	LS	S	S	S	LS	LS	N/A	S	U	U	S	LS	S	S	Yes
Wyndham Boutique Hotel/High-Rise Residential Project	LS	U	S	S	S	N/A	LS	LS	LS	U	N/A	S	N/A	U	LS	Yes
Mesa Verde Senior Housing	LS	LS	S	LS	LS	LS	LS	LS	LS	LS	LS	S	LS	LS	LS	Yes

TABLE 5-3 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS
IMPACT SUMMARY TABLE

Project Name	Land Use	Aesthetics	Geology and Soils	Hydrology and Water Quality	Hazards and Hazardous Materials	Biological Resources	Population, Housing, and Employment	Recreation & Trails	Transportation and Circulation	Air Quality: Short-Term & Long-term	Greenhouse Gas Emissions	Noise: Short-Term & Long-Term	Cultural Resources	Public Services	Utilities	Assumed in Cumulative Analysis?[a]
CITY OF HUNTINGTON BEACH																
Projects Where Construction Has Been Initiated or Completed																
Brightwater Specific Plan and Annexation	LS	LS	LS	LS	LS	LS	LS	LS	LS	LS	N/A	LS	LS	LS	LS	Yes
Huntington Beach Downtown Specific Plan Update	LS	S	S	S	S	S	LS	LS	U	U	U	U	U	U	S	Yes
Newland Street Residential	S	U	S	U	LS	S	U	S	S	U	N/A	S	S	U	S	Yes
Newland Street Widening	LS	LS	LS	LS	LS	S	LS	LS	N/A	LS	LS	LS	LS	LS	LS	Yes
Ocean View High School Expansion	LS	N/A	LS	LS	LS	LS	LS	N/A	N/A	LS	N/A	LS	LS	N/A	N/A	Yes
Pacific City	LS	S	S	S	S	S	LS	S	S	U	N/A	S	S	S	S	Yes
Projects With Approved CEQA Documentation																
Beach and Edinger Corridors Specific Plan	LS	S	S	S	S	S	LS	U	U	U	U	U	U	U	U	Yes
Edison Park Master Plan	LS	S	LS	LS	LS	S	LS	S	N/A	LS	N/A	LS	LS	LS	LS	Yes
Goodell Property Pre-Zoning and Annexation	LS	LS	LS	LS	LS	S	LS	LS	LS	LS	LS	LS	S	LS	LS	Yes
Pacific View Mixed-Use	LS	LS	LS	S	S	LS	LS	LS	LS	LS	N/A	LS	LS	LS	LS	Yes
Parkside Estates	LS	S	S	S	S	S	N/A	N/A	S	S	N/A	S	LS	S	S	Yes
Poseidon Desalination Plant	LS	S	S	S	LS	S	N/A	N/A	S	U	N/A	S	S	S	S	Yes
The Ridge	LS	LS	LS	LS	LS	LS	LS	LS	LS	LS	N/A	LS	S	LS	LS	Yes
Projects Without Approved CEQA Documentation																
General Plan Circulation Element Update	U	LS	LS	LS	LS	U	U	LS	U	U	U	U	S	U	LS	Yes
Harmony Cove Residential Development	S	LS	S	S	LS	S	LS	LS	LS	LS	LS	S	LS	LS	LS	Yes

TABLE 5-3 (Continued)
STUDY AREA POTENTIAL CUMULATIVE DEVELOPMENT PROJECTS
IMPACT SUMMARY TABLE

Project Name	Land Use	Aesthetics	Geology and Soils	Hydrology and Water Quality	Hazards and Hazardous Materials	Biological Resources	Population, Housing, and Employment	Recreation & Trails	Transportation and Circulation	Air Quality: Short-Term & Long-term	Greenhouse Gas Emissions	Noise: Short-Term & Long-Term	Cultural Resources	Public Services	Utilities	Assumed in Cumulative Analysis?[a]
Beach and Warner Mixed-Use Project	LS	LS	LS	LS	LS	S	LS	LS	S	U	LS	S	LS	LS	LS	Yes
CITY OF IRVINE																
Projects Where Construction Has Been Initiated or Completed																
Booth Circle Medical Office	U	LS	LS	S	S	LS	LS	S	S	S	N/A	S	LS	S	S	Yes
Irvine Business Complex Vision Plan and Mixed Use Overlay Zoning Code	S	LS	LS	LS	LS	LS	LS	LS	U	U	LS	U	LS	LS	LS	Yes
PA 40/PA 12 GPA and Zone Change	LS	LS	LS	LS	LS	N/A	N/A	N/A	U	S	LS	S	S	LS	LS	Yes
Projects With Approved CEQA Documentation																
HCG Irvine	LS	S	LS	S	LS	LS	LS	LS	S	LS	N/S	S	S	LS	S	Yes

LS=Less than Significant; S=Less than Significant with Mitigation; U=Significant and Unavoidable; N/A= Not evaluated or not applicable; GHG: greenhouse gas; PA: Planning Area; GPA: General Plan Amendment

[a] See Appendix M.

5.4.1 LAND USE AND RELATED PLANNING PROGRAMS

Project Impact Summary

The proposed Project is consistent with the *City of Newport Beach General Plan,* which states that if the Newport Banning Ranch Project site is:

> not acquired for open space within a time period and pursuant to terms agreed to by the City and property owner, the site may be developed as a residential village containing a mix of housing types, limited supporting retail, visitor accommodations, school, and active community parklands, with a majority of the property preserved as open space. The property owner may pursue entitlement and permits for a residential village during the time allowed for acquisition as open space.

As discussed in Section 4.1, Land Use and Related Planning Programs, of this EIR, when evaluating the Project as a whole, the Project would be considered generally compatible with the existing and proposed future off-site land uses as well as compatible with land uses within the Project site. Development of the proposed Project would have significant land use impacts with respect to impacts associated with noise and nighttime lighting from the Community Park to Newport Crest residences facing onto the Project site. The Project's Mitigation Program would reduce this impact but not to a level considered less than significant. This finding is consistent with the findings of the *City of Newport Beach General Plan* Final EIR which determined that the introduction of new sources of lighting associated with development of the Project site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City Council approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the overall General Plan project which would include development of the Newport Banning Ranch site, that outweigh the significant unavoidable impacts associated with the General Plan project.

The EIR acknowledges that the proposed Project would have significant, unavoidable vehicular noise impacts from Bluff Road to Newport Crest residences immediately adjacent to the Project site. Section 4.12, Noise, identifies feasible measures that would mitigate noise impacts to a less than significant level. Because the City cannot require improvements on private property, it is speculative at this time to know whether this mitigation, while feasible, is desirable by the residents and its homeowners association (HOA).

Although approximately 63 percent of the Project site would be in natural open space, implementation of the proposed Project would result in a change in the character of much of the site and the conversion of the property from an operating oilfield to urban land uses. However, the General Plan EIR determines, "If development occurs, policies in the proposed General Plan Update would ensure compatibility between proposed uses, on-site open space areas, and the adjacent existing residential uses". A land use compatibility analysis with off-site uses is provided in Section 4.1 of the EIR. The Project as a whole would be considered generally compatible with the existing and proposed future off-site land uses and would be compatible with land uses on the Project site itself. There is one single-family home located on industrially zoned property where there may be potential impacts; however, the required site plan review process (SC 4.1-1) would ensure these impacts would be less than significant. The Project is consistent with applicable land use policies from the *City of Newport Beach General Plan,* SCAG regional planning programs, and the California Coastal Act.

Geographic Context

The geographic context for the assessment of potential cumulative land use and land use policy effects includes the physical area closely surrounding the Project site that includes other projects that, when combined with the proposed Project, have the potential to result in cumulative land use and land use policy impacts. The geographic scope would include the land use assumptions set forth in the *City of Newport Beach General Plan* and land uses adjacent to and in the immediate vicinity of the Project site including areas that are under the jurisdiction of the County of Orange and Cities of Costa Mesa and Huntington Beach; please also refer to Appendix M.

Thresholds of Significance

Under the significance criteria for land use, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would (1) physically divide an established community or cause a land use incompatibility; or (2) conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Cumulative Impact Analysis

Physical Division of an Existing Community

Consistent with the findings of the City of Newport Beach General Plan EIR, the Newport Banning Ranch EIR finds that the Project would not physically divide an established community. The General Plan EIR states that the General Plan Update "…does not include any extensions of roadways or other development features through currently developed areas that could physically divide an established community. Roadway extensions would occur in Banning Ranch if new development occurs in that area. These roadways would be part of a comprehensive development plan and establish linkages among new land uses and to existing land uses, and would not, therefore result in physical division of an established community".

The Project site is an active oilfield without public access. As addressed in Section 4.1, Land Use and Related Planning Programs, because of the ongoing oil operations on the Project site, there is no public access for safety, liability, and security reasons. The Project site is generally bound by established development to the north, south, and east. Land uses to the north include the Talbert Nature Preserve, a City of Costa Mesa community park, and condominiums in the City of Newport Beach. The Project site is bordered by West Coast Highway to the south. Residential development is located between West Coast Highway and the Pacific Ocean. Land uses to the east include single-family and multi-family residences and mobile homes; light industrial, institutional and office uses; and vacant parcels. The Santa Ana River generally borders the Project site to the west with single-family residences west of the Semeniuk Slough. The Project site is contiguous to existing land uses, and roads through the site would provide planned vehicular and non-vehicular connections to existing land uses in the Project vicinity.

The City of Newport Beach General Plan EIR further finds that the proposed General Plan Update "…allows limited infill development in select subareas within the City, and sets forth future land use options for Banning Ranch. These types of proposed development would not divide established communities. Impacts would be less than significant". As proposed, there would be no physical opportunity for the proposed Project itself—or in combination with any

past, present, or reasonably foreseeable future projects—to physically divide an existing community. With respect to other reasonably foreseeable future projects, such projects would be required to be consistent with the general plans of the respective jurisdictions which would minimize any significant cumulative land use effect pertaining to the physical division of communities. Therefore, cumulative impacts related to the physical division of communities would be less than significant.

Land Use Compatibility

This EIR addresses the Project's relationship/compatibility to existing and planned land uses. The City of Newport Beach Zoning Code (October 2010) defines compatibility as "The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. Elements affecting compatibility include: intensity of occupancy, pedestrian or vehicular traffic generated, volume of goods handled, and environmental effects (e.g., air pollution, glare, hazardous materials, noise, vibration, etc.)". Therefore, land use incompatibility can occur where differences between nearby uses result in significant noise levels and significant traffic levels, among other factors, such that significant unavoidable direct and indirect impacts impede use of the existing land uses as they were intended.

As previously identified in Section 4.1, when evaluating the Project as a whole, the Project would be considered generally compatible with the existing and proposed future off-site land uses and would be compatible with land uses on the Project site. The proposed Project would have significant land use compatibility impact with respect to impacts associated with noise and nighttime lighting from the Community Park to Newport Crest residences facing onto the Project site.

The City's General Plan includes policies intended to achieve land use compatibility. Policy LU 5.1.1 calls for establishment of development regulations for residential projects to create compatible and high quality development. Policy LU 5.1.2 requires transition in building height between non-residential and residential development to minimize conflicts. Policies LU 6.2.5 and 6.16.6 call for design of the non-residential uses of neighborhood-serving commercial and office to be compatible with residential uses when adjoining residential areas, and address issues such as noise, lighting, and parking. The Newport Banning Ranch Project and all "projects" under CEQA are subject to the City's environmental review process which includes project-specific environmental review under CEQA, including mitigation of significant impacts as needed to the extent feasible.

The General Plan Update EIR notes the potential for conflicts particular where mixed-use development occurs including vertical mixed use and the horizontal distribution of a mix of uses. Policy LU 5.3.1 provides guidance that would minimize conflicts among uses in mixed use facilities and identifies principles to minimize conflicts including but not limited to (1) the design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, and odors; (2) visual and physical integration of residential and nonresidential uses; and (3) architectural treatment of building elevations and modulation of their massing.

Policy LU 5.2.2 requires buffering of residential uses where they are adjacent to non-residential uses. The policy requires that residential areas be buffered from adjoining non-residential uses to the extent feasible, through methods including landscape screening, citing of mechanical equipment. The General Plan Update EIR found that the implementation of Policy LU 5.3.1 would therefore ensure that design of mixed-use development does not result in significant land use incompatibilities.

Specific to Newport Banning Ranch, the General Plan identifies policies that "If development occurs, policies in the proposed General Plan Update would ensure compatibility between proposed uses, on-site open space areas, and the adjacent existing residential uses". These policies are addressed in Section 4.1 and include (2) development of a "cohesive urban form that provides the sense of a complete and identifiable neighborhood…. addressing the location and massing of buildings, architecture, landscape, connective street grid and pedestrian walkways and trails, use of key landforms, and similar elements". The General Plan Update EIR notes that "changes contemplated in the West Newport Mesa subarea, which abuts Banning Ranch to the east, include strengthening the residential uses in that area, currently characterized by a number of light industrial uses. These changes would improve compatibility between the two subareas by placing similar residential uses in proximity to each other".

It is anticipated that future growth within parts of the City and the County would result in infill development. This infill development can occur through construction on vacant parcels, conversion of vacant land to urban uses, and intensification of development. It is assumed that present and probable future projects would be consistent with the adopted general plans of the respective jurisdictions, as well as zoning requirements. These present and probable future projects would be developed consistent with CEQA review, mitigation requirements, and often design review. Therefore, it can be assumed that through these requirements, future development would be substantially compatible with existing land uses. For this reason, cumulative impacts on land use as a result of incompatibilities between existing and future development would be less than significant. The contribution of the proposed Project to such potential cumulative land use impacts is less than significant and is thus not cumulatively considerable because the proposed Project is considered generally compatible with present and reasonably foreseeable future land uses that surround it.

Consistency with Applicable Plans, Policies and Regulations

The EIR describes the existing oilfield uses on the Project site and identifies that the proposed land uses are consistent with the planned uses identified for the Alternative Use. The Project site has a General Plan land use designation of OS(RV), Open Space/Residential Village, which establishes Open Space as the Primary Use and Residential Village as the Alternative Use for the Project site as described below:

> Primary Use:
>
> Open Space, including significant active community parklands that serve adjoining residential neighborhoods if the site is acquired through public funding.
>
> Alternative Use:
>
> If not acquired for open space within a time period and pursuant to terms agreed to by the City and property owner, the site may be developed as a residential village containing a mix of housing types, limited supporting retail, visitor accommodations, school, and active community parklands, with a majority of the property preserved as open space. The property owner may pursue entitlement and permits for a residential village during the time allowed for acquisition as open space.

The Project is consistent with applicable land use goals and policies. Although other changes in land use plans and regulations may have occurred with past and present projects in the area and may be necessary for individual future projects, such changes have been, and would be,

required to demonstrate consistency with General Plan and other City policies such that no significant adverse cumulative impact has occurred or would occur from such changes. Given that the proposed Project would be consistent with the land use policies of the applicable plans, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause a significant adverse cumulative land use impact based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections and with this Cumulative Impacts section of the EIR. It is also anticipated that regional growth would be subject to review for consistency with adopted land use plans and policies by the County of Orange, City of Newport Beach, and other cities in the County, in accordance with the requirements of CEQA, the State Zoning and Planning Law, and the State Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. Therefore, no significant cumulative impacts associated plans and policies are anticipated. In addition, the contribution of the proposed Project to any such cumulative impacts would be less than significant because present and probable future projects is consistent with applicable plans, policies, and regulations. The proposed Project would not contribute to any cumulative impacts associated with plan or policy inconsistency.

5.4.2 AESTHETICS AND VISUAL RESOURCES

Project Impact Summary

With implementation of the Mitigation Program, the proposed Project would not result in significant topographic or aesthetic impacts. As previously addressed in this EIR section and in Section 4.2, Aesthetics and Visual Resources, the proposed Project would result in night lighting impacts that are considered significant and unavoidable. Development of the proposed Project would introduce new sources of light on the Project site. The Mitigation Program identified in Section 4.2 would lessen the proposed Project impact. Project Design Features (PDF) include “dark sky” lighting standards for HOA land uses and businesses within 100 feet of the Open Space Preserve and Bluff Parks. Street lighting would be limited to intersections. Community landscape/common areas, public facilities, streetscapes, parks, and other similar areas may contain accent or other night lighting fixtures where not within 100 feet of the Open Space Preserve or the Bluff Parks or for land uses not restricted to “dark sky” lighting standards within 100 feet of the Open Space Preserve (e.g., private residences). Commercial use lighting would include lighting of parking lots, drive aisles, and building facades subject to the lighting requirements set forth in the Newport Banning Ranch Development Plan Planned Community (NBR-PC). Outdoor lighting for multi-family uses could include building and parking lot lighting.

The City of Newport Beach General Plan Final EIR finds that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City Council approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the General Plan project. The conclusions of this EIR with respect to night lighting are consistent with the General Plan Findings of Fact and Statement of Overriding Considerations.

Geographic Context

When evaluating cumulative aesthetic impacts, a number of factors must be considered. The cumulative study area for aesthetic impacts is the viewshed that includes the Project site and surrounding areas. The context in which a project is being viewed will also influence the significance of the aesthetic impact. The contrast a project has with its surrounding environment

may actually be reduced by the presence of other cumulative projects. If most of an area becomes urbanized, the contrast of a project with the natural surrounding may be less since it would not stand out in contrast as much. In order for a cumulative aesthetic impact to occur, the proposed elements of the cumulative projects would need to be seen together or in proximity to each other. If the projects were not near each other, the viewer would not perceive them in the same scene.

The only planned cumulative project that is within the same viewshed as the proposed Project is the Sunset Ridge Park Project, located immediately east of the Project site. The City of Newport Beach has approved the Sunset Ridge Park Project to develop an active and passive public park with associated parking; a Coastal Development Permit for the park project is under consideration by the California Coastal Commission (Coastal Commission). However, the Project site is visible from other present off-site public land uses. The geographic scope would include the land use assumptions set forth in the *City of Newport Beach General Plan* as well as land uses adjacent to and in the immediate vicinity of the Project site particularly in the coastal area; please also refer to Appendix M.

With respect to nighttime illumination, nighttime lighting effects may be considered in a regional context because of the potential for night glow that would extend beyond the boundaries of a site. Therefore, with respect to night lighting, the proposed Project is considered in context to the projected growth for the area and with cumulative projects in the area that may contribute to the increased nighttime lighting.

Thresholds of Significance

Under the significance criteria for aesthetics, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would (1) have a substantial adverse effect on a scenic vista; (2) substantially degrade the existing visual character or quality of the site and its surroundings; (3) create a new source of substantial light or glare which would adversely affect day or nighttime views in the area; or (4) conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Cumulative Impact Analysis

Scenic Vistas

The City of Newport Beach General Plan does not identify any scenic vistas or view points on the Project site. Additionally, the City does not contain or adjoin any scenic highways. Therefore, the Project would not contribute to any cumulative impacts on scenic vistas.

Visual Character or Quality of the Site and its Surroundings

The Project site is visible from surrounding off-site land uses. Past and present projects that create the context for existing public views are depicted in the existing setting photographs provided in Exhibits 4.2-2a through 4.2-10b of Section 4.2, Aesthetics and Visual Resources. These exhibits also include visual simulations to depict the anticipated change from these viewpoints that would occur with Project implementation. Other reasonably foreseeable future projects in the viewshed are anticipated to be primarily renovations or rehabilitations because the Project site is bound on three sides by existing development; restored wetlands and the Santa Ana River are to the east of the Project site. The City of Costa Mesa's *Westside Specific*

Plan would allow for the intensification of development with a greater emphasis on residential land uses. Although the proposed Project—combined with past, present and reasonably foreseeable future projects—would change the visual character of the Project site, the proposed Project is consistent with the General Plan and no significant cumulative visual impacts are anticipated.

Development in the City, in combination with other development particularly in the coastal area, could affect scenic resources or viewsheds. However, General Plan policies include (1) the protection of the natural setting including the preservation of open space resources, bluffs and habitat resources; and (2) the protection of scenic and visual resources including open space, canyons, and ridges. Consistent with the findings of the General Plan Update EIR, the Newport Banning Ranch EIR concludes that the proposed Project would not significantly impact public views or result in significant impacts associated with the conversion of the site from an undeveloped oilfield to a developed community. The General Plan EIR states "Although development in this portion of the City would convert underdeveloped and vacant lands to urban uses, implementation of proposed General Plan Update policies would minimize the degradation of the visual quality of the area, and the project's contribution to this impact would not be cumulatively considerable. This project impact would be less than significant".

Light and Glare

As previously addressed, the Project would result in significant nighttime lighting impacts; the Project's Mitigation Program would reduce this impact but not to a level considered less than significant. Nighttime lighting effects may be considered in a regional context because of the potential for night glow that would extend beyond the boundaries of a site. The proposed Project is considered with the projected growth for the area and with cumulative projects in the area that may contribute to the increased nighttime lighting. When the proposed Project is considered in context to the projected growth for the area and with cumulative projects in the area that may contribute to the increased nighttime lighting, the Project would contribute to a cumulative significant impact associated with night lighting. This conclusion is consistent with the findings of the City of Newport Beach General Plan EIR, which finds that development of the Newport Banning Ranch site would have Project-specific significant and unavoidable night lighting impacts and would contribute to significant and unavoidable night lighting impacts associated with buildout of the City.

Consistency with Applicable Plans, Policies and Regulations

The EIR analysis determines that the Project is consistent with relevant goals and policies related to visual resources and aesthetics. Like most past, present and reasonably foreseeable projects, the City's Site Development Review process would require each project's consistency with all City codes and regulations as addressed in Section 4.2 of this EIR. Given that the proposed Project would be consistent with the policies of the applicable plans, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause a significant adverse cumulative aesthetic impact based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this Cumulative Impacts section of the EIR.

5.4.3 GEOLOGY AND SOILS

Project Impact Summary

The EIR for the proposed Project identifies potential geotechnical-related Project impacts. The proposed Project would require total excavation of approximately 2,600,000 cubic yards (cy), including 900,000 cy of cut and fill and 1,455,000 cy of cut and fill corrective grading. As indicated in Section 4.3, Geology and Soils, the Project site is located in a seismically active area with faults within the proposed development site that could not be proven to be inactive. Habitable structures near these faults are subject to fault setback zones and seismic design parameters that would appropriately address seismic building standards. The Project would result in the potential for impacts associated with surface fault rupture and seismic shaking. Two fault segments on the Project site have not been confirmed as inactive, and development setbacks have been recommended. The fault setback zones would reduce the risk of surface fault rupture. The proposed Project would incorporate strengthened building foundations and structural design, which would accommodate strong seismic shaking on Project site. Habitable structures would be restricted to the Upland area, avoiding soils that may liquefy or undergo lateral spreading and, where necessary, corrective grading would ensure all structures are placed on competent foundation materials. Furthermore, the Project would not result in impacts from seismic-related ground failure, liquefaction, lateral spreading, soil collapse, or landslides.

The Project would be subject to some existing on-site potential for landslides under dynamic seismic conditions. Consistency with the California Building Code, City building code requirements, and General Plan policies along with the incorporation of bluff setback zones and landscaping requirements would ensure that impacts associated with on- and off-site landslides would be less than significant.

Grading activities would increase the potential for soil erosion and loss of topsoil. With the incorporation of construction Best Management Practices (BMPs), as described in Section 4.4, Hydrology and Water Quality, impacts on soil erosion and loss of topsoil would be less than significant. Post-construction, soil erosion and the loss of topsoil would be minimized through the use of engineered grading, surface drainage improvements, and landscaping. On-site soils have a low to medium expansion potential. The incorporation of the Mitigation Program would reduce impacts with expansive soils to a less than significant level.

Wastewater infrastructure would tie into the adjacent City of Newport Beach sewer facilities. There would be no impact to septic systems or alternative wastewater disposal systems on site related to the development of the Project site. The Project is consistent with the intent of the soils and geology-related goals and policies of the *City of Newport Beach General Plan* and the California Coastal Act. With implementation of the Mitigation Program set forth in Section 4.3, the Project-specific impacts would be reduced to a less than significant level.

Geographic Context

Southern California is a seismically active region with a range of geologic and soil conditions. These conditions can vary widely within a limited geographical area due to factors, including differences in landforms and proximity to fault zones, among others. Therefore, while geotechnical impacts may be associated with the cumulative development, by the very nature of the impacts (i.e., landslides and expansive and compressible soils), the constraints are typically site specific and there is typically little, if any, cumulative relationship between the development of a proposed project and development within a larger cumulative area, such as citywide development. Additionally, while seismic conditions are regional in nature, seismic impacts on a

given project site are site-specific. For example, development within the Project area would not alter geologic events or soil features/characteristics (such as groundshaking, seismic intensity, or soil expansion); therefore, the Project would not affect the level of intensity at which a seismic event on an adjacent site is experienced. However, Project development and future development in the area may expose more persons to seismic hazards.

Significance Criteria

In California, an earthquake can cause injury or property damage by rupturing the ground at the surface causing damage or destroying structures; violently shaking the ground; causing the underlying ground to fail due to liquefaction; and/or causing enough ground motion to initiate failure in a slope resulting in a landslide. A project would have a significant effect if it would (1) expose people or structures to geologic hazards, soils, and/or seismic conditions so unfavorable as to cause substantial risk of loss, injury, or death (Thresholds 4.3-1 through 4.3-5) or (2) conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Threshold 4.3-6).

The CEQA significance criteria reflect (1) the potential for large earthquakes to occur in California and, therefore, criteria require analysis of the potential for a project to be impacted by existing geologic conditions on the site that would lead to seismic hazards and (2) whether the project would increase the potential of seismic hazards or would exacerbate the effects from an earthquake.

Cumulative Impact Analysis

Seismicity and Soil Erosion

In accordance with the thresholds of significance, impacts associated with seismic events and hazards would be considered significant if the effects of an earthquake on a property could not be mitigated by an engineered solution. The significance criteria do not require elimination of the potential for structural damage from seismic hazards. Instead, the criteria require an evaluation of whether the seismic conditions on a site can be overcome through engineering design solutions that would reduce to less than significant the substantial risk of exposing people or structures to loss, injury, or death.

As addressed in Section 4.3, Geology and Soils, State and local regulatory code requirements and their specific mandatory performance standards are designed to ensure the integrity of structures during maximum ground shaking and seismic events. The proposed Project would be constructed in compliance with all applicable codes and in accordance with the Mitigation Program set forth in this EIR, which are designed to reduce the exposure of people or structures to substantial risk of loss, injury, or death related to geological conditions or seismic events. Therefore, Project impacts would be mitigated to a less than significant level. Current building codes and regulations would apply to all present and reasonably foreseeable future projects, which could also be subject to even more rigorous requirements. Therefore, the Project—in combination with past, present, and reasonably foreseeable future projects—would not result in a cumulatively significant impact by exposing people or structures to risks related to geologic hazards, soils, or seismic conditions.

The proposed Project's compliance with the California Building Code, City building code requirements, and General Plan policies along with the incorporation of bluff setback zones and

landscaping requirements would ensure that geology and soil impacts would be less than significant. As such, potential impacts would be reduced to a less than significant level with implementation of applicable standard engineering practices and construction requirements. The proposed Project's incremental contribution to cumulative geotechnical and seismic impacts would be less than significant. None of the Project characteristics would affect or influence the geotechnical hazards for off-site development. Similarly, the cumulative projects are not expected to have an adverse impact on the Project. For these reasons, no significant cumulative geotechnical impacts would occur for the Project.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project is consistent with applicable geology goals and policies. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative geological or soils impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this section of the EIR.

5.4.4 HYDROLOGY AND WATER QUALITY

Project Impact Summary

As discussed in Section 4.4, Hydrology and Water Quality, development of the proposed Project would result in impacts associated with water resources. Project-specific impacts include:

- Development of the Project would result in an increase in impervious surfaces and would increase the amount of runoff and the concentration of pollutants in storm water runoff. Implementation of the Mitigation Program would ensure that these impacts would be reduced to a less than significant level.
- Development of the Project would result in an increase in impervious surfaces and would reduce the potential for groundwater percolation; implementation of treatment-control BMPs and low impact development (LID) features would ensure that Project impacts would be less than significant.
- Development of the Project would involve changes to existing drainage patterns and would cause increases in erosion of the Project site or surrounding areas that would occur with the proposed Project. Implementation of the Mitigation Program would ensure that these impacts would be reduced to a less than significant level.
- Development of the Project would result in increased impervious surfaces and in peak flow runoff and runoff volumes from the site and would affect the capacity of existing or planned storm water drainage systems.
- Proposed housing would be located on the Upland at elevations outside the 100-year floodplain. No structures would be built within the Lowland between sea level and 10 feet above mean sea level (msl). There would no impacts to or from the 100-year flood zone.
- The Project site is located at the lower end of the watershed and is not located within any dam inundation areas. Housing would be located on the Upland and people and/or structures would not be exposed to significant risk associated with the failure of a levee or dam. Potential impacts would be less than significant.
- There are no permanent standing water bodies in the Upland area and inundation by tsunami is not likely because of Project site elevations and the City's existing Emergency

Management Plan. Therefore, inundation by seiche, tsunami, or mudflow is not likely to impact the proposed Project.

Geographic Context

The Watershed Assessment Report (Appendix K of this EIR) provides a cumulative analysis because it considers both the Project site and the upstream geographic area that is tributary to it, since both these areas contribute surface runoff to the storm drain system in the Project area, and the geographic scope for cumulative impact consideration is described in the Report. Regionally, the Project site is located within the Talbert Watershed. Storm water runoff from the Project site generally ponds in the Semeniuk Slough and the Lowland area of the site.

Significance Criteria

Under the significance criteria for hydrology and water quality, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would:

1. Violate water quality standards or waste discharge requirements (Threshold 4.4-1) or otherwise substantially degrade water quality (Thresholds 4.4-6 and 4.4-12), or substantially alter receiving water quality (Threshold 4.4-11), or impact the beneficial uses of receiving waters (Threshold 4.4-13); or
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (Threshold 4.4-2); or
3. Cause significant increases in erosion (Threshold 4.4-15) or substantially alter existing drainage patterns to result in substantial erosion or siltation (Threshold 4.4-3); or
4. Substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site (Threshold 4.4-4) or create the potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm (Threshold 4.4-14); or
5. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (Threshold 4.4-5); or
6. Place housing in a 100-year flood hazard area (Threshold 4.4-7) or place structures in a 100-year flood hazard area which would impede or redirect flood flows (Threshold 4.4-8); or
7. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam (Threshold 4.4-9); or
8. Cause inundation by seiche, tsunami, or mudflow (Threshold 4.4-10); or
9. Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Threshold 4.4-16).

Cumulative Impact Analysis

Thresholds 4.4-1 through 4.4-10

With implementation of the Mitigation Program identified in Section 4.4.8 of the EIR, Project-specific impacts would be reduced to a less than significant level. As identified in Section 4.4, the Project would incorporate a comprehensive Runoff Management Plan that includes water quality and drainage features designed (1) to treat site runoff for water quality purposes and (2) to reduce runoff volumes or rates where feasible. Water quality features would consist of LID features where feasible (e.g., bioswales, landscaping biocells, permeable pavement, and other improvements designed to promote soil-based infiltration processes) as well as source-control and treatment-control BMPs. Drainage improvements would minimize runoff to arroyos, redirect runoff away from bluffs, and reduce flow rates and volumes in the Semeniuk Slough. These drainage features would present an improvement over existing site runoff conditions with respect to water quality, velocities, and volumes.

The Project would also incorporate PDFs to minimize adverse Project effects to water quality, storm water runoff, and groundwater impacts. Site drainage patterns would remain generally consistent with the existing condition, with minor alterations proposed in site subwatershed boundaries in order to manage flows from the Project into the property's Lowland areas. The integration of LID features into the Project design would provide sustainable water quality and storm water management capabilities for the site. All projects in the County as well as projects in the surrounding cities would be required to comply with storm water management regulations as implemented by each jurisdiction which would require similar storm water runoff measures to comply with regional permits and requirements.

The Project site is located within the Talbert Watershed, which covers approximately 21.4 square miles and drains into the Pacific Ocean on either side of the mouth of the Santa Ana River. Buildout of the proposed Project, in combination with present and reasonably foreseeable future development that would occur within the watershed, would involve construction activities, new development from which runoff would discharge into waterways, potential increases in stormwater runoff from new imperious surfaces, and a potential reduction in groundwater recharge areas. Construction of new development within the watershed could result in the erosion of soil, thereby cumulatively impacting water quality within the watershed. In addition, the increase in impermeable surfaces and more intensive land uses within the watershed resulting from future development may also adversely affect water quality by increasing the amount of stormwater runoff and common urban contaminants entering the storm drain system. However, new development would be required to comply with existing regulations regarding construction practices that minimize risks of erosion and runoff. Regulations identified in Section 4.4, Hydrology and Water Quality, include the State's Municipal Storm Water Permitting Program, Orange County Storm Water Program 2003 Drainage Area Management Plan (DAMP), compliance with appropriate grading permits, and NPDES permits. Compliance with requirements would minimize degradation of water quality at individual project construction sites. As such, cumulative impacts would be less than significant. Consistent with the General Plan Update EIR, the Newport Banning Ranch EIR finds that impacts associated with water quality from implementation of the proposed General Plan Update would be less than significant, and development associated with buildout of the General Plan would not have a cumulatively considerable contribution to the cumulative effects related to water quality.

In order to evaluate the long-term cumulative impacts of sea level rise on local area flooding on the Project site over the next 90 years (i.e., through 2100), the proposed grading plan for the Project was overlaid onto the worst-case sea level rise water elevation data provided by the

Pacific Institute. This sea level rise analysis indicates that there would be increased potential for flood water depths to increase near the base of the existing slopes that border the Upland development areas in the future. However, this analysis also concludes that the Project's entire development footprint remains outside the 100-year floodplain after a 4.6-foot sea level rise has been added to existing coastal base flood elevations. Therefore, sea level rise is not anticipated to result in an enhanced flooding risk within the Project site's development area. Therefore, there is no impact regarding flood hazards created by or affecting the Project.

Cumulative growth and development throughout the watershed could result in the introduction of new structures and impervious surfaces that would increase stormwater runoff, which could subsequently lead to increased flood hazards. However, it is anticipated that the application of applicable State and local regulations would prevent the placement of housing and structures in 100-year flood hazard areas unless flood control improvements are made to reduce the risk from 100-year floods. Within Orange County, future development that could potentially affect floodwater conveyance is subject to the requirements of the Orange County Flood Control Division, County General Plan policies related to flood hazards, and other cities' floodplain management ordinances. As such, this cumulative impact would be less than significant. The proposed Project's contribution to cumulative impacts associated with flood hazards in the Talbert Watershed would be less than significant.

Cumulative development in the watershed would not expose people or structures to a significant risk of loss, injury, or death involving flooding or inundation. It is anticipated that applicable policies related to inundation hazards identified in general plans for each jurisdiction within the watershed would require development to be protected.

Therefore, because the proposed Project's incremental contribution to hydrology and water quality impacts would result in a less than significant impact and because the Watershed Assessment Report considers the entire tributary area of the Project site, the proposed Project would not result in a cumulatively considerable impact. Similarly, the cumulative projects are not expected to have an adverse impact on the Project. For these reasons, no significant cumulative impacts would occur for the Project.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project is consistent with goals and policies applicable to hydrology and water quality. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative hydrology or water quality impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as in this Cumulative Impacts section of the EIR.

5.4.5 HAZARDS AND HAZARDOUS MATERIALS

Project Impact Summary

As discussed in Section 4.5, Hazards and Hazardous Materials, the proposed Project has the potential to encounter hazardous materials (including petroleum hydrocarbons, metals, asbestos-containing materials, and lead-based paint) during grading and construction activities due to the historical oil production activities and the age of selected buildings on the Project site. With implementation of the Mitigation Program, impacts would be mitigated to a less than significant level.

Remediation of contaminated sites has an overall beneficial effect on the environment by reducing contaminants and health risks. Implementation of the proposed Project requires the remediation of the existing oilfield. The results of investigations performed to date indicate that the Project site is primarily impacted by petroleum hydrocarbons, specifically degraded and weathered crude oil, and that these impacts are generally confined to specific operating areas, including oil well locations, pipelines, tank farms, sumps, and roadways (Geosyntec 2008, 2009). The Project site also includes road materials made up of varying amounts of gravel, asphalt, crude oil, or crude oil tank sediments, and large amounts of concrete used in oilfield operations and facilities (Geosyntec 2009). The data also indicate that some areas of the Project site contain soils impacted by generally low concentrations of chemicals other than crude oil, such as volatile organic compounds (VOCs) and metals (Geosyntec 2008). None of the petroleum hydrocarbons or any other contaminants identified in soil and groundwater were found on the Project site at levels exceeding the hazardous waste criteria, as defined by federal and State regulations.

Oilfield operations on the Project site are regulated by the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR). The oil operations have had environmental regulatory oversight by both the California Regional Water Quality Control Board – Santa Ana Region (Santa Ana RWQCB) and the Orange County Health Care Agency (OCHCA). Since about 1992, both agencies have been involved in overseeing certain aspects of cleanup activities and Project site operations. Currently, the lead regulatory agency for the Project site (i.e., Santa Ana RWQCB) has approved a Remedial Action Plan (RAP) and is overseeing remediation efforts to recover an isolated pocket of crude oil located on top of the shallow brackish groundwater in the Main Drill Site Tank Farm area (northern portion of the consolidation areas) (see Exhibit 4.5-1, Potential Environmental Concern Location Map).

While no hazardous level wastes or soils are expected during site cleanup operations, the Mitigation Program requires a final RAP that outlines a sampling verification and confirmation component of the cleanup to ensure that remediation activities are performed in accordance with regulatory requirements. The existing oversight structure is expected to continue through the anticipated oilfield abandonment and remediation activities that would be necessary to implement the proposed Project. The DOGGR would continue to oversee the oilfield operations and eventual abandonment of the oilfield. In addition, both the Santa Ana RWQCB and OCHCA would continue to be involved and have primary oversight of remediation activities.

There is also potential for low-level emissions of soil gas. In the Upland, all the detected low-level emissions of soil gas are related to oil operations, and potential sources of the soil gas are proposed for remediation. These include facility areas and all immediate well sites. Therefore, the draft RAP (dRAP) includes the requirement for a hazard gas assessment to be prepared once the identified potential sources (pVICs) are remediated; this would be completed in accordance with OCFA Guideline C-03, Combustible Soil Gas Hazard Mitigation, and would include a screening of VOC components (Geosyntec 2009). It should be noted that the ASTM Standard E 2600 only outlines a method to determine whether a vapor intrusion condition may exist. The OCFA Guideline C-03 is intended to assess site-specific conditions after the completion of grading and remedial activities to ensure that a site can be developed as proposed and outlines how to test for vapors, at what levels mitigation is required, and what kind of mitigation is required for proposed structures. Specific vapor management measures can include vents over abandoned wells and barriers below foundations, among others, and would be determined on a case-by-case basis.

Based on the previous assessments performed at the Project site, there were no historical groundwater impacts detected under or in the immediate vicinity of the proposed development

area in the Upland area. Groundwater impacts were noted in the following areas of the Project site: the mechanics shop, the Main Drill Site Tank Farm, and a former sump location to the south of the Main Drill Site Tank Farm. Groundwater impacts detected near the Main Drill Site Tank Farm area are currently being remediated through the implementation of an agency-approved RAP for this specific impact area (Geosyntec 2009).

The proposed Project would include implementation of a comprehensive final RAP for oilfield abandonment, clean-up, remediation, and consolidation. As explained in detail below, with implementation of the approved final RAP, there would be less than significant impacts related to historic and ongoing oilfield operations on the Project site. The management of these substances in accordance with the RAP is discussed below.

Also, as discussed above, there is a potential for the presence of lead-based paint and asbestos-containing materials in some of the structures and equipment on the Project site (Geosyntec 2008). With implementation of the Mitigation Program which requires handling and disposal of these substances, if identified, in accordance with applicable State regulations, there would be a less than significant impact related to exposure to these materials.

Remediation would employ of various technologies, including excavation and off-site disposal of contaminated soils. The off-site disposal of contaminated soils requires appropriate containment and transport procedures performed by a licensed trucking company in strict adherence with numerous regulatory requirements as described in Section 4.5.

The Project's future residential, recreational, resort inn, and retail uses of hazardous materials would involve only common household and commercial products that would not cause a significant public hazard. There would be no routine use of hazardous materials that could be released in a manner that would combine with other development (whether past, present, or future) to cause a significant hazard.

Geographic Context

Impacts associated with hazardous materials are often site-specific and localized. The EIR evaluates Recognized Environmental Conditions (RECs), in connection with the Project site and surrounding Project area. As identified in Section 4.5, RECs are defined under American Society for Testing and Materials (ASTM) E 1527-05 Standard Practice for Environmental Site Assessments (ESAs) as "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substance or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property" (Geosyntec 2008). Regarding the off-site RECs, the database search documents the findings of various governmental database searches regarding properties with known or suspected releases of hazardous materials or petroleum hydrocarbons within a search radius of ¾ mile from the approximate center of the Project site and serves as the basis for defining the cumulative impacts study area.

Significance Criteria

Under the significance criteria for hazards and hazardous materials, quality, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Threshold 4.5-1) or the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Threshold 4.5-2) or emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school (Threshold 4.5-3); or
2. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Section 65962.5 of the *California Government Code* and, as a result, would it create a significant hazard to the public or the environment (Threshold 4.5-4); or
3. Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Threshold 4.5-5).

Cumulative Impact Analysis

Hazardous Materials and Soils on the Project Site and Proposed Remediation: Transport and Upset

CEQA documentation prepared for some of the cumulative projects (see Appendix M) note potential impacts associated with hazardous materials; the environmental concerns associated with hazardous materials are generally site specific. Each project's compliance with all applicable federal, State, and local regulations related to hazardous materials would ensure that the routine transport, use, or disposal of hazardous materials would not result in adverse impacts. All demolition activities in the Planning Area that would involve asbestos or lead based paint would also occur in compliance with SCAQMD Rule 1403 and the California Occupational Safety and Health Administration (CalOSHA) Construction Safety Orders, which would ensure that hazardous materials impacts would be less than significant. Additionally, site-specific investigations would be conducted at sites where contaminated soils or groundwater could occur to minimize the exposure of workers and the public to hazardous substances. With adherence to applicable federal, State, and local regulations governing hazardous materials, the potential risks associated with hazardous wastes would be less than significant. As such, cumulative impacts would be less than significant.

A potential cumulative hazardous materials impact could occur if a truck that is removing the excavated soil off site collides with a truck transporting similar material from a wholly separate site undergoing remediation, or trucks from the site have an accidental release near an existing industrial facility that is also experiencing a release of contaminants at that time. The potential for a significant adverse impact to occur from such accidents is speculative and would be eliminated or substantially reduced due to the comprehensive regulatory and licensing requirements that apply to the transportation of hazardous materials. To ensure safe handling procedures, federal, State, and local laws regulate the off-site transportation of contaminated soils for treatment or disposal. The comprehensive regulatory framework under which the contaminants are disposed of off site includes:

- Federal Hazardous Materials Transportation Act (49 United States Code [U.S.C.] § 5101 et seq.);
- State of California regulations administered by the California Department of Toxic Substances Control, including Title 22 of the *California Code of Regulations* (CCR) §§66263.10(a), 66263.11(a), 66263.15(a);

- California Highway Patrol regulations (See *California Vehicle Code* §§34060 (see also 22 CCR §66263.13);
- Occupational Safety and Health Administration (OSHA) standards; and
- 40 *Code of Federal Regulations* (CFR) §263 (Subtitle C of Resource Conservation and Recovery Act).

These regulatory requirements ensure that contaminants are appropriately contained and transported to a treatment or landfill facility in a manner that does not create a significant hazard to the public or the environment. All nearby projects involving remediation activities requiring the transport of hazardous materials are subject to the same regulatory requirements. Therefore, the potential for a significant cumulative impact due to the combined transport and disposal activities is considered less than significant with the identified Mitigation Program.

The Project's future residential, recreational, resort inn, and retail uses of hazardous materials would involve only common household and commercial products that would not cause a significant public hazard. There would be no routine use of hazardous materials that could be released in a manner that would combine with other development (whether past, present, or future) to cause a significant hazard.

Generally, past projects would not combine with a proposed project to cause a cumulative hazardous materials effect because these past projects have completed remediation efforts. As addressed in Section 4.5, the EIR's Phase I Environmental Site Assessment (ESA) Update identifies 27 on-site RECs, 3 historical RECs, and 4 off-site facilities as RECs. Each of the four off-site facilities was evaluated as part of the Phase I ESA Update to determine its potential to affect the Project site (Geosyntec 2008). The four sites identified have either been closed or issued a No Further Action designation. Therefore, these four off-site projects are not considered cumulatively significant.

The related projects essentially adjacent to the Project site (i.e., within approximately 500 feet, or $^{1}/_{10}$ mile) and would result in potential impacts related to hazardous materials are considered relevant to the hazardous materials cumulative impacts analysis. There are two related projects proximate to the Project site: the Coast Community College District Newport Beach Learning Center project and the Sunset Ridge Park project. Both are approved projects. The Coast Community College project site is adjacent to the Project site's eastern boundary and is under construction. The Sunset Ridge Park site is adjacent to and within (the proposed road alignment) the Project site to the southeast but has not been constructed.

As discussed further in Appendix M, the CEQA documentation for the Coast Community College District Newport Beach Learning Center Project concludes that there would be a less than significant impact related to hazards and hazardous materials, and no mitigation is required. Therefore, this related project, although located next to the Project site, is not considered in this cumulative impact analysis. With respect to Sunset Ridge Park, remedial activities would have the potential to release contaminants, predominantly hydrocarbons, into the air during soil-disturbance activities due to aeration during handling (i.e., earth moving) of the existing contaminated soils; this would primarily occur on that portion of the park site that is within the boundaries of Newport Banning Ranch. Implementation of the mitigation program identified in the Sunset Ridge Park EIR would mitigate any potentially significant impacts related to hazardous materials to a less than significant level. As noted in the analysis because all projects would be required to mitigate any impacts associated with hazardous materials, the proposed Project would not contribute to a cumulatively significant impact.

Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5

The Project site is not identified on the Cortese List, which is the list of hazardous materials sites that is compiled pursuant to Section 65962.5 of the *California Government Code*. In addition to the Cortese List, the federal, State, and local governmental agencies maintain other lists of sites where hazardous materials may be present or used. The Project site is listed on the following databases:

- Comprehensive Environmental Response, Compensation, and Liability Information System – No Further Remedial Action Planned (CERCLIS-NFRAP);
- Orange County Industrial Site;
- Resource Conservation and Recovery Act – Large Quantity Generator (RCRA-LQG);
- Underground Storage Tank, California Facility Inventory Database Underground Storage Tank, and the Statewide Environmental Evaluation and Planning System Underground Storage Tank (Underground Storage Tank, CA-FID Underground Storage Tank, and SWEEPS Underground ST databases);
- Facility Index System (FINDS);
- Aerometric Information Retrieval System (AIRS);
- Integrated Compliance Information System (ICIS);
- Spills, Leaks, Investigations, Cleanup (SLIC); and
- Hazardous Waste Information System (HAZNET).

The database listings above are consistent with the known historic and ongoing oilfield operations and previous remedial actions on the Project site that have been discussed and analyzed with respect to Thresholds 4.5-1, 4.5-2, and 4.5-3 as to whether it would create a significant hazard to the public or environment. No significant adverse cumulative impact associated with hazardous materials would result from the Project in combination with other past, present, or reasonably foreseeable future projects.

In summary, although some of the cumulative projects and other future projects associated with buildout of the surrounding communities also have potential impacts associated with hazardous materials, the environmental concerns associated with hazardous materials are typically site specific. Each project is required to address any issues related to hazardous materials or wastes. Projects must adhere to applicable regulations for the use, transport, and disposal of hazardous materials and implement mitigation in compliance with federal, State, and local regulations to protect against site contamination by hazardous materials. In summary, no significant adverse cumulative impact associated with hazardous materials would result from the Project in combination with other past, present, or reasonably foreseeable future projects. The proposed Project would involve remediation activities that would improve the environmental conditions on the site. Therefore, the Project's remediation activities would combine with other past, present and reasonably foreseeable future remediation activities to result in a beneficial impact for human and environmental health.

Consistency with Applicable Plans, Policies and Regulations

The EIR analysis determines that the Project is consistent with relevant goals and policies related to hazardous materials. Given that the proposed Project would be consistent with the policies of the applicable plans, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause a significant adverse cumulative hazards and hazardous materials impact based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this section of the EIR.

5.4.6 BIOLOGICAL RESOURCES

Project Impact Summary

- The proposed Project would impact special status plant species. Approximately 500 of the tarplant individuals occur within the permanent impact area, and approximately 4,590 individuals occur within the temporary impact (oil remediation) area. These impacts would be considered significant; however, with implementation of the Mitigation Program identified in Section 4.6, Biological Resources, potentially significant impacts to these resources would be reduced to a level considered less than significant (Threshold 4.6-1).
- Potential impacts on California Native Plant Society (CNPS) List 4 species are not expected to have a substantial adverse effect on these species; therefore, the impact would be considered less than significant.
- The proposed Project would result in substantial adverse effects on vernal pools and fairy shrimp; the Mitigation Program would reduce impacts to a less than significant level.
- The Project would not significantly impact any fish, amphibian, or reptile species. The proposed Project would not have any significant impacts on the following special status bird species: American white pelican, California brown pelican, double-crested cormorant, black skimmer, California least tern, white-faced ibis, California gull, gull-billed tern, fulvous whistling duck, long-eared owl, and California black rail. No mitigation is required (Threshold 4.6-1).
- The proposed Project would result in potentially significant impacts associated with the loss of suitable foraging and/or nesting habitat for the light-footed clapper rail, western snowy plover, Belding's savannah sparrow, tricolored blackbird, least bittern, Clark's marsh wren, long-billed curlew, and large-billed savannah sparrow. With implementation of the Mitigation Program set forth in Section 4.6, potentially significant impacts to these resources would be reduced to a level considered less than significant (Threshold 4.6-1).
- There would be no significant impact to the western yellow-billed cuckoo, Vaux's swift, black swift, purple martin, bank swallow, loggerhead shrike, California horned lark, Southern California rufous-crowned sparrow, grasshopper sparrow, Bell's sage sparrow, southwestern willow flycatcher, yellow warbler, yellow-breasted chat, golden eagle, Swainson's hawk, or bald eagle; no mitigation would be required (Threshold 4.6-1).
- A total of 17 territories (16 pairs and 1 solitary male) of the federally listed Threatened coastal California gnatcatcher were observed during 2009 focused surveys. The proposed Project would impact approximately 23.11 acres of coastal sage scrub vegetation types that provide potential habitat for this species. Measures are provided to mitigate this impact to a less than significant level (Threshold 4.6-1).

- The Project would significantly impact approximately 2.92 acres of coastal cactus wren habitat. Potentially significant impacts to the cactus wren and its habitat would be reduced to a level considered less than significant through the implementation of the Mitigation Program set forth in Section 4.6, Biological Resources (Threshold 4.6-1).
- Two least Bell's vireo territories (both solitary males) were observed during the 2009 focused surveys. The proposed Project would result in the loss of approximately 2.74 acres of potential riparian habitat for the least Bell's vireo. These impacts are significant; implementation of the Mitigation Program would reduce impacts on this species to less than significant levels (Threshold 4.6-1).
- Although suitable foraging and nesting habitat is present on the Project site for the burrowing owl, it is only expected to winter on the Project site based on the results of focused surveys. The Project would result in the loss of approximately 100.13 acres of potential habitat for this species. These impacts on occupied and potential habitat for this species would be mitigated to a less than significant level (Threshold 4.6-1).
- Suitable foraging/perching habitat is present for a variety of raptor species, including Cooper's hawk, sharp-shinned hawk, ferruginous hawk, northern harrier, white-tailed kite, merlin, prairie falcon, American peregrine falcon, short-eared owl, and osprey on the Project site. The Project would result in the loss of approximately 124.83 acres of habitat for these species. This impact would be considered significant. However, implementation of the Mitigation Program would reduce impacts on these species to less than significant levels (Threshold 4.6-1).
- Cooper's hawk, northern harrier, and white-tailed kite have the potential to nest on the Project site. The loss of an active nest of these species, or any common raptor species, by the proposed Project would be considered a violation of Sections 3503, 3503.5, and 3513 of the *California Fish and Game Code.* Therefore, the loss of any active raptor nest would be considered significant. Impacts on active raptor nests would be reduced to less than significant levels with implementation of the Project's Mitigation Program (Threshold 4.6-1).
- There would be no significant impact to the Southern California saltmarsh shrew, south coast marsh vole, Mexican long-tongued bat, Townsend's big-eared bat, western mastiff bat, Pacific pocket mouse, San Diego desert woodrat, southern grasshopper mouse, or American badger. No mitigation would be required (Threshold 4.6-1).
- The Project would impact approximately 138.83 acres of suitable or potentially suitable foraging and/or roosting habitat for the pallid bat, hoary bat, western yellow bat, pocketed free-tailed bat, and big free-tailed bat. This impact would be considered significant but would be mitigated through implementation of the Mitigation Program set forth in Section 4.6, Biological Resources (Threshold 4.6-1).
- The Project would have significant indirect impacts related to disturbance from construction (such as noise, dust, and urban pollutants) and long-term use of the Project site and its effect on the adjacent habitat areas. Indirect impacts found to be potentially significant include (a) invasion of native areas by Project ornamental landscape species; (b) water quality impacts on biological resources; (c) night lighting; and (d) increased human disturbance. As discussed in Section 4.6, Biological Resources, with implementation of the Mitigation Program, potentially significant indirect impacts would be reduced to a level considered less than significant (Threshold 4.6-1).
- The proposed Project would result in significant traffic noise impacts on sensitive biological resources (i.e., least Bell's vireo, coastal California gnatcatcher). Measures are proposed to mitigate this impact to a less than significant level (Threshold 4.6-1).

- The Project would significantly impact approximately 14.44 acres of special status riparian habitat. As discussed in Section 4.6, Biological Resources, with implementation of the identified Mitigation Program, potentially significant impacts to special status riparian habitats would be reduced to a level considered less than significant (Threshold 4.6-1).
- The Project would result in the loss of 14.18 acres of coastal sage scrub designated as special status; this is a significant impact. With implementation of the Mitigation Program, potentially significant impacts to special status sage scrub habitats would be reduced to a level considered less than significant (Thresholds 4.6-2 and 4.6-3).
- The Project would result in the loss of approximately 100.13 acres of grassland and ruderal vegetation. Although these areas generally have low biological value, these areas may provide suitable foraging habitat for a variety of raptor species, including wintering burrowing owls. The loss of grassland function for foraging raptors is considered significant. Implementation of the Mitigation Program would reduce the significant impacts to these resources to a level considered less than significant (Thresholds 4.6-2 and 4.6-3).
- The proposed Project would both result in 0.06 acre of temporarily impacts and 0.07 acre of permanent impacts to occupied vernal pool habitat. These impacts would be considered significant but would be mitigated to a level considered less than significant (Thresholds 4.6-2 and 4.6-3).
- The Project would impact 4.25 acres of "Waters of the U.S." and USACE wetlands; 1.92 acres under the jurisdiction of the CDFG; and 8.95 acres under the jurisdiction of the Coastal Commission. Implementation of the Mitigation Program set forth n Section 4.6, Biological Resources, would reduce these impacts to a level considered less than significant (Thresholds 4.6-2 and 4.6-3).
- The proposed Project would impact the movement of any native resident or migratory wildlife corridors and use of native wildlife nursery sites (Threshold 4.6-4).
- The Project would permanently reduce the size of coastal open space by approximately 138.90 acres. However, as discussed in Section 4.6, Biological Resources, with implementation of the Mitigation Program, these potentially significant impacts would be reduced to a level considered less than significant.
- The Project would not conflict with any local policies or ordinances protecting biological resources or provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan (Threshold 4.6-5).

Geographic Context

Projects included in the study area for biological resources concentrated on larger projects in the City and immediate vicinity that would impact native terrestrial habitat types. These projects are within the City of Newport Beach and its surrounding area including the Cities of Huntington Beach, Costa Mesa, and Irvine (see Appendix M). In addition to these projects, the Orange County Central/Coastal Subregion Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) was evaluated because of its important role in mitigating cumulative impacts through the preservation and management of open space on a region-wide and ecosystem-based program.

The Project study area for the analysis of cumulative impacts varies by resource type. An analysis of coastal sage scrub and grasslands, which provide habitat for a variety of wide-ranging species, has a study area that encompasses natural open space throughout the region, namely, the Central/Coastal NCCP/HCP. An analysis of wetlands covers the Santa Ana hydrologic unit, which encompasses one of the largest rivers in Southern California: the Santa Ana River.

NCCP/HCP

The NCCP/HCP was developed to take a broad-based ecosystem approach to planning for the protection and management of coastally occurring wildlife and plant communities. This program anticipated and planned for impacts to native habitats and associated wildlife in the coastal subregion with a corresponding reserve system that permanently preserved coastal lands biologically important to the area. Conservation biologists and regional planners have determined that ecosystem-based programs, such as an NCCP, are the most appropriate way to evaluate and mitigate for potential cumulative impacts resulting from multiple projects impacting biological resources in a given region.

The Orange County Central/Coastal Subregion NCCP/HCP covers 112,631 acres, which includes a Habitat Reserve in excess of 37,000 acres. This Reserve was established primarily for the protection of coastal sage scrub, chaparral, grassland, and riparian habitats, as well as species identified in the NCCP/HCP that are dependent on these habitats. Other native habitats included in the Habitat Reserve include vernal pools; marsh; woodlands; forest; cliff and rock; marine and coastal; lakes, reservoirs, and basins; and water courses. In addition, the NCCP/HCP contains requirements for adaptive management, interim management, and funding management for the Reserve, as well as procedures and minimization measures related to the "take" of "Identified Species" and habitat.

The Project site occurs within the 530-acre Santa Ana River Mouth Existing Use Area of the Coastal Subarea of the NCCP/HCP. Existing Use areas are comprised of areas with important populations of Identified Species, but which are geographically removed from the NCCP/HCP Reserve System. They may provide redundancy for habitat protected by the Reserve, act as a refuge, or contribute to the long-term gene pool of target and Identified Species. These areas have not been included in the Reserve because it has been determined that inclusion is not necessary for the Reserve to function consistent with State and federal laws. The Project site does not occur within the Reserve System nor is it a covered project under the NCCP/HCP; however, it does contain significant biological resources (coastal California gnatcatcher) that require mitigation according to the Federal Endangered Species test.

Santa Ana Hydrologic Unit

The Santa Ana hydrologic unit includes the San Diego Creek and Santa Ana River watersheds. The Project site is located in the mouth of the Santa Ana River watershed, which covers 2,650 square miles in San Bernardino, Riverside, and Orange Counties. There are six key wetlands in the Santa Ana hydrologic unit: Anaheim Bay, Bolsa Chica Wetlands, Huntington Beach Wetlands, San Joaquin Marsh, Santa Ana River Mouth Estuary, and Upper Newport Bay. Historically, these wetlands covered over 11,253 acres[3] However, the current estimate of

[3] Anaheim Bay: 2,452 acres of low marsh and 801 acres of high marsh; Bolsa Chica Wetlands: 2,300 acres of tidally influenced wetlands and large expanses of freshwater wetlands; Huntington Beach Wetlands are included in the wetland area at the mouth of the Santa Ana River; San Joaquin Marsh is part of an extensive marsh and riparian system that existed along the Santa Ana River and San Diego Creek; Santa Ana River Mouth Estuary: 2,900 acres; and Upper Newport Bay: 2,800 acres.

wetland habitat is approximately 3,988 acres.[4] Ownership of the Santa Ana River Mouth Estuary is divided between the USACE (92 acres designated as open space and recreational by the County), Orange County Regional Parks (180 acres; the Talbert Nature Preserve), the City of Newport Beach (7+ acres), and private oil production sites (106 acres).

Significance Criteria

The proposed Project—when combined with other past, present, and reasonably foreseeable future projects—could result in a cumulative impact if it would

1. 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 CDFG or USFWS (Threshold 4.6-1);
2. 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 CDFG or USFWS (Threshold 4.6-2);
3. Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, and coastal, among others) through direct removal, filling, hydrological interruption, or other means (Threshold 4.6-3);
4. Interfere substantially with the movement of any native or migratory fish or wildlife species, inhibit established native resident or migratory fish or wildlife corridors, or impede the use of native wildlife nursery sites (Threshold 4.6-4); or
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan, or conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Cumulative Impact Analysis

Past, present and reasonably foreseeable future projects are required to implement measures, as set forth in their respective CEQA documents, consistent with federal, State, and local regulations to avoid adverse effects to existing biological resources or to mitigate for significant impacts to these resources. The Mitigation Program identified for the proposed Project includes the types of mitigation measures required for projects impacting protected habitat, species, and regulated resources. Such measures include:

- ***Avoidance.*** Avoidance of resources such as wetlands, special status species habitat, or nesting birds;
- ***Project Design Features.*** Preservation and/or management actions that are part of the Project design for the benefit of natural resources;

[4] Anaheim Bay: 956 acres; Bolsa Chica Wetlands: 900 acres [excluding wetland habitat outside the Local Coastal Program area]; Huntington Beach Wetlands: 115 acres; San Joaquin Marsh: 492 acres; Santa Ana River Mouth Estuary: over 168 acres at 4 sites along the southeastern side of the river; and Upper Newport Bay: 1,357 acres.

- ***Regulatory Approvals.*** Approval from the USFWS, USACE, Coastal Commission, CDFG, and Santa Ana RWQCB, as well as all other agencies with permitting responsibilities for the Project;
- ***Best Management Practices*****.** Implementation of BMPs to address impacts on water quality during construction and operations of the Project;
- ***Mitigation*****.** Mitigation to address significant temporary and permanent impacts to biological resources through avoidance, minimizations, or replacement of habitat value.

Section 4.6 of the EIR addresses the impacts to biological resources that would result from implementing the proposed Project. Coastal sage scrub, grassland, and riparian habitat, including habitats for Threatened, Endangered, and Special Status Species (such as coastal California gnatcatcher) would be lost. These regional resources are becoming more limited as growth and development occurs throughout Southern California.

Wildlife Habitat

As was done for the proposed Project, projects whose impacts could contribute to cumulative biological resource impacts were reviewed in the context of the significance criteria set forth in Section 4.6. In evaluating cumulative impacts, the impacts of the current and future probable projects are compared with those of the proposed Project as a useful point of reference. However, the focus is not on the comparison per se, but rather on the contribution of the above-mentioned projects to cumulative effects.

The proposed Project, in conjunction with the effects of past projects, other current projects and probable future projects, would result in the disturbance of biological resources throughout the region. Due to the type of native habitats on the Project site and the Special Status Species present, impacts related to development of the Project site would substantially impact biological resources within the region. Therefore, this Project would contribute to a cumulative effect on biological resources. Incorporated PDFs, standard conditions, and mitigation measures would reduce the adversity of the Project-related impacts to a less than significant level. As future projects are proposed, each is subject to separate environmental review by the designated lead agency, as well as responsible agencies including the USFWS, CDFG, and USACE, and as jurisdictionally appropriate, the Coastal Commission to ensure that impacts to biological resources are minimized. These agencies, when evaluating the mitigation programs developed for each of the cumulative projects, take into consideration the cumulative effects on the coastal resources. The type of measures and the mitigation ratios required ensure that the cumulative loss of biological resources is less than significant.

The cumulative impacts from implementation of the related projects (e.g., Newport Beach City Hall and Park Development project) are mitigated through the City's participation in the Central/Coastal Subregion NCCP/HCP process and adherence to required minimization measures for each of these projects. When viewed collectively, these projects would not result in cumulative impacts to biological resources because (1) none of the projects are located in the Central/Coastal Subregion Reserve System; (2) three of the projects are participants in the Central/Coastal Subregion NCCP/HCP, with the allotted take authority; (3) significant native habitat has already been conserved in Orange County; (4) each project has mitigated its potential impacts to biological resources consistent with State and federal law; (5) the quantity of native habitat on the Project site that would be impacted is not cumulatively significant.

Wetland Resources

As was done for the proposed Project, projects whose impacts could contribute to cumulative wetland impacts were reviewed in the context of the significance criteria set forth in Section 4.6. In evaluating cumulative impacts, the impacts of the current and future probable projects are compared with those of the proposed Project as a useful point of reference. However, the focus is not on the comparison per se, but rather on the contribution of the projects to cumulative effects.

Restoration and preservation of wetland habitat for impacts from the proposed Project would include 52.28 acres. Restoration efforts for Talbert Marsh, the Bolsa Chica Ecological Preserve, and Huntington Beach Wetlands Restoration Project would increase the amount of wetlands along the Southern California coast. The proposed Project would have a limited impact on wetland resources (15.62 acres of temporary and permanent impacts) relative to the conservation of the remaining acreage and therefore, would not contribute to a significant cumulative effect on wetland resources.

The proposed Project and other past, present and reasonably foreseeable future projects would comply with existing laws and regulations that are administered and enforced by regulatory agency-issued permit requirements and/or a mitigation monitoring and reporting program, pursuant to CEQA.

In summary, the regulations mandate that all past, present and future projects comply with local, State, and federal laws, policies and applicable permitting requirements, which would preclude the Project and other development from resulting in a significant impact. In addition, compliance with each of these regulations is a condition of Project approval. Therefore, the proposed Project—in combination with other past, present, and reasonably foreseeable future projects—would have a less than significant cumulative impact on wetland resources.

As stated above, the Project would contribute to a cumulative effect on biological resources. The Newport Beach General Plan determines that General Plan implementation would not contribute considerably to the decline of sensitive natural communities; therefore, the General Plan contribution to this impact would not be cumulatively considerable, and would result in a less than significant impact.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project is consistent with applicable goals and policies related to biological resources. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this Cumulative Impacts section of the EIR.

5.4.7 POPULATION, HOUSING, AND EMPLOYMENT

Project Impact Summary

As discussed in Section 4.7, the proposed Project would not have any significant impacts on population, housing or employment and would not contribute to cumulative population, employment, or housing impacts. The Project has a jobs/housing ratio of 0.31, because an estimated 422 new jobs and 1,375 residential units would be added. This results in greater

benefits for balancing jobs and housing opportunities in the City and the County. Over time, the County of Orange is projected to become slightly more jobs-rich and the City is projected to become slightly less jobs-rich than it is today as a result of economic and demographic forces. The proposed Project would not change this overall projection.

Consistent with the findings of the City of Newport Beach General Plan EIR, the development in the region would not result in substantial population growth beyond projections, and would not induce substantial population growth either directly or indirectly; therefore, no cumulative population, employment, or housing impacts would occur.

Geographic Context

As addressed in Section 4.7, Population, Housing, and Employment, the proposed Project area's demographics are examined in the context of existing and projected population, housing, and employment for the City; the County of Orange; the six-county Southern California Association of Governments (SCAG) region that includes Orange, Los Angeles, Ventura, San Bernardino, Riverside, and Imperial Counties; and the Regional Statistical Area (RSA). An RSA is an area viewed as an indicator of growth at the subregional level addressed in regional growth policies. Newport Beach is located in RSA F-39, which also includes the City of Costa Mesa and part of the City of Irvine.

Thresholds of Significance

Under the significance criteria for population, housing, and employment, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would (1) directly or indirectly induce substantial population growth (Threshold 4.7-1) or conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Threshold 4.7-2).

Cumulative Impact Analysis

Population, Housing, and Employment Growth

Section 4.7 addresses the proposed Project's population, housing, and employment growth in the City, County, and SCAG region. As such, the analysis addresses both potential Project-specific and cumulative impacts. To summarize the EIR findings set forth in Section 4.7, the Project's population, housing, and employment growth are within the overall projections for Orange County and RSA F-39. The City's population is projected to reach 96,892 by 2030 (General Plan buildout) and 97,776 persons by 2035 (representing an increase of 8,689 persons between 2010 and 2025 and 11,038 persons between 2010 and 2035). The Project is expected to directly generate 3,012 residents, which would account for approximately 34 percent of the projected growth in the City by 2025 and approximately 27 percent by 2035. This growth is consistent with General Plan assumptions.

The General Plan Housing Element identifies several areas for future housing opportunities and determines that these areas could provide approximately 4,751 new dwelling units (du). The General Plan identifies 1,375 du for the Newport Banning Ranch site, which is approximately 29 percent of the total number of new dwelling units identified in the General Plan for these collective areas.

The Project would also provide new jobs that would result from development of the proposed neighborhood commercial and resort inn uses. It is assumed that the housing demand generated by these new jobs would be met by (1) existing units in the City; (2) projected future units in the City; (3) the proposed 1,375 residential units, including affordable housing, associated with the Project; and (4) dwelling units located elsewhere in Orange County and the larger SCAG region. Given the mobility of workers within the SCAG region, it is not possible to accurately estimate the housing demand jobs would generate in other parts of the region. Therefore, the EIR does not speculate about the locations or numbers of houses in those locations.

Orange County is expected to add 77,836 new households between 2010 and 2035 and 3,864 units would be added in the City of Newport Beach during the same time period. Although the expected employment generation from the Project would represent approximately 25 percent of the employment generation in the City by 2035, it is expected that the demand for new housing generated from Project employees (422 jobs) could be accommodated by the projected housing growth. The proposed Project would also result in a temporary increase in job creation during the development phases of the Project (e.g., construction jobs). These jobs are typically filled by existing residents of the region and do not induce substantial housing demand. Therefore the potential growth associated with Project-generated jobs (construction and operation) would not be significant. While no significant Project impacts have been identified, PDF 4.7-1 and SC 4.7-1 are applicable to the Project. PDF 4.7-1 requires the Project to include a range of housing types to meet the housing needs of a variety of economic segments of the community. SC 4.7-1 requires the Project to prepare an Affordable Housing Implementation Plan (AHIP) that specifies how the Project will meet the City's affordable housing goal.

In summary, the proposed Project—when combined with past, present and reasonably foreseeable future projects—would not result in any significant adverse cumulative impacts to population, housing, or employment.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project is consistent with applicable goals and policies related to population, housing, and employment. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this Cumulative Impacts section of the EIR.

5.4.8 RECREATION AND TRAILS

Project Impact Summary

Section 4.8, Recreation and Trails, evaluates potential physical impacts associated with proposed park and recreational facilities as a component of the Project. The Project would not have any direct adverse physical impact on recreational facilities due to increased demand on facilities. Implementation of the proposed Project would increase the demand for park and recreational facilities. The Project proposes to provide approximately 51.4 gross (42.1 net) acres of parklands as well as off-street multi-use trails, on-street bike trails, and a pedestrian and bicycle bridge over West Coast Highway to serve Project residents and the surrounding community. The provision of these recreational uses would prevent the overuse of existing local recreational facilities. Additionally, mitigation in Section 4.10, Air Quality, requires the provision of bicycle spaces as a part of the Project. Therefore, a less than significant impact would occur.

Geographic Context

As addressed in Section 4.8, the geographical context for the cumulative analysis of recreation and trail facilities includes both facilities in the City as well as adjacent jurisdictions and County facilities.

Thresholds of Significance

Under the significance criteria for recreation and trails, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would (1) include new recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment (Threshold 4.8-1) or 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 or other performance objectives for parks (Threshold 4.8-2); (2) increase the use of the existing neighborhood and regional parks or other recreational facilities such that a substantial physical deterioration of the facilities would occur or be accelerated (Threshold 4.8-3); or (3) conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Threshold 4.8-4).

Cumulative Impact Analysis

Physical Impacts Associated with the Provision of Park Facilities

The proposed Project would increase the demand for park and recreational facilities. The Project includes approximately 51.4 gross (42.1 net) acres of parkland and trails through the Project site that connect to the regional trail system; this acreage exceeds Quimby Act and the City's General Plan parkland requirements. The physical impacts of implementing park and recreational facilities, including the pedestrian and bicycle bridge, are evaluated as part of the overall development Project. With implementation of the PDFs and the Mitigation Program identified in this EIR, development of the proposed park, recreation, and trail facilities would have a less than significant impact.

Physical Deterioration of Existing Neighborhood and Regional Facilities

The Project site is located within two miles of several municipal parks and beaches, including those in Newport Beach, Costa Mesa, and Huntington Beach. Because the use of recreational facilities are often not limited to site-specific land uses, the provision of recreational facilities takes into consideration a larger service area than just individual project boundaries. The cumulative projects, as well as the growth associated with the adopted projections, would result in increased demand for recreational facilities. However, all projects that propose development of new residential units are required by State law to either provide parkland or pay fees toward parklands. This would reduce the potential cumulative impact associated with demand for and increased usage of the park system.

The EIR addresses recreational facilities including State beaches; regional County parks, riding and hiking trails, and bikeways; City of Huntington Beach beaches, parks, and trails; City of Costa Mesa parks; and City of Newport Beach beaches, parks, and trails (including pedestrian,

bike, and equestrian). Through coordination with the service providers, the cumulative needs of the area have been considered in the analyses presented in Section 4.8.

With regard to beaches, trails, and regional recreational facilities, these facilities have been designed to meet the needs associated with the projected growth in the County. The County of Orange's countywide regional recreation facilities system has been designed to serve the existing and future needs of the residents of Orange County. The proposed Project is anticipated to increase usage of the nearby facilities because it would introduce more people into the area. However, the *County of Orange General Plan's* Master Plan of Regional Recreation Facilities has been designed to meet the needs associated with the County's projected growth. The proposed Project is consistent with the growth assumptions for the City of Newport Beach which are lower than the County growth assumptions for the Project site.[5] It is not anticipated that the Project would result in the overuse of these regional facilities or that a substantial physical deterioration of the facilities would occur or be accelerated.

With respect to beaches, regardless of the type of beach (i.e., State-, County-, or City-owned), public access beaches throughout Southern California are intended to serve the local population and a large number of visitors from out of the area. Therefore, the increase in beach usage associated with the proposed Project would be nominal in comparison to the number of annual visitors and would not, therefore, result in substantial physical deterioration of the facilities.

The Project site is close to existing off-site County trails designated for bicycling and hiking. These are considered regional facilities and have been designed to serve the existing and future needs of Orange County residents. The Project would increase trail usage in the vicinity because it would introduce more people into the area. However, as regional facilities, these trails have been designed to meet the needs associated with the projected growth in the County. Further, the Project proposes off-street multi-use trails, on-street bike trails, and trail connections to the County's regional trail system from the Project site which currently cannot be provided because the Project site is an active oilfield with no public access. It is not anticipated that the Project would result in the overuse of existing trail facilities or that a substantial physical deterioration of the facilities would occur or be accelerated.

Although the proposed Project would introduce more people into the area and generate additional demand for parks and recreational facilities, the Project's 51.4 gross (42.1 net) acres of public parklands would exceed the City's Park Dedication Ordinance requirements of approximately 15.06 acres and the City's General Plan policy for the provision of a 20- to 30-acre Community Park on the Newport Banning Ranch property. Therefore, the Project would accommodate the increased recreational demand associated with the Project. As with all residents of and visitors to the City, future Project residents would have access to all public recreational facilities in Newport Beach. Similarly, residents of and visitors to surrounding communities can use public recreational facilities in Newport Beach, and residents of Newport Beach have access to public recreational uses in other jurisdictions. Because of the amount of proposed parkland associated with the Project, increased visitation at any off-site park facilities would not be large enough to cause substantial physical deterioration; no significant physical impacts to off-site park and recreation facilities would occur. Additionally, it is not anticipated that the Project would cumulatively contribute to the use of neighborhood parks in the City and/or adjacent jurisdictions. The Project would provide on-site park and recreational uses in exceedance of the City's Park Dedication Ordinance requirements, as well as trails to serve Project residents, the local community, and visitors to the Project site.

[5] The Center for Demographic Research (CDR) at California State University, Fullerton, 2007.

Consistent with the findings of the City of Newport Beach General Plan EIR, the Project would not result in a cumulatively significant, unavoidable impact with respect to recreational facilities because development of new facilities would be done in accordance with policies contained in the General Plan.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project is consistent with applicable goals and policies related to recreation. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this Cumulative Impacts section of the EIR.

5.4.9 TRANSPORTATION AND CIRCULATION

Geographic Context

The Project's impacts in association with existing and cumulative growth are evaluated in Section 4.9, Transportation and Circulation. The cumulative analysis identifies future traffic conditions in 2016, which could be expected to result from "reasonably foreseeable" (or "cumulative") projects in the traffic study area both without and with the proposed Project. Reasonably foreseeable projects include approved projects and projects in various stages of the application and approval process but that have not yet been approved. Cumulative project traffic information was obtained from the Cities of Newport Beach, Huntington Beach, and Costa Mesa. General Plan Buildout peak hour traffic forecasts were developed using the City's Newport Beach Traffic Model (NBTM). The NBTM assumes buildout of the area and the region according to the General Plans of the Cities of Newport Beach, Huntington Beach, and Costa Mesa. The City of Newport Beach General Plan assumes a 2030 buildout year. The NBTM also assumes buildout of local arterials that are generally in accordance with the General Plan Circulation Elements of these jurisdictions. The Cities of Newport Beach, Costa Mesa, and Huntington Beach collect traffic impact/development fees and use Capital Improvement Program funds to provide anticipated traffic improvements. Such improvements are implemented as needed based on project-specific traffic impact analyses and/or the findings of the jurisdictions General Plan buildout assumptions and required traffic improvements necessary to accommodate projected growth.

Thresholds of Significance

Under the significance criteria for transportation, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would:

1. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections) (Threshold 4.9-1) or conflict with an applicable congestion management program (Threshold 4.9-2).

2. Substantially increase hazards due to a design feature, incompatible uses, or result in inadequate emergency access (Threshold 4.9-3).

3. Result in inadequate parking capacity.

4. Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities; or conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (Threshold 4.9-4).

Project and Cumulative Impact Analysis

Increases in Traffic Volumes

The City's traffic model network assumes the buildout of local arterials in accordance with the Orange County Transportation Authority (OCTA) Master Plan of Arterial Highways (MPAH). As such, the Project's traffic impact analysis uses the NBTM as the base. As addressed in Section 4.9, Transportation and Circulation, the Project proposes changes to the on-site circulation system which would require both an amendment to the City of Newport Beach Circulation Element and the Orange County MPAH.

The traffic findings for the scenarios included in the Traffic Impact Analysis are summarized below.

Existing Plus Project

- ***Less Than Significant Impact – City of Newport Beach Intersections:*** No City of Newport Beach intersections would be significantly impacted under the *Existing Plus Project* scenario.
- ***Significant and Unavoidable – City of Costa Mesa Intersections:*** Under this scenario, the Project would significantly impact three intersections in Costa Mesa. As previously noted, the *Existing Plus Project* traffic scenario does not reflect the Applicant's timing for development of the proposed Project.
- ***Less than Significant Impact – Congestion Management Plan Intersection (CMP):*** Under this scenario, the CMP intersection at Newport Boulevard at West Coast Highway is forecasted to operate at an acceptable level of service.

Year 2016 With Project TPO Analysis

The Traffic Phasing Ordinance (TPO) One Percent analysis compares Project-related peak hour traffic volumes to the existing peak hour traffic volumes, plus an ambient growth rate, plus traffic from Committed Projects'[6] peak hour volumes on each leg of each Newport Beach traffic study area intersection on the Primary Intersection list to determine whether a project would exceed

[6] A Committed Project is one that has been approved pursuant to the TPO; requires no further discretionary approval by the City; and has received, or is entitled to receive, a building or grading permit for construction of the Project or one or more phases of the Project. This includes projects that have not been built or are partially built but not fully occupied (*Newport Beach Municipal Code,* Chapter 15.40).

the one percent test and require a TPO analysis. Committed Project information was provided by the City of Newport Beach staff.

Year 2016 With Project TPO Analysis

- ***Less Than Significant With Mitigation – City of Newport Beach Intersections:*** Under this scenario, the Project would significantly impact the intersection of Newport Boulevard at West Coast Highway in Newport Beach. The impact can be mitigated to a level considered less than significant.
- ***Significant and Unavoidable – City of Costa Mesa Intersections:*** Under this scenario, the Project would significantly impact seven intersections in Costa Mesa. Implementation of the Mitigation Program would mitigate the Project's impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Project impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable.

Year 2016 With Phase 1 Project TPO Analysis

- ***Less Than Significant With Mitigation – City of Newport Beach Intersections:*** Under this scenario, the Project would significantly impact the intersection of Newport Boulevard at West Coast Highway in Newport Beach. The impact can be mitigated to a level considered less than significant.
- ***Significant and Unavoidable – City of Costa Mesa Intersections:*** Under this scenario, the Project would significantly impact two intersections in Costa Mesa. Measures are available to mitigate the Project's impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable.

Year 2016 Cumulative With Project

- ***Less Than Significant With Mitigation – City of Newport Beach Intersections:*** Under this scenario, the Project would significantly impact the intersection of Newport Boulevard at West Coast Highway in Newport Beach. The impact can be mitigated to a level considered less than significant with the implementation of SC 4.9-3 and MM 4.9-1.
- ***Significant and Unavoidable – City of Costa Mesa Intersections:*** Under this scenario, the Project would significantly impact seven intersections in Costa Mesa. Implementation of the Mitigation Program would mitigate the Project's impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable.
- ***Less than Significant Impact – Congestion Management Plan Intersection:*** Under this scenario, the proposed Project would not cause the intersection of Newport Boulevard at West Coast Highway to fall below the CMP level of service standards. Therefore, no significant impact would occur.

- ***Significant and Unavoidable – State Highway Intersections:*** Under this scenario, the Project would cause a significant impact to the intersection of Newport Boulevard at 17th Street. This is one of the seven impacted intersections located in the City of Costa Mesa. Implementation of the Mitigation Program would mitigate the Project's impact to a level considered less than significant. The City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa and the California Department of Transportation (Caltrans) that would ensure that Project impacts occurring at this intersection would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable.
- ***Less than Significant Impact – Freeway Mainline Segments:*** Under this scenario, the Project would not significantly impact any freeway segments.

Year 2016 Cumulative With Phase 1 Project

- ***Less Than Significant With Mitigation – City of Newport Beach Intersections:*** Under this scenario, the Project would significantly impact the intersection of Newport Boulevard at West Coast Highway in Newport Beach. The impact can be mitigated to a level considered less than significant.
- ***Significant and Unavoidable – City of Costa Mesa Intersection:*** Under this scenario, the Project would significantly impact two intersections in Costa Mesa: Newport Boulevard at Harbor Boulevard and Newport Boulevard at 18th Street/Rochester Street. Implementation of the Mitigation Program would mitigate the Project's impact to a level considered less than significant. The City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable.
- ***Less than Significant Impact – Congestion Management Plan Intersection:*** The CMP intersection of Newport Boulevard at West Coast Highway would not be significantly impacted with the addition of Project-related traffic.
- ***Less than Significant Impact – State Highway Intersections:*** Because the proposed Project would not cause any State Highway intersection to operate at a deficient level of service, no significant Project impact would occur.

General Plan Buildout

- ***Less than Significant Impact – City of Newport Beach Intersections:*** Under this scenario, no Newport Beach intersections would be significantly impacted.
- ***Significant and Unavoidable – City of Costa Mesa Intersections:*** Under this scenario, the Project would significantly impact two intersections in Costa Mesa: Newport Boulevard at Harbor Boulevard and Newport Boulevard at 18th Street/ Rochester Street. Implementation of the Mitigation Program would mitigate the Project's impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable.
- ***Less than Significant Impact – Congestion Management Plan Intersection:*** Under this scenario, the CMP intersection of Newport Boulevard at West Coast Highway is forecasted to operate at an acceptable level of service based on the CMP significance criteria.

- ***Less than Significant Impact – State Highway Intersections:*** Under this scenario, the Project would not significantly impact any Caltrans intersections.

The Project's impact on intersections under the control of the City of Newport Beach can be mitigated to a level considered less than significant. The Project would not significantly impact intersections in the City of Huntington Beach. To address those improvements proposed to mitigate impacts in Costa Mesa and to State-controlled intersections, the Applicant will endeavor to enter into agreements with the affected jurisdiction regarding the timing, cost, and fair-share responsibility of the improvements to assure that that the Project's contribution to these cumulative impacts is mitigated to a less than significant level. All measures in the City of Costa Mesa would be subject to the approval of Costa Mesa; all improvements to State facilities would require Caltrans approval. However, if the Applicant is unable to reach agreement with the City of Costa Mesa and Caltrans, for purposes of this EIR, the Project's contribution to Project-specific and cumulative impacts would be significant and unavoidable.

Site Access and Construction Traffic

With respect to Threshold 4.9-3, the proposed Project would construct Bluff Road and North Bluff Road through the site, connecting West Coast Highway to 19th Street, as depicted in the City of Newport Beach General Plan's Circulation Element and the Orange County MPAH. North Bluff Road and Bluff Road would intersect with existing local streets to allow for the circulation of Project traffic to/from the Project site and regional traffic through the Project site. All roads would be designed to be consistent with the City's Design Criteria, Standard Special Provisions, and Standard Drawings. Because the roadway system is designed to account for past, present, and reasonably foreseeable future projects and public access, no significant site access impacts are anticipated.

The Project's construction activities would include the consolidation of the existing oilfields and soil remediation in addition to site development. The export of materials not suitable for retention on site would require approximately 1,563 truckloads of material removal. The Project would be limited to 16 truck trips per hour between June 1 and September 1 to minimize effects on beach traffic, and 25 trucks per hour at all other times to account for cumulative traffic on the roadways. The Applicant would also be required to prepare a Traffic Management Plan to obtain a Haul Route permit from the City Identifying the planned travel patterns for haul vehicles. Throughout construction, the size of the work crew reporting to the site each day would vary depending on different construction activities. Parking for workers would be provided on site during all phases of construction. Construction workers would not be allowed to park on local streets. If needed during the peak construction periods, off-site parking would be provided and workers would carpool or be shuttled to the worksite.

Construction-related traffic would use the existing regional and local road network to approach the Project site getting as close to the site as possible before turning off the designated truck route. Construction trucks would most likely access the Project site from State Route (SR) 55/Newport Boulevard, primarily from existing east-west streets such as 16th Street or 17th Street. Truck traffic may also reach the Project site from Pacific Coast Highway/West Coast Highway, Interstate (I) 405, and Brookhurst Street. Temporary delays in traffic may occur due to oversized vehicles traveling at lower speeds on local streets. Such delays would be occasional and of short duration.

Parking

The provision of parking is typically contained within a project site and is therefore site specific. Public parking would be provided throughout the Project site. All local streets would be public and many would allow for on-street parking; parking would not be permitted on arterials. Parking would be provided to meet the City's parking requirements as well as the Coastal Commission requirements for visitor-serving coastal access parking.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project is consistent with applicable transportation and circulation goals and policies. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this Cumulative Impacts section of the EIR.

5.4.10 AIR QUALITY

Geographic Context

The Project's potential project-specific and contributions to cumulative air quality emissions are evaluated in Section 4.10, Air Quality. The cumulative air quality impacts study area is the South Coast Air Basin, described in greater detail below. The California Air Resources Board (CARB), a part of the California Environmental Protection Agency, is responsible for the coordination and administration of both federal and State air pollution control programs in California. In this capacity, CARB's functions include setting the California Ambient Air Quality Standards (CAAQS); compiling emissions inventories; and developing suggested control measures. The South Coast Air Quality Management District (SCAQMD) is the agency principally responsible for comprehensive air pollution control in the South Coast Air Basin (SoCAB), which includes all of Orange County and the urbanized portions of Los Angeles, Riverside, and San Bernardino Counties. The SCAQMD develops rules and regulations; establishes permitting requirements for stationary sources; inspects emissions sources; and enforces such measures through educational programs or fines, when necessary. The SCAQMD is directly responsible for reducing emissions from stationary (area and point), mobile, and indirect sources. It has responded to this requirement by preparing a sequence of Air Quality Management Plans (AQMPs). The AQMP is based on growth projections agreed to among the five affected counties and SCAG. If the total population accommodated by a new project, together with the existing population and the projected population from all other planned projects in the subarea, does not exceed the growth projections for that subarea incorporated in the most recently adopted AQMP, the completed project is consistent with the AQMP. The entire County of Orange is considered to be one subarea. The AQMP is region-wide and accounts for, and offsets, cumulative increases in emissions that are the result of anticipated growth throughout the region. The AQMP assumptions for mobile source emissions are based on assumed trip generation and trip distances, which are, in turn, based upon existing uses and general plans. The assumptions in the AQMP are consistent with the General Plan.

Thresholds of Significance

Under the significance criteria for air quality, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would:

1. Conflict with or obstruct implementation of the applicable air quality plan (Threshold 4.10-1)
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation (Threshold 4.10-2) or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable NAAQS or CAAQS (Threshold 4.10-3);
3. Expose sensitive receptors to substantial pollutant concentrations (Threshold 4.10-4);
4. Create objectionable odors affecting a substantial number of people (Threshold 4.1-5); or
5. Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Threshold 4.10-6).

Project and Cumulative Impact Analysis

The same cumulative development assumptions set forth for the Traffic Impact Analysis were used in the assessment of cumulative air quality impacts.

Consistency with Air Quality Plan

The SCAQMD's AQMP is based on growth projections agreed to among the five affected counties and SCAG. If the total population accommodated by a new project, together with the existing population and the projected population from all other planned projects in the subarea, does not exceed the growth projections for that subarea incorporated in the most recently adopted AQMP, the completed project is consistent with the AQMP. The entire County of Orange is considered to be one subarea. The AQMP is region-wide and accounts for, and offsets, cumulative increases in emissions that are the result of anticipated growth throughout the region. The AQMP assumptions for mobile source emissions are based on assumed trip generation and trip distances, which are, in turn, based on existing uses and general plans. The assumptions in the AQMP are consistent with the General Plan. The Project proposes development that is consistent with General Plan; therefore, the Project does not exceed the assumptions in the AQMP. Because implementation of the proposed Project would not exceed growth projections for the subarea, the Project is considered consistent with the AQMP.

Cumulative Contributions to Air Quality Emissions

The Project region is in nonattainment for ozone (O_3), nitrogen dioxide (NO_2), particulate matter smaller than or equal to 10 microns in diameter (PM10), and particulate matter smaller than or equal to 2.5 microns in diameter (PM2.5). After 2020, implementation of the Project could result in long-term emissions of the O_3 precursor volatile organic compounds (VOCs) and short-term emissions of the O_3 precursor oxides of nitrogen (NOx), which would exceed the SCAQMD mass emissions thresholds for those pollutants. Long-term NOx emissions would not exceed the threshold, and are forecasted to be just less than the threshold. Therefore, emissions of VOCs and NOx would be cumulatively considerable, and the proposed Project—in combination with past, present, and reasonably foreseeable future projects—would have a significant cumulative air quality impact. Consistent with the findings of the City of Newport Beach General Plan EIR, the proposed Project, when combined with development in the region, would have a significant cumulative air quality impact because the contribution to regional pollutant concentrations would be cumulatively considerable.

Exposure of Sensitive Receptors to Substantial Pollutant Concentrations

A Human Health Risk Assessment (HHRA) was prepared for the proposed Project to assess potential health impacts for persons exposed to toxic air contaminants (TACs) anticipated to be released during operation of the consolidated oilfield as well as from the new sources associated with the proposed development land uses. Unlike criteria air quality pollutants (for which standards have been established that determine acceptable levels of pollutant concentrations in the air), no standards exist that establish acceptable levels of human health risks or that identify a threshold of significance for cumulative health risk impacts.

The SCAQMD conducted the third Multiple Air Toxics Exposure Study (MATES-III), an urban air toxics monitoring and evaluation study for the South Coast Air Basin, from April 2004 through March 2006 (SCAQMD 2008). The results of MATES-III provide a follow up to MATES-II (SCAQMD 2000, data collected in 1997–1998) and update the general evaluation of cancer risks associated with TACs from all sources within the SoCAB developed in MATES-II. According to the study, cancer risks in the SoCAB range from 870 in a million to 1,400 in a million, with an average of 1,200 in a million. Although the MATES-III results are generally lower than the MATES-II results, these cancer risk estimates are high and indicate that current impacts associated with sources of TACs from past and present projects in the region are substantial. The MATES-III study is an appropriate estimate of present cumulative impacts of TAC emissions in the SoCAB. Diesel particulate matter accounts for over 80 percent of the cancer risk throughout the SoCAB.

The modeled cancer risk in MATES-III also indicates that the region around the Project site could have total cancer risk levels of 400 to 600 in a million, down from the MATES-II levels of 600 to 800 in a million. As noted above, diesel particulate matter is the major contributor to cancer risk. In the Project region, the non-diesel cancer risk is less than 100 in a million, indicating that diesel particulate matter is also the major contributor to cancer risk in coastal Orange County. The Project would reduce diesel particulate matter emissions relative to the existing conditions, and the calculated change in cancer risk ranges from a decrease of 8 in a million to an increase of 4 in a million. Therefore, the Project change in cancer risk would be no more than a one percent increase or decrease relative to the background. Also, the average change over receptors adjacent to the Project's fence line was a decrease. Based on the relatively high cancer risk level associated with past and present projects in the SoCAB, as represented by the MATES-III assessment, the proposed Project would not result in a cumulatively considerable contribution to the existing cancer risk in the SoCAB and in coastal Orange County.

The above comparisons do not account for anticipated improvements in air quality in the SoCAB in the future. The SCAQMD and other agencies are consistently working to reduce air pollution. In particular, reductions in diesel particulate emissions are being implemented through State and federal legislation. Since diesel particulate matter is the major contributor to estimated cancer risks, substantial reductions in diesel emissions would result in substantial reductions in cumulative cancer risks. These, and other such regulations intended to reduce TAC emissions within the SoCAB, would reduce cumulative impacts in the region.

As part of the MATES-III assessment, the SCAQMD compared the averaged monitored levels of measured TACs with the Chronic Reference Exposure Levels (RELs) established by the State of California Office of Environmental Health Hazard Assessment (OEHHA). The chronic REL is the air concentration at or below which adverse non-cancer health effects would not be expected in the general population with exposure for at least a significant fraction of a lifetime.

In general, the measured concentrations of air toxics were below the RELs, with one exception at the time of the MATES-III report.

When MATES-III was completed, the chronic REL for formaldehyde was 3 micrograms per cubic meter (µg/m^3, which is 2 parts per billion [ppb]). All of the fixed site annual averages were above this concentration, ranging from 2.9 ppb for Anaheim (the MATES-III fixed site nearest the project site) to 4.5 ppb at Los Angeles. Formaldehyde effects include eye irritation, injury to nasal tissue, and respiratory discomfort. However, in early 2009 OEHHA revised the RELs for several toxic air contaminants. For formaldehyde, the revised chronic REL is 9 µg/m^3 (7 ppb). Therefore, TAC concentrations at all MATES-III sites are under the chronic REL. The cumulative impacts of all past, present, and reasonably foreseeable future projects are less than the incremental project thresholds. It is expected that continued, if not increased, regulation by the SCAQMD of point sources as well as more stringent emission controls on mobile sources will reduce future TAC emissions. Maximum incremental chronic hazard indices for Project operational impacts were estimated to be 0.08, which is more than an order of magnitude less than the threshold of significance of 1.0. Therefore, the proposed Project would not significantly add to the cumulative chronic non-cancer human health hazards.

Acute health hazards tend to be very local in extent due to the high fluctuations in peak hourly concentrations. Therefore, a given project's cumulative impacts of acute hazards do not have much influence beyond that project's boundaries. The proposed Project's incremental acute impacts would be less than significant, and would not be expected to have a significant cumulative impact in the area.

Objectionable Odors

Project construction equipment and activities could generate odors from diesel exhaust and roofing, painting, and paving operations that may be noticeable by nearby residents. As these odors are typical with construction, they would not be unfamiliar or necessarily objectionable. The odors would be temporary and would dissipate rapidly from the source with an increase in distance. During long-term Project operations, some odors associated with residential uses (such as from cooking and gardening) would be expected to occur. Additional odors may come from the commercial uses if a restaurant occupies one or more of the commercial spaces, or is included within the resort inn. The odors would be no different than in any other residential or mixed-use area with supporting services and would not be considered objectionable by a substantial number of people. No objectionable odors between 50 and 100 feet from oilfield machinery were detected during field observations of the existing oilfield operations. Future residences, parks, and other areas where substantial groups of people would gather would be 200 feet or further from the oilfields. Therefore, odor impacts from oilfield operations would be few or none. Long-term odor impacts would be less than significant.

The Project site is bound predominately by residential, light industrial, office, and institutional uses to the north, east, and south. Wetlands and the Santa Ana River border the site to the west. These past, present, and reasonably foreseeable future land uses would emit similar unobjectionable odors as those anticipated to occur associated with the proposed Project. These impacts would be less than significant.

The Orange County Sanitation District (OCSD) Wastewater Treatment Plant 2 is located west of the Santa Ana River in the City of Huntington Beach. Because both Treatment Plant 1 in the City of Fountain Valley and Treatment Plant 2 in Huntington Beach are located in urbanized areas, the OCSD has odor treatment systems to prevent or mitigate for the dissipation of

objectionable odors. The proposed Project would not contribute to any cumulative odor impacts; therefore, no significant cumulative odor impacts are anticipated.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project is consistent with applicable air quality goals and policies. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this Cumulative Impacts section of the EIR.

5.4.11 GREENHOUSE GAS EMISSIONS

Geographic Context

Because of the global nature of the climate change problem, most projects will not generate greenhouse gas (GHG) emissions that individually will cause a significant impact on global climate change (CAPCOA 2009). Therefore, the analysis of a project's GHG impacts is typically not considered individually, but is analyzed against the GHG emissions of existing and proposed projects within the region, State, and ultimately against global emissions and how the emissions can cumulatively affect global climate change. This concept is supported in the various Attorney General, State of California Office of Planning and Research, and SCAQMD publications. The analysis presented in Section 4.11, Air Quality, almost exclusively addresses cumulative impacts.

Thresholds of Significance

Under the significance criteria for GHG, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would (1) generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (emit more than 6,000 metric tons of carbon dioxide equivalent [$MTCO_2e$] of GHGs) (Threshold 4.11-1) or (2) conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Threshold 4.11-2).

Cumulative Impact Analysis

The total annual estimated GHG emissions for the proposed Project are 19,392 $MTCO_2e$/yr. The Project would emit quantities of GHGs that would exceed the City's 6,000 $MTCO_2e$/yr significance threshold. Therefore, the proposed Project—in combination with other past, present, and reasonably foreseeable future projects—would make a cumulatively considerable contribution to the global GHG inventory and would have a cumulatively significant impact on global climate change.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project would be consistent with applicable goals and policies associated with the minimization of GHG emissions. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict

with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well this Cumulative Impacts section of the EIR.

5.4.12 NOISE

Geographic Context

The cumulative traffic noise analysis considers past, present, and reasonably foreseeable future projects because the noise analysis is based on the cumulative traffic assumptions and the cumulative study area is coterminous with the study area used for the assessment of traffic impacts. As previously addressed in this section, cumulative Project traffic information was obtained from the Cities of Newport Beach, Huntington Beach, and Costa Mesa. General Plan Buildout peak hour traffic forecasts were developed using the City's NBTM. The NBTM assumes buildout of the area and the region according to the General Plans of the Cities of Newport Beach, Huntington Beach, and Costa Mesa. The *City of Newport Beach General Plan* assumes a 2030 buildout year. The NBTM also assumes buildout of local arterials generally in accordance with the General Plan Circulation Elements of these jurisdictions.

Thresholds of Significance

Under the significance criteria for noise, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would (1) expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, applicable standards of other agencies (Threshold 4.12-1), or result in a substantial temporary or periodic (Threshold 4.12-2) or permanent increase in ambient noise levels in the project vicinity above levels existing without the project (Threshold 4.12-4); (2) expose people to or generate excessive groundborne vibration or groundborne noise levels; or (3) conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Cumulative Impact Analysis

Temporary or Permanent Noise Exposure

The Project's construction activities would result in a substantial temporary increase in ambient noise levels to noise-sensitive receptors in the vicinity of the Project. There would be periodic, temporary, unavoidable significant noise impacts that would cease upon completion of construction activities. The Project would contribute to significant unavoidable construction noise impacts should other development proximate to the Project site occur concurrent with the Newport Banning Ranch Project.

Cumulative noise impacts describe how much noise levels are projected to increase over existing conditions with the development of the proposed Project and all other foreseeable projects with buildout of general plans. Cumulative increases in traffic noise levels were estimated by comparing the General Plan Buildout scenarios to existing conditions. The traffic analysis considers cumulative traffic from future growth assumed in the traffic mode, as well as cumulative projects identified by the Cities of Newport Beach, Huntington Beach, Costa Mesa, and Irvine. Because Newport Beach, Costa Mesa, and Huntington Beach do not have noise standards to evaluate cumulative noise increases, for the purpose of this analysis, a cumulative increase would occur if the increase in future noise level would be perceptible (>3 A-weighted

decibels [dBA]), and the Project contribution would be greater than 1 dBA. The cumulative traffic noise increases presented in Table 4.12-11 in Section 4.12, Noise, and repeated here as Table 5-4 show that sensitive receptors along the roadway segment of 17th Street west of Monrovia Avenue would be exposed to a significant cumulative traffic noise increase.

TABLE 5-4
GENERAL PLAN BUILDOUT WITH AND WITHOUT PROJECT TRAFFIC NOISE LEVELS: OFF-SITE CONTRIBUTIONS

Roadway	Segment	CNEL at 50 ft (dBA)				
		GP Buildout Without Project	GP Buildout With Project	Allowable Increase	Project Contribution	Impact?
19th St	West of Placentia Ave	70.9	70.8	1.0	-0.1	No
19th St	Placentia Ave to Harbor Blvd	72.9	73.0	1.0	0.1	No
Hamilton Ave	West of Magnolia St	71.5	71.5	1.0	0.0	No
Hamilton Ave	Magnolia St to Bushard Ave	72.3	72.2	1.0	-0.1	No
Hamilton Ave	Bushard Ave to Brookhurst St	73.0	73.1	1.0	0.1	No
17th St	West of Monrovia Ave: single-family residences	62.3	66.4	2.0	4.1	**Yes**
17th St	West of Monrovia Ave: mobile homes[a]	57.3	61.4	3.0	4.1	**Yes**
15th St	West of Placentia Ave	65.0	65.3	2.0	0.3	No
West Coast Hwy	Brookhurst St to Prospect St	72.4	72.4	1.0	0.0	No
West Coast Hwy	Prospect St to Superior Ave	72.6	72.5	1.0	-0.1	No
West Coast Hwy	Superior Ave to Newport Blvd	72.1	72.2	1.0	0.1	No
West Coast Hwy	East of Dover Dr	74.5	74.5	1.0	0.0	No
Brookhurst St	North of Hamilton Ave	73.8	74.0	1.0	0.2	No
Brookhurst St	Pacific Coast Hwy to Hamilton Ave	74.5	74.1	1.0	-0.4	No
Placentia Ave	North of Victoria St	70.5	70.4	1.0	-0.1	No
Placentia Ave	19th St to 17th St	70.9	70.3	1.0	-0.6	No
Placentia Ave	17th St to Superior Ave	69.3	68.9	1.0	-0.4	No
Superior Ave	16th St to Placentia Ave	71.3	71.8	1.0	0.5	No
Superior Ave	Placentia Ave to West Coast Hwy	71.4	70.8	1.0	-0.6	No
Superior Ave	South of West Coast Hwy	70.5	70.6	1.0	0.1	No
Magnolia St	North of Victoria St	70.3	70.5	1.0	0.2	No
Magnolia St	Hamilton Ave to Banning Ave	70.5	70.7	1.0	0.2	No
Magnolia St	Banning Ave to Pacific Coast Hwy	71.9	72.0	1.0	0.1	No

CNEL: community noise equivalent level; ft: feet; dBA: A-weighted decibels.
Significant impacts are shown in **bold.**
[a] Noise levels are reduced at the mobile homes because of existing wall.

The anticipated growth in traffic noise is an inherently cumulative phenomenon. Consistent with the findings of the City of Newport Beach General Plan EIR, the proposed Project—in combination with other past, present, and reasonably foreseeable future projects—would result in a significant cumulative traffic noise increase. The predominate source of vehicular noise would be from the redistribution of future subregional traffic through the Project site associated

with the construction of a new City and County planned roadway connection to West Coast Highway. The majority of forecasted traffic would not be associated with Newport Banning Ranch land uses, but rather with this redistribution of vehicular traffic. However, because Bluff Road and North Bluff Road would be constructed as a part of the Project, the impacts associated with this connection are assumed as a part of the Project and would be cumulatively significant.

Section 4.12, Noise, identifies feasible measures that would mitigate noise impacts to a less than significant level. Because the City cannot require improvements on private property, it is speculative at this time to know whether this mitigation, while feasible, is desirable by the residents and its HOA. The predominate source of noise that would impact condominiums within the Newport Crest Community would be from vehicular noise on Bluff Road; this noise would be associated with the forecasted redistribution of future subregional traffic because of the construction of a new City and County planned roadway connection to West Coast Highway. The majority of forecasted traffic on the General Plan Circulation Element and Orange County Master Plan of Arterial Highways (MPAH) would not be associated with Newport Banning Ranch land uses, but rather with this redistribution of vehicular traffic. However, because Bluff Road and North Bluff Road would be constructed as a part of the Project, the impacts associated with this connection are assumed as a part of the Project and would be a cumulatively significant noise impact.

Vibration

Vibration impacts during construction of the proposed Project would be localized and would occur intermittently for varying periods of time throughout the construction period. Short-term cumulative impacts related to vibration levels could occur if construction associated with the proposed Project as well as surrounding current and future development were to occur simultaneously. Noise and vibration associated with construction of the proposed Project, in combination with other projects within approximately 600 feet of the Project site boundaries, could adversely impact sensitive receptors in the vicinity of the Project site with a cumulative noise level greater than the noise generated solely at the Project site. Potential cumulative projects include Sunset Ridge Park, the Coast Community College District Learning Center, and the Westside Lofts Mixed-Use, which are the only reasonably foreseeable projects in the vicinity of the Project site. The Coast Community College District project is under construction and is expected to be completed prior to the start of the Newport Banning Ranch Project. The Westside Lofts Mixed-Use project in the City of Costa Mesa has been approved; the site was graded but construction has not started. The Sunset Ridge Park project is approved but requires a Coastal Development Permit from the Coastal Commission. Based on the proposed schedules for these projects, construction would be completed before the beginning of the proposed Project's construction. There are no other known related projects located within 600 feet of the Project site; therefore, there would be no cumulative vibration impacts.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project would be consistent with applicable noise-related goals and policies. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections and this Cumulative Impacts section of the EIR.

5.4.13 CULTURAL AND PALEONTOLOGICAL RESOURCES

Project Impact Summary

As addressed in Section 4.13, the Project has the potential to significantly impact cultural resources. The following impacts were identified.

- The historical resources (eight buildings and their adjacent elements) of the Newport Banning Ranch site were formally evaluated as part of this Project. None were found to be eligible for listing in the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP) (Impact 4.13-1).
- Evaluation of 11 archaeological sites on the Newport Banning Ranch property resulted in a finding that 3 of the sites (CA-ORA-839, CA-ORA-844B, and CA-ORA-906) are deemed eligible for listing in CRHR and the NRHP as historical resources. Only one (CA-ORA-839) qualifies as a unique archaeological resource (Impact 4.13-2).
- There are three mapped lithologic units that underlie the proposed development. Fossil sites have been recorded in two mapped units that underlie the site. The proposed Project has the potential to result in the disturbance and destruction of certain rock units identified as having a high likelihood of containing fossils. However, this impact can be mitigated to a level of less than significant (Impact 4.13-3).
- There is no indication that there are burial sites present on the Project site. Native American tribes note that ancestors were often buried in coastal locations and much evidence exists to support this supposition. In the event that human remains are discovered during grading activities, standard conditions that address procedures to follow in the event of a discovery of suspected human remains, would reduce proposed Project impacts to human remains to a less than significant level (Impact 4.13-4).

With implementation of the Mitigation Program in Section 4.13, potential impacts to prehistoric archaeological, historical, and paleontological resources would be reduced to a level considered less than significant.

Geographic Context

With respect to historic resources, the Project would not impact any known historical resources. With respect to prehistoric archaeological resources, the cumulative study area would include the areas along coastal Orange County historically used by the Juaneño Band of Mission Indians and the Gabrielino Band of Mission Indians. The paleontological study area would include other areas in the region where a parcel is underlain by Quaternary San Pedro Sand or Quaternary Palos Verdes Sand, which are considered to have high paleontological sensitivity.

Thresholds of Significance

Under the significance criteria for cultural resources, potential cumulative impacts could occur if the Project—when combined with other past, present, and reasonably foreseeable future projects—would (1) cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 (Threshold 4.13-1); (2) cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 (Threshold 4.13-2) or disturb any human remains, including those interred outside of formal cemeteries (Threshold 4.13-4); (3) directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Threshold 4.13-4); or (4) conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general

plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Threshold 4.13-5).

Cumulative Analysis

Historic Resources

No buildings, structures, or objects that meet the definition of a significant historical resource have been identified for the Project. Therefore, the proposed Project would not contribute to a cumulatively significant impact associated with past, present, and reasonably foreseeable future projects. Other past projects, other current projects, and probable future projects that would have impacted historic sites would have been required to mitigate for their loss.

Prehistoric Archaeological Resources

Although the Project—in conjunction with the effects of past projects, other current projects, and probable future projects—would result in the disturbance of prehistoric archaeological resources and historic sites throughout the cumulative study area, standard conditions of approval and mitigation measures required for each project would reduce the impacts to less than significant levels. Despite the site-specific nature of the resources, mitigation required for the identification and protection of unknown or undocumented resources would reduce the potential for cumulative impacts. On a cumulative level, data recovered from a site, combined with data from other sites in the region, would allow for the examination and evaluation of the diversity of human activities in the region. As a result, development of the proposed Project would not contribute to a significant cumulative impact on cultural resources. This determination is consistent with the findings of the Newport Beach General Plan EIR, which states that, given the mitigation measures that would be imposed and enforced throughout construction, the contribution of potential impacts from the cumulative destruction of subsurface cultural and paleontological resources throughout the area would not be cumulatively considerable, and would therefore be less than significant.

Paleontological Resources

Development of the Project site, in combination with other projects in the region where a parcel is underlain by the Quaternary San Pedro Sand or Quaternary Palos Verdes Sand formations, could contribute to the progressive loss of fossil-bearing strata in either rock unit that could uncover fossil remains and unrecorded fossil sites. The proposed Project would cumulatively contribute to a potentially significant impact without mitigation. Consistent with the findings of the Newport Beach General Plan EIR, given the mitigation measures that would be imposed and enforced throughout construction, the contribution of potential impacts from the cumulative loss of paleontological resources throughout the area would not be cumulatively considerable, and would therefore be less than significant.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project would be consistent with applicable cultural resource goals and policies. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this Cumulative Impacts section of the EIR.

5.4.14 PUBLIC SERVICES AND FACILITIES

Project Impact Summary

The public services and facilities evaluated in the EIR include the following: Fire Protection, Police Protection, Schools, Library Services, and Solid Waste. As discussed in Section 4.14.1, no Project-specific impacts on public services and facilities were identified.

Geographic Context

The provision of public services and facilities takes into consideration a much larger service area, rather than just project boundaries. Therefore, the study area is the service area for the respective agencies and districts. Through coordination with the public services and facilities providers, the cumulative needs of the area are considered. With respect to fire protection services, the proposed Project assumes that adequate fire protection would be provided by the City of Newport Beach as well as the use of the City's Mutual Aid agreement with the OCFA and the Cities of Costa Mesa, Santa Ana, and Huntington Beach.

Thresholds of Significance

Based on the EIR's significance criteria, cumulative impacts would result if the Project—in combination with closely related past, present, and reasonably foreseeable future development—would (1) 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 public services (Threshold 4.14-1) or (2) conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Cumulative Impact Analysis

Fire Protection

The City of Newport Beach Fire Department serves existing development (inclusive of past and present projects) through the facilities and staff identified in Section 4.14. The proposed Project assumes the provision of fire protection services is based on a combination of existing and planned City of Newport Beach fire services and the use of mutual aid. The City participates in Central Net, an automatic mutual aid system with the Cities of Costa Mesa, Santa Ana, and Huntington Beach, and the Orange County Fire Authority (OCFA). Together, these cities and the County provide personnel to any emergency. As part of this mutual aid agreement, the closest emergency response unit is dispatched to the emergency, regardless of jurisdictional boundary. As such, all projects in the Cities of Newport Beach, Costa Mesa, and Huntington Beach would be assumed in the cumulative analysis for fire protection services.

The Project would increase demand for fire protection services; this demand would cumulatively contribute to the need for the replacement of Fire Station Number 2. The City's Facilities Replacement Plan prioritizes the replacement of aging public facilities, including fire stations, and the provision of new public facilities (source: Facilities Replacement Plan, City of Newport Beach). The City has prioritized the replacement of Newport Station Number 2 due to its age and seismic non-compliance. Station Number 2 is the City's second highest priority replacement

facility in the Facilities Replacement Plan, ranking fourth in priority among the 16 facilities included in this Plan; two higher ranking projects are new facilities.

In order to maintain appropriate response times, a temporary fire station would be required on the Project site to serve those areas of the site that cannot be served by existing Station Number 2; the temporary fire station would be required unless a replacement fire station is operational in a location that provides appropriate response times. The temporary fire station would remain in operation until a replacement fire station is operational that could serve the Project in its entirety.

The Fire Department's operating budget is generated through tax revenues. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Additionally, the Newport Banning Ranch Applicant, the sponsors of all past projects since the passage adoption of the Property Excise Tax as set forth in its Municipal Code (§3.12 et seq.), all present projects, and reasonably foreseeable future projects, would be required to pay the excise tax established for public improvements and facilities associated with the City's Fire Department, public libraries, and public parks. Tax-base expansion from development of the proposed Project as well as past, present, and reasonably foreseeable future projects would generate funding for fire protection services. Consequently, the cumulative demand for fire protection services would incrementally increase over time resulting in potential cumulative impacts associated with the construction of new facilities or the alteration of existing facilities. Any new or altered facilities be required in the future, these facilities would be subject to separate CEQA review.

Consistent with the findings of the City of Newport Beach General Plan EIR, development projects would generate residents which could place burdens on public services potentially resulting in significant impacts to service providers. However, payment of fees on a project-by-project basis would reduce impacts to a less than significant level and no cumulative impacts would result.

Police Protection

The City of Newport Beach Police Department serves existing development (inclusive of past and present projects) through the facilities and staff identified in Section 4.14. The Police Department does not have any immediate or future plans to expand police facilities. Although the Project would increase demand for the City's police protection services, this demand would not require the construction of new facilities, nor would it require the expansion of existing facilities that would result in physical environmental impacts. The City is almost fully built out, with most new development occurring as infill development or redevelopment. The proposed Project is reflected in the 2006 Orange County Projections' growth estimates and has been taken into account in long-range planning efforts undertaken by agencies such as the Police Department. The Police Department's operating budget is generated through tax revenues, penalties and service fees, and allowed government assistance. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Tax-base expansion from development of the proposed Project as well as past, present, and reasonably foreseeable future projects would generate funding for police protection services. Consequently, although the cumulative demand for police services would incrementally increase over time, the addition of new officers and equipment to serve the demand is not likely to result in any significant adverse cumulative impacts associated with the construction of new facilities or the alteration of existing facilities. Moreover, should any new or altered facilities be required in the future, these facilities would be subject to separate CEQA

review. Consistent with the findings of the City of Newport Beach General Plan EIR, no cumulative impacts would result.

Schools

The existing demand from past projects is reflected in the school enrollment numbers for elementary and secondary students. Historically, the State has been responsible for passing legislation for the funding of public schools. To assist in providing school facilities to serve students generated by new development projects, the State passed Assembly Bill (AB) 2926 in 1986. This bill allows school districts to collect impact fees from developers of new residential and commercial/industrial building space. Development impact fees are also referenced in the 1987 Leroy Greene Lease-Purchase Act, which requires school districts to contribute a matching share of costs for construction, modernization, and reconstruction projects.

Senate Bill (SB) 50, which passed in 1998, provides a comprehensive school facilities financing and reform program, and enables a statewide bond issue to be placed on the ballot. The provisions of SB 50 allow the State to offer funding to school districts to acquire school sites, construct new school facilities, and modernize existing school facilities. SB 50 also establishes a process for determining the amount of fees developers may be charged to mitigate the impact of development on school facilities resulting from increased enrollment. Under this legislation, a school district could charge fees above the statutory cap only under specified conditions, and then only up to the amount of funds that the district would be eligible to receive from the State. According to Section 65996 of the *California Government Code,* development fees authorized by SB 50 are deemed to be "full and complete school facilities mitigation".

The Newport Banning Ranch Applicant, the sponsors of all past projects since the passage of SB 50, all present projects, and reasonably foreseeable future projects would be required to pay school impact fees established to offset potential impacts on school facilities. Payment of these fees is considered to be full and complete mitigation of school impacts. Therefore, although the Project and other past, present, and reasonably foreseeable future projects could result in additional students and the need for additional facilities, payment of the fees mandated under SB 50 is the mitigation measure prescribed by the statute, and payment of the fees is deemed full and complete mitigation. The cumulative public services impact of the Project, considered with past, present and reasonably foreseeable future projects, with respect to schools, would be less than significant.

Library Services

Based on the EIR's significance criteria, cumulative impacts would result if the Project, in combination with past, present, and reasonably foreseeable future development, would require the construction of library facilities or the alteration of existing library facilities that could cause significant environmental impacts.

The City provides library services to its residents. There are immediate plans to expand existing facilities with the exception of the Central Library located on Avocado Avenue. The Central Library will be expanded as a part of the Newport Beach City Hall and Park Development project; the library expansion is expected to be completed in late 2012/early 2013.

Changes in the type of resources used at the Newport Beach Public Library facilities have made it increasingly difficult to predict the type and amount of resources required to adequately serve residents (Newport Beach 2006a). The Library has indicated that current assessment factors include demographics, economic data, community opinion, and comparison with peer systems

(Hetherton 2010). No standards have been adopted by the City and no data on these factors are available. The proposed Project would not create a need for new or expanded library facilities. The Newport Banning Ranch Applicant, the sponsors of all past projects since the passage adoption of the Property Excise Tax as set forth in the Newport Beach Municipal Code (§3.12 et seq.), all present projects, and reasonably foreseeable future projects would be required to pay the excise tax established for public improvements and facilities associated with the City's Fire Department, public libraries, and public parks.

Solid Waste Disposal

Solid waste generated from the Project would be disposed of at the Frank R. Bowerman (FRB) Landfill in the City of Irvine, which is part of the Orange County landfill system operated by OC Waste & Recycling. The permitted daily maximum at FRB is 11,500 tons of solid waste per day and currently accepts an average of approximately 6,000 tons of solid waste per day (Arnau 2010). The landfill is projected to close in 2053 and, as of June 30, 2009, the landfill has an estimated remaining airspace capacity of 201 million cubic yards. According to OC Waste & Recycling, long-range strategic planning is necessary to ensure that waste generated by the County is safely disposed of and that the County's future disposal needs are met. The Regional Landfill Options for Orange County (RELOOC) is a 40-year strategic plan that was developed to evaluate options for waste disposal for Orange County.

The development level proposed by the Project is consistent with the growth projections in OCP-2006, which are used by the County of Orange in their long-term planning for landfill capacity. The County's landfill system has capacity in excess of the required 15-year threshold established by the California Integrated Waste Management Board (CIWMB). Based on the remaining capacity of the FRB Landfill and the County's long-term planning programs required to meet CIWMB's requirements, there would be adequate waste disposal capacity within the permitted County's landfill system to meet the needs of the proposed Project, in addition to past, present, and reasonably foreseeable future development.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project would be consistent with applicable public service goals and policies. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections and this Cumulative Impacts section of the EIR.

5.4.15 UTILITIES

Project Impact Summary

The utilities evaluated in the EIR are as follows: Water, Wastewater, and Energy. As discussed in Section 4.15.1, no Project-specific impacts on utilities were identified.

Geographic Context

The provision of utilities service takes into consideration a much larger service area, rather than just project boundaries. Through coordination with the utility providers, the cumulative needs of the area have been considered. The utility providers know their larger commitment when determining the need for substations and distribution facilities. Sizing of facilities, as well as

locations, take these factors into consideration. Therefore, the utilities study area would be the planning area for the respective utilities purveyors.

Thresholds of Significance

Based on the EIR's significance criteria, cumulative impacts would result if the Project—in combination with closely related past, present, and reasonably foreseeable future development—would (1) require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Threshold 4.15-1); (2) have insufficient water supplies available to serve the project from existing entitlements and resources or if new or expanded entitlements needed (Threshold 4.15-2); (3) exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (Threshold 4.15-3); (4) result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments (Threshold 4.15-4), result in substantial adverse physical impacts associated with the provision of new or physically altered energy transmission facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable levels of service; or (5) conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Cumulative Impact Analysis

Water Supply

The proposed Project is consistent with the Residential Village General Plan land use designation assumed in the infrastructure analysis set forth in the *City of Newport Beach General Plan* and the City's 1999 Water Master Plan (AECOM 2010). The General Plan anticipates development of the Project site at a density similar to that which is currently proposed for the Project. In contrast, the 1999 Water Master Plan anticipates development of the Project site at densities higher than what is now proposed with a projected correspondingly higher water demand. This higher water demand forecast is reflected in the City's 2005 Urban Water Management Plan and in the planning documents of the Municipal Water District of Orange County (MWDOC), the Orange County Water District, and the Metropolitan Water District (MWD). Therefore, the proposed Project's projected water demand is conservatively accounted for in the water supply documents of the various agencies.

MWD 2010 Regional Urban Water Management Plan

In November 2010, the Metropolitan Water District (MWD) completed and approved its 2010 Regional Urban Water Management Plan (RUWMP), providing additional updated documentation of water supply availability for its service area. The 2010 RUWMP provides a comprehensive summary of MWD's demand and supply outlook through 2035. Section 15150 of the State CEQA Guidelines encourages "incorporation by reference" as a means of reducing redundancy and length of environmental reports. Therefore, the MWD's 2010 RUWMP is hereby incorporated by reference into this EIR.[7]

[7] The Metropolitan Water District's 2010 RUWMP is available at the City of Newport Beach Community Development Department during regular business hours.

The RUWMP documents MWD's ability to meet the projected water demands of its service area, inclusive of the City of Newport Beach and the proposed Project. In summary, the key reporting points of the 2010 RUWMP are as follows:

- ***Supply Availability:*** MWD has supply capabilities that are sufficient to meet expected demands from 2015 through 2035 under average, single-dry year, and multiple-dry year hydrologic conditions.

- ***Contingency Plans:*** MWD has comprehensive plans for stages of actions it would undertake to address a reduction in water supplies of up to 50 percent due to drought or catastrophic events through its Water Surplus and Drought Management (WSDM) and Water Supply Allocation Plans (WSAP). MWD also developed an Emergency Storage Requirement to mitigate against potential interruption in water supplies resulting from catastrophic occurrences within the Southern California region, including seismic events along the San Andreas fault. In addition, MWD is working with the State of California to implement a comprehensive improvement plan to address catastrophic occurrences that could occur outside of the Southern California region, such as a maximum probable seismic event in the Sacramento/San Joaquin River Delta (Delta) that would cause levee failure and disruption of State Water Project deliveries.

- ***Future Supply Development:*** MWD has plans for supply implementation and continued development of a diversified resource mix including programs in the Colorado River Aqueduct (CRA), State Water Project, Central Valley storage and transfer programs, water use efficiency programs, local resource projects, and in-region storage that will enable the region to meet its water supply needs.

MWD's RUWMP is based in part on the following assumptions regarding water supply capabilities:

- ***Hydrologic Conditions and Reporting Period:*** The 2010 RUWMP presents MWD's supply capabilities from 2015 through 2035 under the three hydrologic conditions: single-dry year (represented by a repeat of 1977 hydrology), multiple-dry year (represented by a repeat of 1990 to 1992 hydrologies), and average year (represented by the average of 1922 to 2004 hydrologies).

- ***Colorado River Aqueduct Supplies:*** CRA supplies include supplies that would result from existing and committed programs and from implementation of the Quantification Settlement Agreement and related agreements. The Quantification Settlement Agreement, which is the subject of current litigation, is a component of the California Plan and establishes the baseline water use for each of the agreement parties and facilitates the transfer of water from agricultural agencies to urban uses. Colorado River transactions are potentially available to supply additional water up to the CRA annual capacity of 1.25 million acre-feet (maf) on an as-needed basis.

- ***State Water Project Supplies:*** State Water Project supplies are estimated using the draft 2009 State Water Project Delivery Reliability Report distributed by the California Department of Water Resources (DWR) in December 2009. The draft 2009 reliability report presents the current DWR estimate of the amount of water deliveries for current (2009) conditions and conditions 20 years into the future. These estimates incorporate restrictions on State Water Project and Central Valley Project (CVP) operations in accordance with the biological opinions of the USFWS and National Marine Fishery Service issued on December 15, 2008, and June 4, 2009, respectively. Under the 2009

draft reliability report, the delivery estimates for the State Water Project for current (2009) conditions as percentage of maximum delivery amounts, are 7 percent, which is equivalent to 134 thousand acre-feet (taf) under a single-dry year (1977) condition and 60 percent, which is equivalent to 1.15 maf, under long-term average conditions.

In dry, below-normal conditions, MWD has increased the supplies received from the California Aqueduct by developing flexible Central Valley/State Water Project storage and transfer programs. Over the last three years under the pumping restrictions of the State Water Project, MWD has worked collaboratively with the other contractors to develop numerous voluntary Central Valley/State Water Project storage and transfer programs. The goal of this storage/transfer programs is to develop additional dry-year supplies that can be conveyed through the available pumping capacity to maximize deliveries through the California Aqueduct during dry hydrologic conditions and regulatory restrictions.

- ***Delta Improvements:*** The listing of several fish species as Threatened or Endangered under the Federal or California Endangered Species Acts (FESA and CESA, respectively) have adversely impacted operations and limited the flexibility of the State Water Project. In response to court decisions related to the Biological Opinions for fish species listed under the FESA and CESA, the DWR altered the operations of the State Water Project. This resulted in export restrictions and reduced State Water Project deliveries. In June 2007, MWD's Board approved a Delta Action Plan that provides a framework for staff to pursue actions with other agencies and stakeholders to build a sustainable environment for the San Francisco Bay–Sacramento/San Joaquin River Delta ecosystem (Bay-Delta), and to reduce conflicts between water supply conveyance and the environment. The Delta Action Plan aims to prioritize (1) immediate short-term actions to stabilize the Delta while an ultimate solution is selected and (2) mid-term steps to maintain the Bay-Delta while the long-term solution is implemented.

  In the near-term, the physical and operational actions in the Bay-Delta being developed include measures that protect fish species and reduce supply impacts with the goal of reducing conflicts between water supply conveyance and environmental needs. The potential for increased supply due to these near-term fixes is included in the 2010 RUWMP as a 10 percent increase in water supplies obtained from the State Water Project allocation for the year. In evaluating the supply capabilities for the 2010 RUWMP, additional supplies from this interim fix are reasonably calculated to materialize by 2013. Also included as a possible near-term fix for the Bay-Delta is the proposed Two-Gate System demonstration program, which would provide movable barriers on the Old and Middle Rivers to modify flows and prevent fish from being drawn toward the Bay-Delta pumping plants. The Two-Gate System is anticipated to protect fish and increase State Water Project supplies.

  Operational constraints likely will continue until a long-term solution to the problems in the Bay-Delta is identified and implemented. State and federal resource agencies and various environmental and water user entities are currently engaged in the development of the Bay Delta Conservation Plan, which is aimed at addressing the basic elements that include the Delta ecosystem restoration, water supply conveyance, and flood-control protection and storage development. In dealing with these basic issues, the ideal solutions sought are the ones that address both the physical changes required as well as financing and governance. In evaluating the supply capabilities for the 2010 RUWMP, MWD reasonably calculates that a new Delta conveyance would be fully operational by

2022 that would return supply reliability similar to 2005 condition, prior to supply restrictions imposed due to the Biological Opinions.

This assumption is consistent with MWD's long-term Delta Action Plan, which recognizes the need for a global, comprehensive approach to the fundamental issues and conflicts to result in a sustainable Bay-Delta, sufficient to avoid Biological Opinion Restrictions on planned State Water Project deliveries to MWD and the other State Water Project Contractors. Further, recently passed State legislation includes pathways for establishing governance structures and financing approaches to implement and manage the identified elements.

- ***Storage:*** A key component of MWD's water supply capability is the amount of water in MWD's storage facilities. Storage is a major component of MWD's dry-year resource management strategy. MWD's likelihood of having adequate supply capability to meet projected demands, without implementing the Water Supply Allocation Plan (WSAP), is dependent on its storage resources.

  In developing the supply capabilities for the 2010 RUWMP, MWD reasonably calculated a simulated median storage level going into each of five-year increments based on the balances of supplies and demands. Under the median storage condition, there is an estimated 50 percent probability that storage levels would be higher than the assumption used, and a 50 percent probability that storage levels would be lower than the assumption used. All storage capability figures shown in the 2010 RUWMP reflect actual storage program conveyance constraints. It is important to note that under some conditions, MWD may choose to implement the WSAP in order to preserve storage reserves for a future year, instead of using the full supply capability. This can result in cost impacts at the retail level even under conditions where there may be adequate supply capabilities to meet demands.

From a cumulative impacts standpoint, the Project's Water Supply Assessment (WSA) determines that implementation of the proposed Project in concert with other local and regional development projects would not adversely affect water supply resources and distribution. Based on the WSA, the City, as water purveyor, has determined that a sufficient supply is available during average, single-dry, and multiple-dry years that would meet the anticipated water demand associated with the Project, in addition to the water demands of existing and planned future uses through year 2030. Based on this information, the WSA determines that adequate water supply is available to meet the needs of the Project along with the demands of future development within the City (AECOM 2010).

As described in the WSA, the source of water supply for the Project would be from existing and identified supply resources. In order to shore up reliability and to serve future water users previously unaccounted for in planning documents, the Orange County Water District, the Metropolitan Water District of Orange County (MWDOC), and the MWD have identified a variety of planned new water management and water supply projects. Water management efforts focus on increased efficiencies and conservation. Additional water supplies are also being planned. These actions are all documented in MWD's 2010 RUWMP, as described previously.

MWD's 2010 RUWMP indicates that MWD would rely heavily on increased water use efficiency measures, including high-efficiency appliances and water efficient landscaping and irrigation practices. MWD's plans also anticipate future improvements to the State Water Project to improve the reliability of the supplies it obtains from that source, but provide for alternative

supply development through seawater desalination and other local supply projects should the State Water Project improvements not materialize as projected.

On January 20, 2010, the City of Newport Beach signed a non-binding Letter of Intent for 7.1 million gallons per day (mgd, which is 8,000 acre-feet per year [afy]) of Huntington Beach Seawater Desalination Project supplies.

Because the MWD water supply planning provides for so much flexibility, the ability to identify the environmental consequences of any future supply projects needed to serve the proposed Project would be speculative. Generally speaking, water use efficiency measures would most likely not be projects subject to CEQA review, in part because they are not known to be projects with significant environmental effect. In other words, increased use of efficient technology and techniques would result in water savings with no significant environmental effects.

Facility-based local supply measures (e.g., additional recycled water development projects) would most likely be subject to CEQA review, and could contain elements of potentially significant environmental effect. Such potentially significant impacts would likely be addressed and mitigated to less than significant levels as part of a project development and approval process. Anticipated impacts may include short-term air quality and noise impacts associated with construction.

Finally, large regional and Statewide projects such as seawater desalination facilities or improvements to the State Water Project would most certainly be subject to CEQA review, but the potential environmental effects and mitigation measures for these projects are not known at this time. The EIR prepared for the Carlsbad Desalinization Project may be indicative of some such facilities. It identified potentially significant impacts in the following areas: aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise and vibration, traffic and transportation, public facilities and service systems, cumulative impacts, and growth-inducement. However, the EIR concludes that all of these impacts could be reduced to a less than significant level.

As noted above, the proposed Project is expected to be served by existing and planned water supplies, and in a cumulative sense may contribute to the need for new water supplies and efficiency measures as planned for in MWD's 2010 RUWMP. The development of these new improved efficiency measures and supplies is not anticipated to be associated with significant and unavoidable environmental impacts. Other activities identified in the 2010 RUWMP may be associated with such effects. However, since the City cannot control what activities are undertaken and the nature of MWD's plans is necessarily adaptive, it would be speculative to attempt any analysis of the impacts of such plans. In any event, considering the positive findings of water supply availability as contained in the Project's WSA, the relatively minimal water demands of the proposed Project in the context of regional water supplies, and the flexible nature of the region's water supply plans, as most recently documented in MWD's 2010 RUWMP, the proposed Project's contribution to the cumulative impact on water supply is considered less than significant.

Wastewater

Given the existing available capacity, the wastewater treatment needs of the Project—together with related past, present, and reasonably foreseeable future projects—would not result in the need for new or expanded wastewater treatment facilities that could result in significant environmental impacts or that could cause the wastewater treatment to exceed the capacity of

the wastewater treatment facilities. The cumulative utilities impact with respect to wastewater treatment capacity would be less than significant.

The total sewage generation for the proposed Project is estimated to be 0.259 mgd, which is less than the total sewage generation allocated to the Project in the April 2006 Orange County Sanitation District (OCSD) Strategic Plan Update. The wastewater treatment requirements issued by the RWQCB for OCSD's treatment plant were developed to ensure that adequate levels of treatment would be provided for the wastewater flows emanating from all land uses within its service area. When combined with existing conditions and expected growth, the Project's estimated sewage flows would not exceed the existing or projected capacity or ability to transport sewage to the treatment plant or exceed treatment or water quality standards.

Energy: Natural Gas and Electricity

Electrical service to the Project area is provided by Southern California Edison (SCE). SCE is an independently owned utility that provides electrical power to a business and residential population of approximately 13 million people within a 50,000-square-mile service area that covers Central, Coastal, and Southern California, including the City of Newport Beach and the Project site (SCE 2009). SCE distributes electricity purchased through the California Power Exchange. SCE is regulated by the California Public Utilities Commission (CPUC), which protects customers from overcharge and promotes energy efficiency, system reliability, and financial integrity of utilities. According to the California Energy Commission (CEC), the SCE service area experienced a peak demand of 19,408 megawatts (MW) in 2000 (CEC 2009). The CEC estimates that electricity consumption and peak demand within SCE's service territory will continue to grow annually from 2010 to 2018 by 1.26 percent and 1.40 percent, respectively. In 2006, the CEC projected a peak demand in SCE's service territory of 24,960 megawatts (MW) in 2012 and a net energy load of 125.2 million megawatt hours (MWH). In 2009, the CEC projected a peak energy demand of 24,543 MW in 2015 and a peak energy demand of 25,561 MW in 2018.

The Southern California Gas Company (The Gas Company), is the nation's largest gas distribution utility, providing energy to 20.5 million customers over an area of approximately 20,000 square miles. The Gas Company provides natural gas service for the City of Newport Beach. The Gas Company purchases natural gas from several bordering states. The CPUC also regulates The Gas Company, which is the default provider required by State law for natural gas delivery to the City. The Gas Company has the capacity and resources to deliver gas except in certain situations that are noted in State law. As development occurs, The Gas Company continues to extend its service to accommodate development and to supply necessary gas lines. It does not base its service levels on existing demands; rather, it makes periodic upgrades to provide service for particular projects and new development.

In summary, energy demands of past, present, and reasonably foreseeable future projects are accounted for in SCE's and The Gas Company's projections. Therefore, the proposed Project—together with related past, present, and reasonably foreseeable projects—is not expected to result in a significant cumulative energy impact. Considering ongoing compliance with all federal, State, and local regulations and performance standards which are intended to limit or reduce energy consumption, along with efforts at the State and local levels relating to energy supply and reduction in consumption, the cumulative utilities impact with respect to energy would be less than significant.

Consistency with Applicable Plans, Policies and Regulations

The proposed Project would be consistent with applicable utility service goals and policies. Given that the proposed Project would be consistent with these goals and policies, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause significant adverse cumulative impacts based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections as well as this Cumulative Impacts section of the EIR.