

## **SECTION 2.0 INTRODUCTION**

### **2.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT**

This Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental impacts associated with the construction and implementation of the proposed Sunset Ridge Park Project (Project). This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended (*California Public Resources Code* [PRC] §§21000 et seq.), and the CEQA Guidelines (Title 14, *California Code of Regulations*, Chapter 3, §§15000 et seq.). The EIR has also been prepared in accordance with Newport Beach City Council Policy K-3, "Implementation Procedures for the California Environmental Quality Act".

The City of Newport Beach (City) is the "public agency which has the principal responsibility for carrying out or approving the Project" and, as such, is the "Lead Agency" for this Project under CEQA (CEQA Guidelines, §15367). CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This EIR is intended to provide information to the Lead Agency and other public agencies, the general public, and decision makers regarding the potential environmental impacts from the construction and operation of the proposed Project. The City, as the Lead Agency, will review and consider this EIR in its decision to approve, revise, or deny the proposed Project.

Under CEQA, "[t]he purpose of the environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the proposed project, and to indicate the manner in which significant environmental effects can be mitigated or avoided" (PRC 21002.1[a]). An EIR is the most comprehensive form of environmental documentation identified in CEQA and the CEQA Guidelines, and provides the information needed to assess the environmental consequences of a proposed project to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a project that has the potential to result in significant, adverse environmental impacts.

### **2.2 TYPE OF ENVIRONMENTAL IMPACT REPORT**

This EIR is a Project EIR in accordance with CEQA Guidelines Section 15161, which states, "The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation". This EIR analyzes the potential environmental impacts related to the implementation of the Sunset Ridge Park Project that is detailed in Section 3.0, Project Description.

This EIR provides a comprehensive evaluation of the reasonably anticipated scope of the proposed Project. It is intended to serve as an informational document for public agency decision makers and the general public regarding (1) the objectives and components of the proposed Project; (2) any potentially significant environmental impacts (individual and cumulative) that may be associated with the planning, construction, and operation of the Project; and (3) an appropriate and feasible mitigation program and alternatives that may be adopted to reduce or eliminate these significant impacts. In addition, this EIR is the primary reference

document in the formulation and implementation of the proposed Project's Mitigation Monitoring and Reporting Program.

## **2.2.1 STANDARDS OF ADEQUACY UNDER CEQA**

CEQA does not contain specific, detailed, quantified standards for the content of environmental documents. Section 15151 of the CEQA Guidelines states:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have not looked for perfection but for adequacy, and a good faith effort at full disclosure.

The City, which has the principal responsibility for processing and approving the Project, and other public agencies (e.g., responsible and trustee agencies) that may use this EIR in their decision-making or permitting processes will consider the information in this EIR along with other information that may be presented during the Project review process.

In accordance with CEQA, public agencies are required to make appropriate findings for each potential environmental impact identified in the EIR that cannot be mitigated to a less than significant level. If the Lead Agency (and responsible agencies using this CEQA document for associated permits or approvals) decides that the benefits of the proposed Project outweigh any identified significant environmental effects that cannot be mitigated to a less than significant level, the Lead Agency is required to adopt a Statement of Overriding Considerations, which states the reasons that support its actions.

The actions involved in the implementation of the proposed Project are described in Section 3.8, Intended Uses of the EIR. Other agencies that may have discretionary approval over the Project or components thereof, including responsible and trustee agencies, are also described in Section 3.8.

## **2.3 SCOPE OF THE ENVIRONMENTAL IMPACT REPORT**

### **2.3.1 BACKGROUND**

The Recreation Element of the General Plan, approved by the City Council in 2006, addresses citywide issues and needs regarding park lands. The Recreation Element identifies that the service area of West Newport Beach has a current parkland deficiency.

The City of Newport Beach began the planning and outreach process for the development of the Sunset Ridge Park site as an active and passive park in November 2007. At the City Council Study Session on March 25, 2008, the City Council received a report on the progress of the outreach and planning for Sunset Ridge Park. The Council listened to public comments regarding the draft concept plan for Sunset Ridge Park. Issues and concerns identified at this meeting include:

- An immediate need for a baseball field for 13- and 14-year-olds to play league games and a need for more soccer fields for AYSO in West Newport Beach;
- The traffic problem for homeowners created by park users;
- Noise disturbance to the nearby neighborhood created by youth sports games;
- Proximity of park facilities and athletic fields to homes;
- Security decrease for nearby residents;
- Potential loss of scenic views;
- Trash left by park users; and
- Loss of privacy for homeowners.

In response to resident concerns, City staff directed the City's architect to create a buffer zone between the private property owners and the proposed sports fields, restroom facility, parking lot, and playground. The revised concept plan was presented and reviewed at the May 20, 2008, City Parks Beaches and Recreation Commission Meeting. The Commission recommended that the City Council approve the proposed Sunset Ridge Park Concept Plan and that the City Council direct staff to address the issues of beach parking, restroom safety, pedestrian access, covered bleachers, and portable outfield fencing for baseball. The City Council approved the Sunset Ridge Park Concept Plan at the June 10, 2008 City Council Meeting.

### **2.3.2 CEQA SCOPING**

In compliance with the CEQA Guidelines, the City has taken steps to provide opportunities for public participation in the environmental process. An IS and NOP were distributed on May 7, 2009, to federal, State, regional, and local government agencies and interested parties for a 30-day public review period to solicit comments and to inform the public of the proposed Project. The Project was described, potential environmental effects associated with Project implementation were identified, and agencies and the public were invited to review and comment on the IS and NOP. A copy of the IS, NOP, and responses received are included in Appendix A. The following parties provided comments on the NOP to the City:

#### **Federal Agencies**

None

#### **State Agencies**

California Department of Conservation, Division of Oil, Gas, and Geothermal Resources  
California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

#### **Regional Agencies**

South Coast Air Quality Management District

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### **Orange County Agencies**

Orange County Public Works

### **Local Agencies**

None

### **Special Districts**

Metropolitan Water District of Southern California  
Orange County Transportation Authority

### **Organizations/Other**

Newport Crest Homeowners Association  
Banning Ranch Conservancy; Sierra Club Banning Ranch Park and Preserve Task Force

### **Businesses**

Southern California Gas Company

### **Individuals**

Matt Erwin	Gary Garber
Ginny Lombardi	Paul Malkemus
Ramzy and Sami Mankarious	Gerard Proccacino
Ross Ribaudó	Jan D. Vandersloot

The following environmental issues were raised by the commenters. The EIR section that addresses these issues is noted.

- ***Land Use Compatibility and Appropriateness.*** Concerns were raised regarding the compatibility of an active park facility with off-site land uses, particularly with residential development. Comments were provided that there is no need for additional parks, particularly active parkland, in the City. Alternatively, recommendations were made to only provide passive park uses. The need to address the proposed Project's consistency with the California Coastal Act was identified. These issues are addressed in Section 4.1, Land Use and Related Planning Programs.
- ***Aesthetics and Lighting.*** Comments were made regarding the need to address effects to on-site bluffs and the need to minimize lighting of the Project. Concerns were noted regarding potential impacts to views from park facilities, including baseball field backstops and structures. These issues are addressed in Section 4.2, Aesthetics.
- ***Traffic, Circulation, and Parking.*** Traffic levels associated with the proposed Project are of concern, including traffic on intersections in the immediate vicinity of the Project site and on the local residential communities. The need for signalization on West Coast Highway at the Project entrance was questioned. Alternative locations for the access road and parking were suggested. These issues are addressed in Section 4.3, Transportation and Circulation.
- ***Noise.*** Commenters were concerned about noise impacts associated with active park activities on existing residents. This issue is addressed in Section 4.4, Noise.

- **Biological Resources.** The Project site is located within the boundaries of the Orange County Central-Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The purpose of the NCCP/HCP Program is to provide long-term, large-scale protection of natural vegetation communities and wildlife diversity while allowing compatible land uses and appropriate development and growth. Organizations and individuals view what constitutes an appropriate balance of development and conservation differently; this continues to be an area of controversy. Commenters noted that biological surveys should be performed and that the analysis must be based on not only the City's criteria but also California Coastal Act criteria, particularly with respect to Environmentally Sensitive Habitat Areas (ESHAs). These issues are addressed in Section 4.1, Land Use and Planning; Section 4.6, Biological Resources; and Section 6.0, Alternatives to the Proposed Project.
- **Oil Field Operations.** Because the access road is proposed through the Newport Banning Ranch property to the west, concerns have been raised regarding how the Newport Banning Ranch property and the potential health and safety issues associated with the oil field activities would be remediated. These issues are addressed in Section 3, Project Description, and Section 4.10, Hazards and Hazardous Materials.

The scope of this EIR includes issues identified by the community prior to the initiation of the CEQA process, during the preparation of the Initial Study (IS), and environmental issues raised by agencies and the general public in response to the circulation of the IS and Notice of Preparation (NOP). The City identified the following environmental issues as potential impacts associated with the Project and which are therefore addressed in the EIR:

- Land Use and Planning (Section 4.1);
- Aesthetics (Section 4.2);
- Transportation and Circulation (Section 4.3);
- Air Quality and Climate Change (Section 4.4);
- Noise (Section 4.5);
- Biological Resources (Section 4.6);
- Cultural and Paleontological Resources (Section 4.7);
- Geology and Soils (Section 4.8);
- Hydrology and Water Quality (Section 4.9);
- Hazards and Hazardous Materials (Section 4.10);
- Mineral Resources (Section 4.1, Land Use and Related Planning Programs; Section 4.9, Hazards and Hazardous Materials);
- Public Services and Utilities (Section 4.11); and

- Recreation. (The proposed Project would provide a public park. All sections of this EIR address potential impacts associated with the park.)

### **2.3.3 EFFECTS FOUND NOT TO BE SIGNIFICANT**

Through the preparation of the IS using the City of Newport Beach Initial Study Checklist, the City determined that an EIR was required to evaluate the potentially significant environmental effects of the proposed Project. Impact categories identified in the IS that would result in no impacts, less than significant impacts, or less than significant impacts with the implementation of standard conditions are not required to have any additional analysis.

The following includes a discussion of the impact categories that were identified on the IS Checklist as having “no impact” or a “less than significant impact” and a summary discussion of why these categories were not considered potentially significant or applicable to the Project. Since these issues result in no or less than significant impacts, they are not addressed further in this EIR. These issues are discussed in more detail in the IS (included in Appendix A).

#### **Aesthetics: State Scenic Highways**

*Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?*

The Project area is not adjacent to nor can it be viewed from a designated scenic highway. The Project site is not visible from a designated State Scenic Highway; therefore, the proposed Project would not have an adverse effect on a scenic vista, nor would it damage scenic resources within a State Scenic Highway. Additionally, the Project site is devoid of rock outcroppings, and there are no historic buildings on site. Therefore, no impact would occur.

#### **Agricultural Resources**

*Would the Project result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; Agricultural Zoning or a Williamson Act Contract; and off-site Farmland Conversion?*

No portion of the Project site is covered by a Williamson Act Contract or located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site has a General Plan land use designation of Parks and Recreation and Open Space/Residential Village, and there are no agricultural uses on the site. No impacts to agricultural resources would result from Project implementation.

#### **Air Quality: Odors**

*Would the Project result in objectionable odors?*

Project construction equipment and activities would generate odors typical of a construction site. Potential construction odors include diesel exhaust emissions and asphalt from paving operations. There would be situations where construction activity odors would be noticed by nearby residents, but these odors would not be unfamiliar or necessarily objectionable. Additionally, the odors would be temporary and would dissipate rapidly from the source with an increase in distance. Therefore, the impacts would be short-term, would not likely be objectionable, and would be less than significant.

No barbeque facilities are currently proposed as a part of the Project. However, should such facilities be provided in the future, these odors would not be objectionable and are typical to a park or residential area. The impact would be less than significant.

### **Geology and Soils**

*Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone as established by the State of California, Division of Mines and Geology. The potential for ground fault rupture to occur on the Project site is remote. This is considered a less than significant impact, and no further evaluation in the EIR is necessary.

*Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The proposed Project would not involve the use of septic tanks or another alternative wastewater disposal system. The Project would be connected to the municipal sewer lines and wastewater disposal systems. Therefore, no impact would occur.

### **Hazards and Hazardous Materials**

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

The proposed Project would allow for active and passive park uses. These uses typically do not generate hazardous emissions, nor do they involve the routine use, transport, or disposal of hazardous materials. Materials used on site would consist of common fertilizers/herbicides for landscape maintenance and janitorial materials used in cleaning facilities. These materials are subject to applicable local, State, and federal regulations. Any hazardous materials used during construction would also be transported, used, stored, and disposed according to applicable local, State, and federal regulations. Therefore, this is considered a less than significant impact, and no further evaluation in the EIR is necessary.

*Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment or emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

During the construction phase of the Project, there is a limited risk of accidental release of hazardous materials such as gasoline, oil, or other fluids in the operation and maintenance of construction equipment. Compliance with the City's Municipal Code and State and local construction requirements would reduce the risk of any damage or injury from these potential hazards to a less than significant level.

There are no schools located within one-quarter mile of the Project site. The proposed Project does not include the construction of any uses that would involve the use, storage, or transport of

hazardous materials that could result in the risk of release or emission of these materials; therefore, implementation of the proposed Project would not create a significant hazard to the public or environment through the release of a hazardous material. These impacts are considered less than significant, and no further evaluation of these issues in the EIR is necessary.

*Would the Project be located within an airport land use plan or within two miles of an airport, interfere with an adopted emergency response plan or expose people or structures to threat of wildland fires?*

The Project site is not located within an adopted Airport Land Use Plan or in the vicinity of a private airstrip, heliport, or helistop. The nearest airport/airstrip is the John Wayne Airport located approximately eight miles northeast of the Project site. Implementation of the proposed Project would not impact the airport facilities or their operation.

The City of Newport Beach has an adopted *Emergency Management Plan*, which details the responsibilities of federal, State, and local agencies and private organizations in the event of a disaster (*City of Newport Beach General Plan's* Safety Element). Implementation of the proposed Project would not interfere with this Plan.

The Sunset Ridge Park site (both within the City and its Sphere of Influence) is located in an urbanized area and is not identified by the City Fire Department as being in a Special Fire Protection Area, as defined in the *Newport Beach Fire Code* Section 9.04.030 (as adopted). No wildlands are intermixed or are adjacent to the site. Therefore, the proposed Project would not result in a significant risk of loss, injury, or death involving wildland fires. No further evaluation of these issues is required.

### **Hydrology and Water Quality**

*Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge?*

The General Plan's Natural Resources Element identifies that domestic water for the City is supplied by both groundwater and imported surface water. The analysis in the City's General Plan assumes that the City would continue to produce groundwater and purchase imported water from the Metropolitan Water District, which is projected to meet 100 percent of the City's imported water needs until the year 2030. After that time, improvements associated with the State Water Project supply, additional local projects, conservation, and additional water transfers would be needed to adequately provide surface water to the City. The General Plan assumes the development of the Project site with park uses. Because the increase in impermeable surfaces would be limited and the Project site is not located over an area used for groundwater recharge, the proposed Project would not deplete groundwater supplies or interfere substantially with groundwater recharge. Therefore, no further evaluation is necessary.

*Would the Project place housing within a 100-year flood hazard area; place structures within a 100-year flood hazard area which would impede or redirect flood flows; expose people or structures to flooding as a result of a levee or dam failure; and inundation by seiche, tsunami, or mudflow?*

The Project site is not located within the 100- and 500-year flood zones, nor is it in a designated Special Flood Hazard Area or in Zone VE (coastal flood zone with velocity flood hazard). There is no existing housing at the park site and housing is not proposed as a part of the Project.

Therefore, Project implementation would not place permanently habitable structures in a 100-year floodplain. Due to its location, the Project site would not be subject to inundation by a tsunami even with extreme high tide conditions. The site would also not be subject to inundation as a result of dam failure since there is no dam in the vicinity of the Project site. Therefore, no impacts would occur.

### **Land Use and Planning**

*Would the Project physically divide an established community or conflict with Habitat Conservation Plans?*

The Project site is an undeveloped vacant parcel. Residential uses are located directly to the north of the site, east of Superior Avenue, and south of West Coast Highway. Development of the site as a park would not physically divide an established community but would instead allow for the implementation of a public park. Therefore, no impact would occur.

### **Noise**

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

The Project site is not located within an adopted Airport Land Use Plan or in the vicinity of a private airstrip, heliport, or helistop. The nearest airport is John Wayne Airport located approximately eight miles northeast of the site. The Project site would not be subject to excessive noise levels related to aircraft or airport operations. Further evaluation of this issue in the EIR is not required.

### **Population and Housing**

*Would the Project induce substantial population growth in an area, either directly or indirectly, displace substantial numbers of existing housing or displace substantial numbers of people?*

There is no existing housing on the Project site nor is housing proposed as a part of the Project. The proposed park would serve an identified need for additional parkland in West Newport Beach rather than induce population growth and/or new development in the City, and is not considered growth inducing. Therefore, no impact would occur.

### **Public Services and Utilities**

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

The proposed Project would not result in a population increase; therefore, the Project would not impact school facilities. Potential effects to fire and police protection are addressed in Section 4.11, Public Services and Utilities, of this EIR.

*Is there sufficient permitted landfill capacity? Would the Project comply with statutes and regulations related to solid waste?*

The increase in solid waste disposal resulting from implementation of the Project can be accommodated within the permitted capacity of the County's landfill system (Arnau 2009; see Initial Study in Appendix A). As reported in December 2008 by the California Integrated Waste Management Board, the City diverted 60 percent of its waste stream, exceeding the mandated 50 percent diversion. The City would continue to comply with ongoing waste management programs. As a result, no significant impacts would occur.

### **Recreation**

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

The proposed Project would allow for the development of a public park, as designated in the City's General Plan. As previously addressed, the park is proposed to alleviate a portion of a citywide park deficiency, most specifically in West Newport Beach. As such, the proposed Sunset Ridge Park is proposed to provide additional recreational opportunities in the City rather than place additional burdens on existing facilities. Therefore, no impact would occur.

### **Transportation**

*Would the Project change air traffic patterns?*

The proposed Project would not include any uses that would change air traffic patterns or locations and would not increase the amount of air traffic. No airports are located within the immediate Project area, and no tall structures are proposed as a part of the park. Therefore, no impact would occur.

## **2.4 PROJECT SPONSORS AND CONTACT PERSONS**

The Sunset Ridge Park EIR has been distributed to Responsible and Trustee agencies, other affected agencies, surrounding jurisdictions, interested parties, and other parties who requested a copy of the Draft EIR in accordance with Section 21092 of the *California Public Resources Code*. The Notice of Completion for the Draft EIR was also distributed as required by CEQA. Reviewers of the Draft EIR are given a 45-day review period to prepare written comments on the document. During the public review period, this EIR (including the technical appendices) is available for review at the City of Newport Beach Planning Department located at 3300 Newport Boulevard, Newport Beach, California. Additionally, copies of the Draft EIR and technical appendices are available at the reference desk of the following City libraries:

Balboa Branch  
100 East Balboa Boulevard  
Newport Beach, CA 92661

Central Branch  
1000 Avocado Avenue  
Newport Beach, CA 92660

Mariners Branch  
1300 Irvine Avenue  
Newport Beach, CA 92660

Corona del Mar Branch  
420 Marigold Avenue  
Corona del Mar, CA 92625

The Draft EIR and technical appendices can also be accessed at the City's website:  
<http://www.newportbeachca.gov>.

Inquiries regarding the Draft EIR should be directed to the City of Newport Beach; the key contact person is as follows:

Lead Agency:           City of Newport Beach  
                              Planning Department  
                              3300 Newport Boulevard  
                              P.O. Box 1768  
                              Newport Beach, California 92658-8915  
                              Contact: Janet Johnson Brown, Associate Planner

Written comments regarding the Draft EIR should be addressed to Janet Johnson Brown at the address provided above. Upon completion of the public review period, the City will prepare written responses to all significant environmental issues that were raised in written and oral comments on the Draft EIR, and provide these responses to commenting agencies and other parties at least ten days prior to final action on the Project. These environmental comments and their responses will be included as part of the environmental record for the decision makers' consideration prior to certification of the EIR as final and complete.