

# AT&T TELECOM GAZEBO PROJECT

PUBLIC REVIEW DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

MAY 2023



PREPARED FOR:  
CITY OF NEWPORT BEACH

PREPARED BY:

**Michael Baker**  
INTERNATIONAL



PUBLIC REVIEW DRAFT INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION

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**AT&T Telecom Gazebo Project**

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May 2023

JN 188278

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## TABLE OF CONTENTS

<b>1.0</b>	<b>Introduction</b> .....	<b>1-1</b>
1.1	Statutory Authority and Requirements.....	1-1
1.2	Purpose.....	1-2
1.3	Consultation.....	1-2
1.4	Incorporation by Reference.....	1-2
<b>2.0</b>	<b>Project Description</b> .....	<b>2-1</b>
2.1	Project Location.....	2-1
2.2	Environmental Setting.....	2-1
2.3	Project Characteristics.....	2-4
2.4	Construction/Phasing.....	2-8
2.5	Permits and Approvals.....	2-8
<b>3.0</b>	<b>Initial Study Checklist</b> .....	<b>3-1</b>
3.1	Background.....	3-1
3.2	Environmental Factors Potentially Affected.....	3-2
3.3	Evaluation of Environmental Impacts.....	3-3
<b>4.0</b>	<b>Environmental Analysis</b> .....	<b>4.1-1</b>
4.1	Aesthetics.....	4.1-1
4.2	Agriculture and Forestry Resources.....	4.2-1
4.3	Air Quality.....	4.3-1
4.4	Biological Resources.....	4.4-1
4.5	Cultural Resources.....	4.5-1
4.6	Energy.....	4.6-1
4.7	Geology and Soils.....	4.7-1
4.8	Greenhouse Gas Emissions.....	4.8-1
4.9	Hazards and Hazardous Materials.....	4.9-1
4.10	Hydrology and Water Quality.....	4.10-1
4.11	Land Use and Planning.....	4.11-1
4.12	Mineral Resources.....	4.12-1
4.13	Noise.....	4.13-1
4.14	Population and Housing.....	4.14-1
4.15	Public Services.....	4.15-1
4.16	Recreation.....	4.16-1
4.17	Transportation.....	4.17-1
4.18	Tribal Cultural Resources.....	4.18-1
4.19	Utilities and Service Systems.....	4.19-1
4.20	Wildfire.....	4.20-1
4.21	Mandatory Findings of Significance.....	4.21-1
4.22	References.....	4.22-1
4.23	Report Preparation Personnel.....	4.23-1
<b>5.0</b>	<b>Inventory of Mitigation Measures</b> .....	<b>5-1</b>
<b>6.0</b>	<b>Consultant Recommendation</b> .....	<b>6-1</b>



**7.0 Lead Agency Determination .....7-1**

**APPENDICES**

Appendix A	Air Quality/Greenhouse Gas Emissions/Energy Data
Appendix B	Biological Resources Assessment
Appendix C	Cultural and Paleontological Resources Assessment
Appendix D	Geotechnical Report
Appendix E	Noise Data
Appendix F	AB 52 Documentation





## LIST OF EXHIBITS

Exhibit 2-1	Regional Vicinity .....	2-2
Exhibit 2-2	Site Vicinity .....	2-3
Exhibit 2-3	Overall Conceptual Plan .....	2-5
Exhibit 2-4	AT&T Gazebo Building Elevations .....	2-6
Exhibit 2-5	AT&T Gazebo Site Plan .....	2-7
Exhibit 2-6	Landscape Conceptual Plan .....	2-9
Exhibit 4.1-1	Key View 1 .....	4.1-4
Exhibit 4.1-2	Key View 2 .....	4.1-5
Exhibit 4.1-3	Key View 3 .....	4.1-6

## LIST OF TABLES

Table 4.3-1	Project-Generated Construction Emissions .....	4.3-5
Table 4.3-2	Localized Significance of Emissions .....	4.3-9
Table 4.6-1	Construction Energy Consumption .....	4.6-4
Table 4.8-1	Estimated Greenhouse Gas Emissions .....	4.8-5
Table 4.11-1	General Plan Land Use Element Consistency Analysis .....	4.11-2
Table 4.11-2	Newport Ridge PC Recreation Planning Area Development Standards Consistency Analysis .....	4.11-6
Table 4.13-1	Noise and Land Use Compatibility .....	4.13-2
Table 4.13-2	City of Newport Beach Exterior Noise Standards .....	4.13-3
Table 4.13-3	City of Newport Beach Interior Noise Standards .....	4.13-3
Table 4.13-4	General Plan Land Use Noise Compatibility Matrix .....	4.13-5
Table 4.13-5	General Plan Noise Increase Significance Criteria .....	4.13-6
Table 4.13-6	Noise Measurements .....	4.13-7



Table 4.13-7	Maximum Noise Levels Generated by Construction Equipment .....	4.13-8
Table 4.13-8	Construction Noise Levels by Construction Activity.....	4.13-8
Table 4.13-9	Typical Vibration Levels for Construction Equipment .....	4.13-9





## 1.0 INTRODUCTION

The proposed AT&T Telecom Gazebo Project (herein referenced as the “project”) involves the construction of AT&T Wireless telecommunication facilities in the form of a new 18-foot tall gazebo within the Harbor Watch Park. Overall, the gazebo structure would be approximately 21 feet in height with installation of a weathervane. Associated telecommunication equipment would also be installed in an approximately 17-foot-deep, approximately 123-square foot underground equipment vault adjacent to the gazebo. The project would also provide additional park amenities, including park benches, a drinking fountain, access path, and landscaping to complement the existing open space and recreational environment; refer to [Section 2.0, Project Description](#).

Following a preliminary review of the proposed project, the City of Newport Beach (City) has determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15378, a “project” is defined as the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- An activity directly undertaken by any public agency, including, but not limited to, public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700;
- An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; or
- An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

This Initial Study addresses the direct, indirect, and cumulative environmental effects of the project, as proposed.

### 1.1 STATUTORY AUTHORITY AND REQUIREMENTS

In accordance with Sections 15051 and 15367 of the California Code of Regulations (CCR), the City is identified as the Lead Agency for the proposed project. Under CEQA (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of the CCR, the City is required to undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that any aspect of the project may cause a significant environmental effect, the Lead Agency shall further find that an Environmental Impact Report (EIR) is warranted to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency shall find that the proposed project would not have a significant effect on the environment and shall prepare a Negative Declaration (or Mitigated Negative Declaration). Such determination can be made only if “there is no substantial evidence in light of the whole record before the Lead Agency” that such impacts may occur (Section 21080[c], Public Resources Code).

The environmental documentation, which is ultimately selected by the City in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not, however, a policy document and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits, and other discretionary approvals would be required.



## 1.2 PURPOSE

CEQA Guidelines Section 15063 identifies specific disclosure requirements for inclusion in an Initial Study. Pursuant to those requirements, an Initial Study shall include:

- A description of the project, including the location of the project;
- Identification of the environmental setting;
- Identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries;
- Discussion of ways to mitigate significant effects identified, if any;
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls; and
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study.

## 1.3 CONSULTATION

Pursuant to CEQA Guidelines Section 15063(g), as soon as the Lead Agency (in this case, the City) has determined that an Initial Study would be required for the project, the Lead Agency is directed to consult informally with all Responsible Agencies and Trustee Agencies that are responsible for resources affected by the project, in order to obtain the recommendations of those agencies as to whether an EIR or Negative Declaration should be prepared for the project. Following receipt of any written comments from those agencies, the Lead Agency considers any recommendations of those agencies in the formulation of the preliminary findings. Following completion of this Initial Study, the Lead Agency initiates formal consultation with these and other governmental agencies as required under CEQA and its implementing guidelines.

## 1.4 INCORPORATION BY REFERENCE

The following references were utilized during preparation of this Initial Study and are incorporated into this document by reference. These documents are available for review at the City of Newport Beach Community Development Department, 100 Civic Center Drive, Newport Beach, California 92660.

- *Newport Beach General Plan (July 25, 2006)*. The *Newport Beach General Plan* (General Plan) is a policy document intended to guide the long-term development within Newport Beach. The General Plan reflects the community's vision and provides a framework for Newport Beach's long-range physical and economic development and resource conservation. The General Plan consists of the following elements: Land Use; Circulation; Historical Resources; Recreation; Arts and Culture; Safety; Noise; Harbor and Bay; Housing; and Natural Resources.
- *Newport Beach Municipal Code (codified through Ordinance No. 2022-15, enacted passed June 28, 2022)*. The *Newport Beach Municipal Code* (Municipal Code) includes the City's regulatory, penal, and administrative ordinances. Municipal Code Title 20, *Planning and Zoning* (Zoning Code), is intended to carry out the policies of the General Plan. Additionally, the Zoning Code is intended to promote the orderly development of the City; promote and protect the public health, safety, peace, comfort, and general welfare; protect the character, social, and economic vitality of neighborhoods; and to ensure the beneficial development of the City.



## 2.0 PROJECT DESCRIPTION

### 2.1 PROJECT LOCATION

Regionally, the project site is located within the City of Newport Beach (City), in the southwestern portion of Orange County; refer to Exhibit 2-1, *Regional Vicinity*. The Pacific Ocean bounds the City to the west and surrounding jurisdictions include the cities of Huntington Beach and Costa Mesa to the north, Irvine to the east, and unincorporated Orange County to the south.

The approximately 1.6-acre project site is located within the existing Harbor Watch Park at 4500 San Joaquin Hills Road (Assessor's Parcel Number [APN] 461-171-03) in the southern portion of the City; refer to Exhibit 2-2, *Site Vicinity*. The Buck Gully Reserve is located to the south of the Harbor Watch Park. Regional access to the project site is provided via State Route 73 (SR-73) and State Route 1 (SR-1; Pacific Coast Highway). Local access to the project site is provided via San Joaquin Hills Road.

### 2.2 ENVIRONMENTAL SETTING

The Harbor Watch Park consists primarily of open space and views of the Pacific Ocean and Newport Bay. Existing park amenities include an unnamed trail and three wooden park benches. The unnamed trail loops around the southern portion of the park and also provides a connection to the Bobcat Trail to the south in the Buck Gully Reserve. The trail is improved with concrete pavement. No parking area is provided for Harbor Watch Park along San Joaquin Hills Road; however, a surface parking lot is located at the Canyon Watch Park approximately 600 feet to the east. Pedestrian access to the unnamed trail is provided via two access points along San Joaquin Hills Road.

The project site ranges in elevation from approximately 547 to 575 feet above mean sea level. The project area is characterized by undeveloped open space dominated by native coastal sage scrub and maritime chaparral plant communities. Scrub oak (*Quercus sp.*), brittlebush (*Encelia californica*), and lemonade berry (*Rhus integrifolia*) are also present throughout the area and sightings of special-status coastal California gnatcatcher (*Polioptila californica*) have been documented within and in the immediate vicinity of the project site.

#### 2.2.1 EXISTING GENERAL PLAN DESIGNATION AND ZONING

Based on the *City of Newport Beach General Plan (General Plan)*, *City of Newport Beach Overview Map (Zoning Map)*, and *City of Newport Beach GIS Map Viewer*, the project site is designated Open Space (OS) and zoned Planned Community 53 (Newport Ridge).<sup>1</sup>

According to the General Plan, the OS designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources.

The *Newport Ridge Planned Community Program (Newport Ridge PCP)* identifies the general locations and types of land uses, defines standards for development, and provides for innovative community design concepts and site planning, consistent with orderly development of a mixed-use community and protection of sensitive and natural resources.

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<sup>1</sup> City of Newport Beach, *Interactive Maps*, <https://www.newportbeachca.gov/government/departments/city-manager-s-office/information-technology-city-division/gis-mapping/interactive-maps>, accessed March 2, 2022.







Source: Google Earth Pro, March 2022

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## Site Vicinity

Exhibit 2-2





## 2.2.2 SURROUNDING LAND USES

Surrounding land uses in the project area are primarily comprised of open space and residential uses as described below.

- North: Public right-of-way (San Joaquin Hills Road) and single-family residences are located to the north of the project site. These areas are designated Public Right of Way and Single-Unit Residential Detached (RS-D), and the single-family residences are zoned Planned Community 3 (Harbor View Hills).
- East: Open space uses (Canyon Watch Park and an associated parking lot) and a telecommunication gazebo (Rane Chen Monument Gazebo II) are located to the east of the project site. These areas are designated Open Space and zoned Planned Community 53 (Newport Ridge).
- South: Open space uses (Buck Gully Reserve and associated trails) are located to the south of the project site. These areas are designated Open Space and zoned Planned Community 52 (Newport Coast).
- West: Open space uses are located to the west of the project site. These areas are designated Open Space and zoned Planned Community 53 (Newport Ridge).

## 2.3 PROJECT CHARACTERISTICS

The proposed AT&T Telecom Gazebo Project (project) involves constructing AT&T Wireless telecommunication facilities in the form of a new 18-foot tall gazebo within the Harbor Watch Park. Associated telecommunication equipment would also be installed in an approximately 17-foot-deep, approximately 123-square foot underground equipment vault adjacent to the gazebo. The project would also provide additional park amenities, including park benches, a drinking fountain, access path, and landscaping to complement the existing open space and recreational environment. Each project component is described in more detail below.

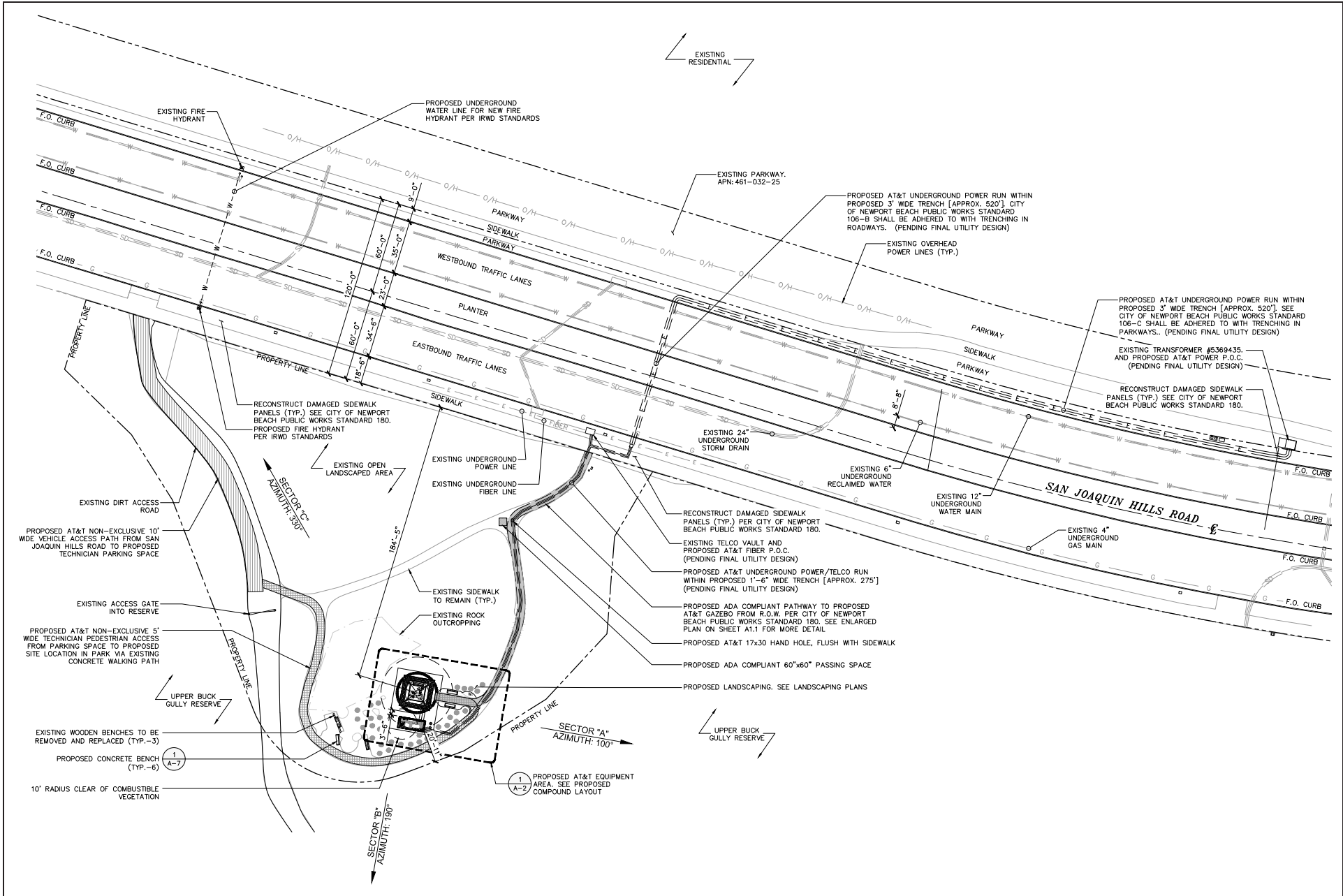
### GAZEBO

The project proposes to construct an 18-foot tall gazebo with six four-foot panel antennas within the gazebo; refer to [Exhibit 2-3, Overall Conceptual Plan](#). The gazebo would include Spanish roof tiles, transparent screens, louvered vents, steel rafters, and concrete and wood building materials; refer to [Exhibit 2-4, AT&T Gazebo Building Elevations](#). A three-foot tall weathervane is proposed to be mounted at the top of the gazebo. In total, the gazebo structure would be approximately 21 feet in height. The proposed gazebo's design would complement the existing gazebo in the adjacent Canyon Watch Park, approximately 860 feet to the east.

Associated telecommunication equipment would also be installed in an approximately 17-foot deep underground equipment vault adjacent to the gazebo; refer to [Exhibit 2-4](#) and [Exhibit 2-5, AT&T Gazebo Site Plan](#). All facilities and equipment would be screened from public view and right-of-way. Specifically, the top of the underground equipment vault would be screened with a faux rock cover aboveground with a vault hatch underneath. Additionally, all telecommunication equipment in the gazebo would be screened with the gazebo's architectural features and designs.

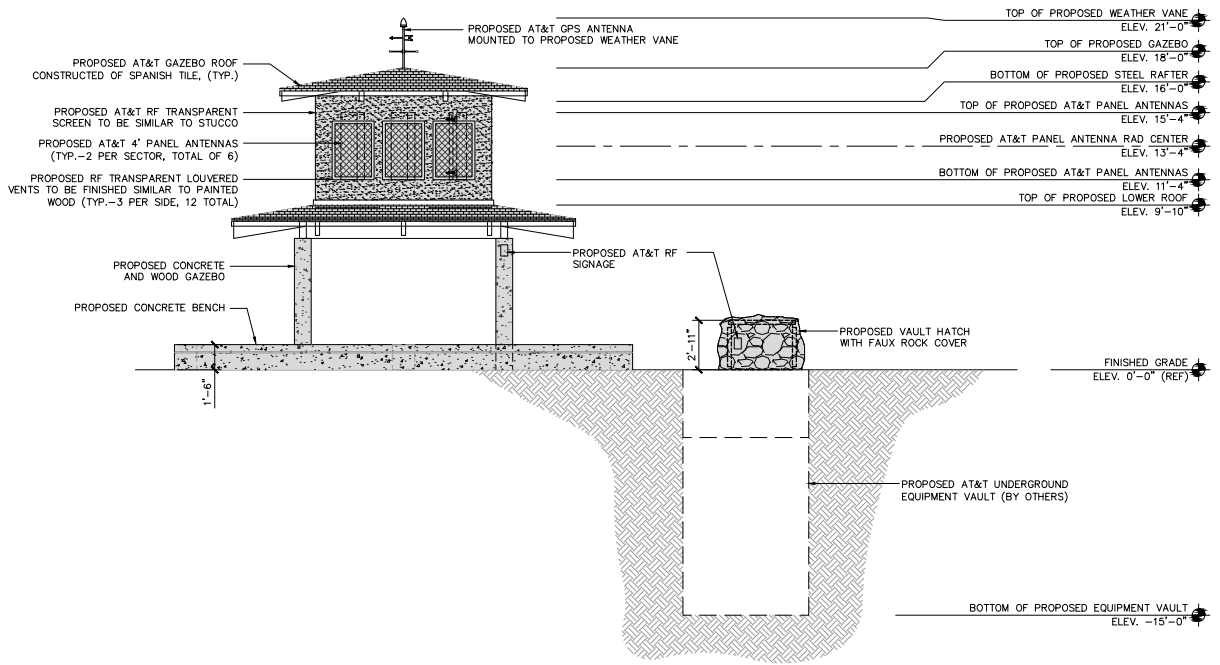
### ADDITIONAL PARK AMENITIES

The proposed project would provide several additional park amenities, including three new concrete park benches (replacing the three existing wood benches), a drinking fountain, and improvements to the existing concrete walking path and access road; refer to [Exhibit 2-5](#). The project would construct an American Disability Act (ADA) compliant pathway from the existing concrete path to the gazebo. Additionally, the project would improve the western segment of the existing concrete path to provide an AT&T non-exclusive five-foot wide technician pedestrian access path.

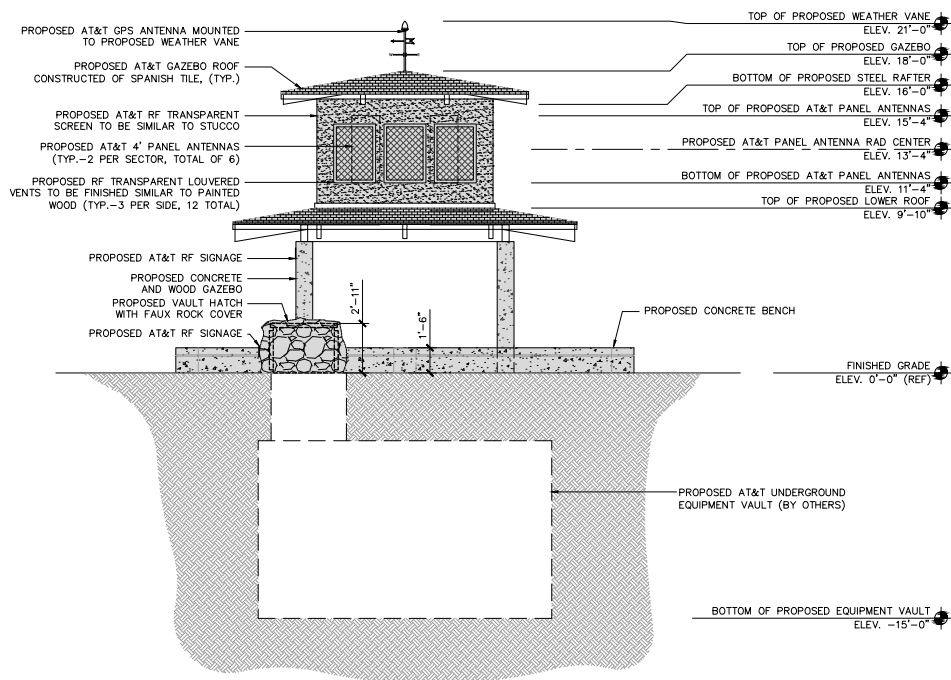


Source: Eukon, June 2021



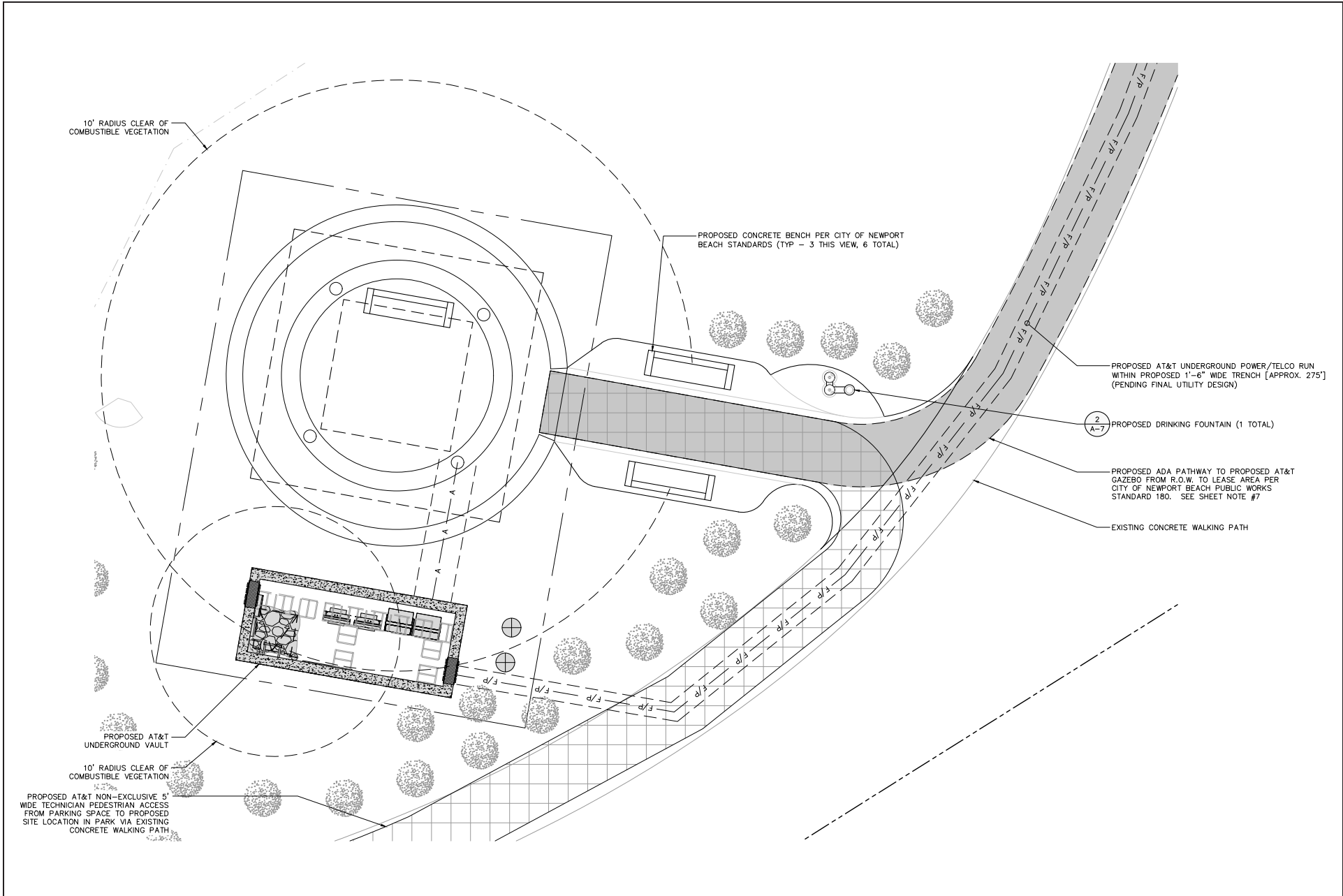


PROPOSED WEST ELEVATION



PROPOSED SOUTH ELEVATION

Source: Eukon, June 2021



Source: Eukon, June 2021



## OFF-SITE IMPROVEMENTS

As shown on [Exhibit 2-3](#), several off-site AT&T utility improvements are proposed along San Joaquin Hills Road right-of-way. Specifically, AT&T underground power runs are proposed to be installed within three-foot wide trenches from an existing transformer on the northern side of San Joaquin Hills Road. The underground utilities would be installed along approximately 520 feet of the northern side of San Joaquin Hills Road and would cross San Joaquin Hills Road to continue towards the proposed gazebo, following the existing concrete walking path for approximately 275 feet within 1.5-foot wide trenches.

The project would also reconstruct damaged sidewalk panels along both sides of San Joaquin Hills Road to meet the City of Newport Beach Public Works standards. Additionally, a new fire hydrant is proposed along the southern side of San Joaquin Hills Road and an underground water line is proposed to connect the new fire hydrant to an existing fire hydrant on the opposite side (i.e., northern side) of San Joaquin Hills Road.

## LANDSCAPING

The project would include landscaping to complement the existing open space and recreational environment. Most existing vegetation and landscaping (e.g., boulders and decomposed rock mulch) in the project area would be preserved. Limited vegetation removal is proposed as part of the project to provide a ten-foot radius clear of combustible vegetation around the proposed gazebo and underground equipment vault. A total of 2,274 square feet of California sagebrush (*Artemisia californica*) and three toyon (*Heteromeles arbutifolia*) would be removed; refer to [Exhibit 2-6, Landscape Conceptual Plan](#). The California sagebrush, toyon, and lemonadeberry (*Rhus integrifolia*) to the north of the proposed gazebo (outside of the ten-foot radius area) would be preserved. Decomposed rock mulch and boulder-scape would be installed to complement the existing and proposed landscaping.

## 2.4 CONSTRUCTION/PHASING

Construction of the proposed gazebo and improvements are anticipated to occur in a single phase with a duration of approximately four months. Construction activities would include grading, paving, construction, and painting.

## 2.5 PERMITS AND APPROVALS

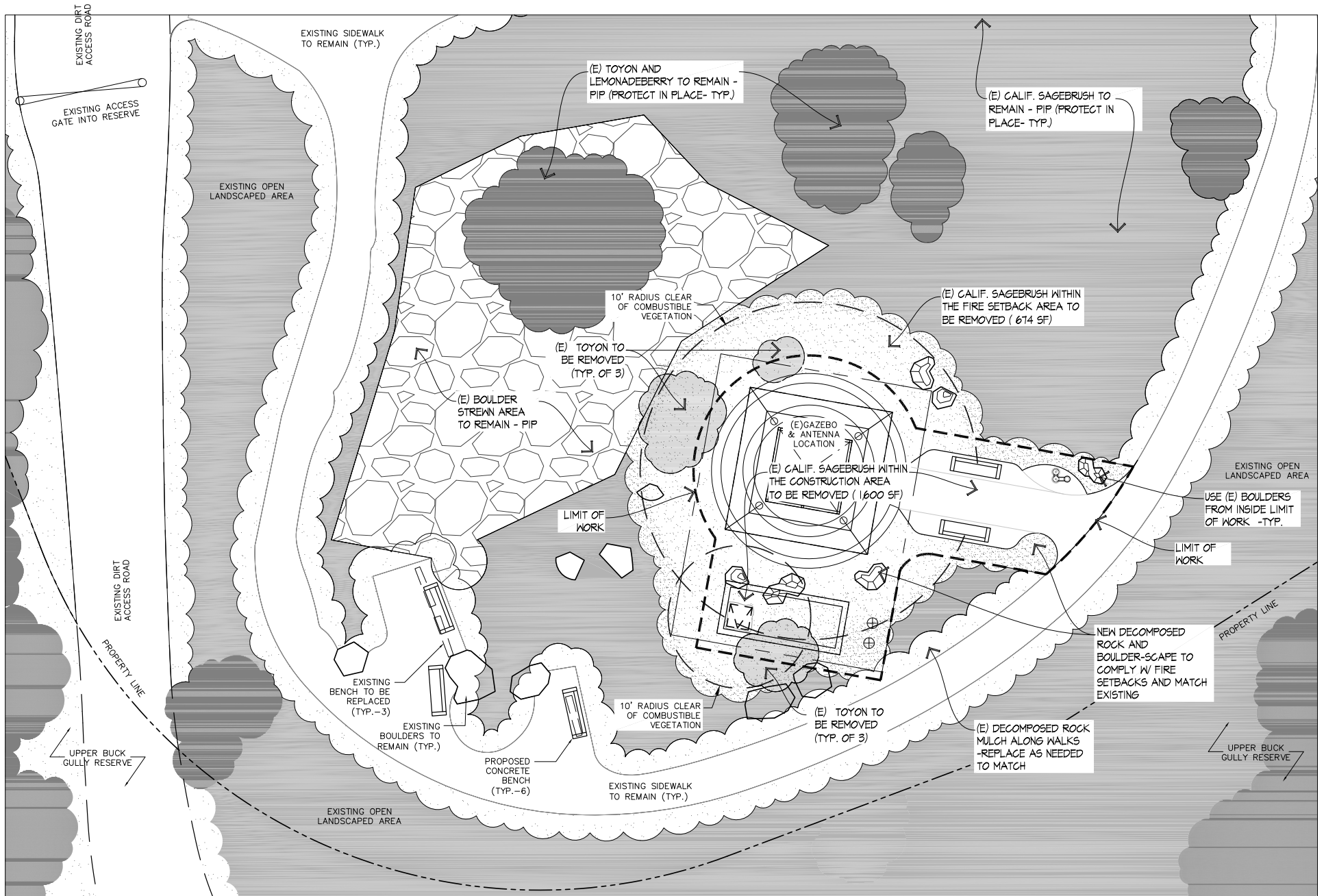
The City and other applicable agency approvals required for project implementation would include, but are not limited to, the following:

### City of Newport Beach

- California Environmental Quality Act Clearance
- Director's Determination

### U.S. Fish and Wildlife Service

- Determination of focused survey requirements for coastal California gnatcatcher
- Incidental Take Permit



Source: Eukon, June 2021



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## 3.0 INITIAL STUDY CHECKLIST

### 3.1 BACKGROUND

1.	<b>Project Title:</b> AT&T Telecom Gazebo Project
2.	<b>Lead Agency Name and Address:</b> City of Newport Beach Community Development Department 100 Civic Center Drive Newport Beach, CA 92660
3.	<b>Contact Person and Phone Number:</b> Mr. David Lee, Senior Planner 949.644.3225
4.	<b>Project Location:</b> The project site is located in the existing Harbor Watch Park at 4500 San Joaquin Hills Road (Assessor's Parcel Number (APN) 461-171-03) in the southern portion of the City.
5.	<b>Project Sponsor's Name and Address:</b> Eukon Group John Pappas, Applicant Representative 65 Post, Suite 1000 Irvine, CA 92618
6.	<b>General Plan Designation:</b> The project site is designated Open Space by the <i>City of Newport Beach General Plan</i> .
7.	<b>Zoning:</b> The project site is zoned Planned Community 53 (Newport Ridge) by the <i>City of Newport Beach Overview Map</i> .
8.	<b>Description of the Project:</b> The project proposes to construct AT&T Wireless telecommunication facilities in the form of a new 18-foot gazebo within the Harbor Watch Park. Associated telecommunication equipment would be installed in an approximately 17-foot-deep, approximately 123-square foot underground equipment vault adjacent to the gazebo. The project would also provide additional park amenities, including park benches, a drinking fountain, access path, and landscaping to complement the existing open space and recreational environment. Additional details regarding the project are provided in <a href="#">Section 2.3, <i>Project Characteristics</i></a> .
9.	<b>Surrounding Land Uses and Setting:</b> Surrounding land uses in proximity to the project site are primarily comprised of open space and residential uses. The surrounding land uses include the following: <ul style="list-style-type: none"><li>• <i>North:</i> Public Right of Way (San Joaquin Hills Road) and single-family residences are located to the north of the project site. These areas are designated Public Right of Way and Single-Unit Residential Detached (RS-D), and the single-family residences are zoned Planned Community 3 (Harbor View Hills).</li></ul>





	<ul style="list-style-type: none"> <li>• <u>East</u>: Open space uses (Canyon Watch Park and an associated parking lot) and a telecommunication gazebo (Rane Chen Monument Gazebo II) are located to the east of the project site. These areas are designated Open Space and zoned Planned Community 53 (Newport Ridge).</li> <li>• <u>South</u>: Open space uses (Buck Gully Reserve and associated trails) are located to the south of the project site. These areas are designated Open Space and zoned Planned Community 52 (Newport Coast).</li> <li>• <u>West</u>: Open space uses are located to the west of the project site. These areas are designated Open Space and zoned Planned Community 53 (Newport Ridge).</li> </ul>
10.	<p><b>Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement).</b> U.S. Fish and Wildlife Service</p>
11.	<p><b>Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?</b> In compliance with Assembly Bill (AB) 52, the City distributed letters to applicable Native American tribes to notify tribes of the opportunity to consult with the City regarding the proposed project. Refer to <u>Section 4.18, Tribal Cultural Resources</u>, for additional details.</p>

### 3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Less Than Significant Impact with Mitigation Incorporated,” as indicated by the checklist on the following pages.

	Aesthetics		Mineral Resources
	Agriculture and Forestry Resources		Noise
	Air Quality		Population and Housing
✓	Biological Resources		Public Services
✓	Cultural Resources		Recreation
	Energy	✓	Transportation
✓	Geology and Soils	✓	Tribal Cultural Resources
	Greenhouse Gas Emissions		Utilities and Service Systems
✓	Hazards and Hazardous Materials	✓	Wildfire
	Hydrology and Water Quality	✓	Mandatory Findings of Significance
	Land Use and Planning		





### 3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts associated with the proposed project. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the *CEQA Guidelines* and used by the City of Newport Beach in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- No Impact. The development will not have any measurable environmental impact on the environment.
- Less Than Significant Impact. The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.
- Less Than Significant Impact With Mitigation Incorporated. The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- Potentially Significant Impact. The development will have impacts which are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to insignificant levels.



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## 4.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts as identified in the Initial Study/Environmental Checklist. Explanations are provided for each item.

### 4.1 AESTHETICS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?			✓	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓	

#### a) *Have a substantial adverse effect on a scenic vista?*

**Less Than Significant Impact.** A scenic vista is generally defined as a view of undisturbed natural lands exhibiting a unique or unusual feature that comprises an important or dominant portion of the viewshed.<sup>1</sup> Scenic vistas may also be represented by a particular distant view that provides visual relief from less attractive views of nearby features. Other designated federal and State lands, as well as local open space or recreational areas, may also offer scenic vistas if they represent a valued aesthetic view within the surrounding landscape of nearby features.

According to the General Plan, the City’s habitat areas and open spaces are among the contributing visual resources in Newport Beach. Specifically, coastal canyons and gullies in the eastern portion of the City known as the Newport Coast/Ridge area, typify the topographic landforms that render significant views of the City, including Buck Gully, Morning Canyon, Los Trancos, Muddy Canyon, and Pelican Hill. The project site is located within the Harbor Watch Park, which is adjacent to the Buck Gully Reserve in the Newport Ridge area. Harbor Watch Park affords visitors with views of coastal canyons, the Buck Gully Reserve, and the Pacific Ocean.

During project construction, views towards the project site from other open space areas (e.g., Buck Gully Reserve and Canyon Watch Park) may be temporarily altered by construction activities. However, project construction would occur over a short duration and existing vegetation and elevational changes in the hillsides would slightly screen construction activities from these adjacent open space areas. Additionally, views of the canyon and coast from the Harbor Watch Park, Buck Gully Reserve, and Canyon Watch Park would not be blocked during construction activities.

At project completion, the Harbor Watch Park would be improved with several new park amenities, including a gazebo, concrete park benches, a drinking fountain, and improvements to the existing concrete walking path and access road.

<sup>1</sup> A viewshed is the geographical area which is visible from a particular location.



The project would also provide extensive landscaping to complement the existing open space and recreation environment, similar to existing conditions. Overall, the project would enhance the existing visual character with the proposed landscaping (i.e., decomposed rock mulch and boulder-scape) and improve the quality of Harbor Watch Park via additional park amenities, including park benches, a drinking fountain, and access path and would not adversely impact scenic vistas in the project area. Additionally, it should be noted that a gazebo of similar style and height is located in the adjacent Canyon Watch Park, approximately 860 feet to the east. Overall, long-term project impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?**

**No Impact.** There are no officially designated State scenic highways within proximity to the project site.<sup>2</sup> The nearest Officially Designated State Scenic Highway is a segment of State Route 91, located approximately 16.4 miles to the north. The nearest Eligible State Scenic Highway (not officially designated) is a segment of Pacific Coast Highway, located approximately 1.4 miles to the southwest of the project site. Given the distance, the proposed project would not affect scenic resources (i.e., trees, rock outcroppings, or historic buildings) along these scenic highways. As such, no impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less Than Significant Impact.** While Harbor Watch Park is adjacent to nearby urban uses (i.e., residential neighborhoods), Harbor Watch Park, inclusive of the project site, can be characterized as a non-urbanized open space area given its existing trail, hillsides, and natural open space areas. As such, the following analysis evaluates the project's potential to substantially degrade the existing visual character or quality of public views of the site and its surroundings.

Public views of the project site include those afforded from public sidewalks along San Joaquin Hills Road and adjacent trails within the Buck Gully Reserve to the south and Canyon Watch Park to the east.

## CONSTRUCTION

As noted above in Response 4.1(a), views towards the project site from other open space areas (e.g., Buck Gully Reserve and Canyon Watch Park) may be temporarily altered by construction activities. However, project construction would occur over a short duration and existing vegetation and elevational changes in the hillsides would slightly screen construction activities from these adjacent open space areas. Additionally, views of the canyon and coast from the Harbor Watch Park, Buck Gully Reserve, and Canyon Watch Park would not be blocked during construction activities. Thus, short-term temporary construction impacts associated with the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

<sup>2</sup> California Department of Transportation, *California State Scenic Highway System Map*, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, accessed May 24, 2022.



## OPERATIONS

On a long-term (operational) basis, a project is generally considered to have a significant visual/aesthetic impact if it substantially changes the character of the project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings. The proposed project would construct an 18-foot tall gazebo and several park amenities that would enhance the visual character of the existing Harbor Watch Park. Specifically, new concrete park benches, a drinking fountain, and improvements to the existing concrete walking path and access road would be installed. Landscaping would also be provided to complement the existing open space and recreation environment, similar to existing conditions (i.e., decomposed rock mulch and boulder-scape). The proposed improvements are typical amenities of a park and would facilitate access and safety in the project area.

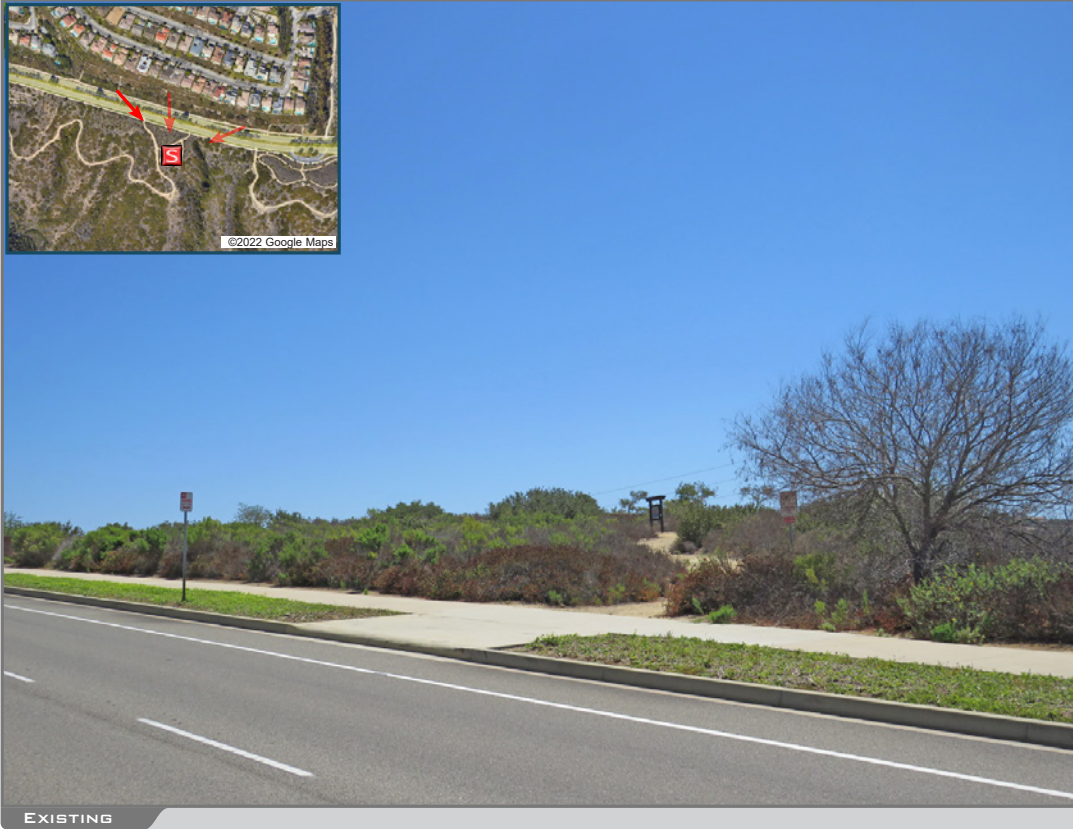
The proposed gazebo structure is the primary project component that could potentially impact the existing visual character or quality of public views of the site and its surroundings. However, as noted, a gazebo is a typical amenity of a park and an existing gazebo of similar style and height is located in the adjacent Canyon Watch Park, approximately 860 feet to the east. Further, photosimulations were prepared to depict a conceptual level of detail of existing and post-development conditions of the proposed project from three key public viewpoints along San Joaquin Hills Road.

- Key View 1. As shown on Exhibit 4.1-1, Key View 1, Key View 1 illustrates a view of the project site looking southeast (traveling eastbound) along San Joaquin Hills Road. As shown, the gazebo structure would be visible from this key view but would not degrade the visual character or quality of the existing view towards the site or general project area. The gazebo is a typical park amenity that would be reasonably developed in this location of the Harbor Watch Park. Additionally, scenic views of the Buck Gully Reserve, canyons, and coast to the south are not afforded from this location given existing elevational changes and vegetation. Thus, the proposed gazebo would not obstruct scenic views in the project area from this viewpoint.
- Key View 2. Exhibit 4.1-2, Key View 2, illustrates a view of the project site looking southwest (traveling westbound) along San Joaquin Hills Road. Similar to Key View 1, the gazebo structure is visible from this key view but would not degrade the visual character of the project site. As previously stated, a gazebo is a typical park amenity that would be reasonably developed at this location within Harbor Watch Park and there is an existing gazebo of similar style and height in the adjacent Canyon Watch Park to the east, which is also visible from San Joaquin Hills Road. Further, scenic views of the canyons and coast to the south are not afforded from this key view given existing topography and vegetation. Thus, the project would not obstruct scenic views in the project area from this viewpoint.
- Key View 3. As shown on Exhibit 4.1-3, Key View 3, Key View 3 illustrates a view of the project site looking south (traveling eastbound) along San Joaquin Hills Road. The top of the gazebo structure would be visible from this viewpoint. However, as stated, the gazebo would not obstruct any scenic views of the canyons or coast further to the south. Additionally, existing telephone poles and lines protrude from the tree line and are taller than the proposed gazebo structure from this viewpoint. As such, the gazebo structure would not degrade the existing visual character or quality of the project area from this viewpoint.

Overall, the project's potential to substantially degrade the existing visual character or quality of public views of the site and its surroundings would be less than significant.

**Mitigation Measures:** No mitigation measures are required.





EXISTING



PROPOSED      LOOKING SOUTHEAST FROM SAN JOAQUIN HILLS ROAD

Source: Artistic Engineering, 2022



EXISTING



PROPOSED      LOOKING SOUTHWEST FROM SAN JOAQUIN HILLS ROAD

Source: Artistic Engineering, 2022





EXISTING



PROPOSED      LOOKING SOUTH FROM SAN JOAQUIN HILLS ROAD

Source: Artistic Engineering, 2022



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

**Less Than Significant Impact.** There are two primary sources of light: light emanating from building interiors that pass through windows and light from exterior sources (i.e., street lighting, parking lot lighting, building illumination, security lighting, and landscape lighting). Light introduction can be a nuisance to adjacent uses and diminish the view of the clear night sky. There are no existing lighting sources within Harbor Watch Park. Light and glare in the project vicinity are primarily associated with nearby residential neighborhoods, including vehicular headlights, streetlights, and private residences.

Project construction could involve temporary light and glare impacts as a result of construction equipment and materials. However, based on the project's limited construction duration and scope of activities, these sources of light and glare would not be substantial. Pursuant to Municipal Code Section 10.28.040, *Construction Activity – Noise Regulation*, all construction activities associated with the proposed project shall be limited to the hours between 7:00 a.m. and 6:30 p.m. on weekdays and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays. No construction activities would occur on Sunday or federal holidays. As such, construction activities would not occur during nighttime and would not require nighttime lighting. Overall, short-term construction light and glare impacts would be less than significant.

The project does not propose any light fixtures that could generate new sources of light or glare within the Harbor Watch Park. Thus, long-term operational impacts in this regard would not occur.

**Mitigation Measures:** No mitigation measures are required.



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## 4.2 AGRICULTURE AND FORESTRY RESOURCES

<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 122220(g)), timberland as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?				✓

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

**No Impact.** Based on the California Department of Conservation’s Important Farmland Finder, the project site is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.<sup>1</sup> The project site is currently utilized as a recreational trail/park and no active agricultural uses occur on-site. Project implementation would provide additional park amenities on the trail and would not change the site’s current land use. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**No Impact.** The project site is zoned Planned Community 53 (Newport Ridge) and is not covered under an existing Williamson Act contract.<sup>2</sup> Thus, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

<sup>1</sup> California Department of Conservation, *Farmland Mapping and Monitoring Program, California Important Farmland Finder*, <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed April 8, 2022.

<sup>2</sup> California Department of Conservation, *State of California Williamson Act Contract Land*, 2017.



- c) ***Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 122220(g)), timberland as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?***

**No Impact.** The project site is zoned Planned Community 53 (Newport Ridge) and is not occupied or used for forest land, timberland, or timberland production. Further, project implementation would not result in the rezoning of forest land, timberland, or timberland zoned timberland production. No impact would occur.

**Mitigation Measures:** No mitigation measures are required.

- d) ***Result in the loss of forest land or conversion of forest land to non-forest use?***

**No Impact.** Refer to Response 4.2(c). No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- e) ***Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?***

**No Impact.** Refer to Responses 4.2(a) through 4.2(d). No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.



### 4.3 AIR QUALITY

<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			✓	
c. Expose sensitive receptors to substantial pollutant concentrations?			✓	
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				✓

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

**Less Than Significant Impact.** The project is located within the South Coast Air Basin (Basin), which is governed by the South Coast Air Quality Management District (SCAQMD). Consistency with the SCAQMD *2022 Air Quality Management Plan for the South Coast Air Basin (2022 AQMP)* means that a project is consistent with the goals, objectives, and assumptions set forth in the 2022 AQMP that are designed to achieve Federal and State air quality standards. The 2022 AQMP utilizes information and data from the Southern California Association of Government (SCAG) *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS)*. As such, this consistency analysis is based off the 2022 AQMP and 2020-2045 RTP/SCS. According to the SCAQMD *CEQA Air Quality Handbook*, to determine consistency with the 2022 AQMP, two main criteria must be addressed:

**Criterion 1:**

With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

**a) Would the project result in an increase in the frequency or severity of existing air quality violations?**

Since the consistency criteria identified under the first criterion pertains to pollutant concentrations, rather than to total regional emissions, an analysis of the project's pollutant emissions relative to localized pollutant concentrations is used as the basis for evaluating project consistency. As discussed in Response 4.3(c), localized concentrations of carbon monoxide (CO), nitrogen oxide (NO<sub>x</sub>), particulate matter less than 10 microns in diameter (PM<sub>10</sub>), and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) would be less than significant during project construction and operation. Therefore, the proposed project would not result in an increase in the frequency or severity of existing air quality violations.

**b) Would the project cause or contribute to new air quality violations?**

As discussed in Response 4.3(b), the proposed project would result in emissions that are below SCAQMD thresholds. Therefore, the proposed project would not have the potential to cause or affect a violation of the ambient air quality standards and would result in a less than significant impact.





**c) *Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?***

The proposed project would result in less than significant impacts with regard to regional and localized concentrations during project construction; refer to Responses 4.3(b) and 4.3(c). Further, the project would generate minimal operational emissions. As such, the proposed project would not delay the timely attainment of air quality standards or AQMP emissions reductions.

**Criterion 2:**

With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning within the Basin focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Thus, the SCAQMD's second criterion for determining project consistency focuses on whether or not the proposed project exceeds the assumptions utilized in preparing the forecasts presented in the AQMP. Determining whether or not a project exceeds the assumptions reflected in the AQMP involves the evaluation of the three criteria outlined below. The following discussion provides an analysis of each of these criteria.

**a) *Would the project be consistent with the population, housing, and employment growth projections utilized in the preparation of the AQMP?***

Growth projections included in the 2022 AQMP form the basis for the projections of air pollutant emissions and are based on general plan land use designations and SCAG's 2020-2045 RTP/SCS demographics forecasts. The population, housing, and employment forecasts within the 2020-2045 RTP/SCS are based on local general plans as well as input from local governments, such as the City of Newport Beach. The SCAQMD has incorporated these same demographic growth forecasts for various socioeconomic categories (e.g., population, housing, employment) into the 2022 AQMP.

Based on the General Plan, Zoning Map, and *City of Newport Beach GIS Map Viewer*, the project site is designated Open Space (OS) and zoned Planned Community 53 (Newport Ridge). According to the General Plan, the OS designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources. The *Newport Ridge Planned Community Program* (Newport Ridge PCP) identifies the general locations and types of land uses, defines standards for development, and provides for innovation community design concepts and site planning, consistent with orderly development of a mixed use community and protection of sensitive and natural resources. The proposed development would be consistent with the General Plan, Zoning Map, and Newport Ridge PCP; refer to [Section 4.11, \*Land Use and Planning\*](#). Furthermore, given the nature of the development, the project would not result in direct or indirect population growth and, therefore, would not affect Citywide plans for population growth at the project site. Additionally, the project would require minimal maintenance during operation that would be conducted by existing AT&T maintenance workers, and therefore would not increase employment. Thus, the proposed project is consistent with the types, intensity, and patterns of land use envisioned for the site in the 2020-2045 RTP/SCS. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the City; these are used by SCAG in all phases of implementation and review. Additionally, as the SCAQMD has incorporated these same projections into the 2022 AQMP, it can be concluded that the proposed project would be consistent with the projections.

**b) *Would the project implement all feasible air quality mitigation measures?***

The proposed project would result in less than significant air quality impacts. Compliance with all feasible emission reduction measures identified by SCAQMD would be required as identified in Responses 4.3(b) and 4.3(c). As such, the proposed project meets this AQMP consistency criterion.





**c) *Would the project be consistent with the land use planning strategies set forth in the AQMP?***

Land use planning strategies set forth in the 2022 AQMP are primarily based on the 2020-2045 RTP/SCS. As discussed above, the project would be consistent with the site's General Plan land use designation and zoning. As such, the proposed project meets this AQMP consistency criterion.

In conclusion, the determination of 2022 AQMP consistency is primarily concerned with long-term influence of a project on air quality in the Basin. The proposed project would not result in long-term impact on the region's ability to meet State and federal air quality standards. Further, the proposed project's long-term influence on air quality in the Basin would also be consistent with the SCAQMD and SCAG's goals and policies and is considered consistent with the 2022 AQMP.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.**

**Criteria Pollutants**

Carbon Monoxide (CO). Carbon monoxide (CO) is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions. CO replaces oxygen in the body's red blood cells. Individuals with a deficient blood supply to the heart, patients with diseases involving heart and blood vessels, fetuses (unborn babies), and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes are most susceptible to the adverse effects of CO exposure. People with heart disease are also more susceptible to developing chest pains when exposed to low levels of CO.

Ozone (O<sub>3</sub>). O<sub>3</sub> occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratospheric (the "good" O<sub>3</sub> layer) extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays. "Bad" O<sub>3</sub> is a photochemical pollutant, and needs volatile organic compounds (VOCs), NO<sub>x</sub>, and sunlight to form; therefore, VOCs and NO<sub>x</sub> are O<sub>3</sub> precursors. To reduce O<sub>3</sub> concentrations, it is necessary to control the emissions of these O<sub>3</sub> precursors. Significant O<sub>3</sub> formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High O<sub>3</sub> concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While O<sub>3</sub> in the upper atmosphere (stratosphere) protects the earth from harmful ultraviolet radiation, high concentrations of ground-level O<sub>3</sub> (in the troposphere) can adversely affect the human respiratory system and other tissues. O<sub>3</sub> is a strong irritant that can constrict the airways, forcing the respiratory system to work hard to deliver oxygen. Individuals exercising outdoors, children, and people with pre-existing lung disease such as asthma and chronic pulmonary lung disease are considered to be the most susceptible to the health effects of O<sub>3</sub>. Short-term exposure (lasting for a few hours) to O<sub>3</sub> at elevated levels can result in aggravated respiratory diseases such as emphysema, bronchitis and asthma, shortness of breath, increased susceptibility to infections, inflammation of the lung tissue, increased fatigue, as well as chest pain, dry throat, headache, and nausea.

Nitrogen Dioxide (NO<sub>2</sub>). Nitrogen dioxide (NO<sub>2</sub>), often used interchangeably with NO<sub>x</sub>, is a reddish-brown gas that can cause breathing difficulties at elevated levels. NO<sub>x</sub> are a family of highly reactive gases that are a primary precursor to the formation of ground-level O<sub>3</sub> and react in the atmosphere to form acid rain. Peak readings of NO<sub>2</sub> occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other



industrial operations). NO<sub>2</sub> can irritate and damage the lungs and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO<sub>2</sub> concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO<sub>2</sub> may aggravate eyes and mucus membranes and cause pulmonary dysfunction.

Coarse Particulate Matter (PM<sub>10</sub>). PM<sub>10</sub> refers to suspended particulate matter, which is smaller than 10 microns or ten one-millionths of a meter. PM<sub>10</sub> arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM<sub>10</sub> scatters light and significantly reduces visibility. In addition, these particulates penetrate into lungs and can potentially damage the respiratory tract. On June 19, 2003, the California Air Resources Board (CARB) adopted amendments to the Statewide 24-hour particulate matter standards based upon requirements set forth in the Children's Environmental Health Protection Act (Senate Bill 25).

Fine Particulate Matter (PM<sub>2.5</sub>). Due to recent increased concerns over health impacts related to fine particulate matter (particulate matter 2.5 microns in diameter or less), both State and Federal PM<sub>2.5</sub> standards have been created. Particulate matter impacts primarily affect infants, children, the elderly, and those with pre-existing cardiopulmonary disease. In 1997, the U.S. Environmental Protection Agency (EPA) announced new PM<sub>2.5</sub> standards. Industry groups challenged the new standard in court and the implementation of the standard was blocked. However, upon appeal by the EPA, the United States Supreme Court reversed this decision and upheld the EPA's new standards. On January 5, 2005, the EPA published a Final Rule in the Federal Register that designates the Basin as a nonattainment area for Federal PM<sub>2.5</sub> standards. On June 20, 2002, CARB adopted amendments for Statewide annual ambient particulate matter air quality standards. These standards were revised/established due to increasing concerns by CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current State standards during some parts of the year, and the Statewide potential for significant health impacts associated with particulate matter exposure was determined to be large and wide-ranging. Lastly, on March 7, 2017, CARB released its revised 2016 State Strategy for the State Implementation Plan (State SIP Strategy), describing the proposed commitment to achieve the reductions necessary from mobile sources, fuels, and consumer products to meet federal ozone and PM<sub>2.5</sub> standards over the next 15 years.

Sulfur Dioxide (SO<sub>2</sub>). Sulfur dioxide (SO<sub>2</sub>) is a colorless, irritating gas with a rotten egg smell; it is formed primarily by the combustion of sulfur-containing fossil fuels. Sulfur dioxide is often used interchangeably with sulfur oxides (SO<sub>x</sub>). Exposure of a few minutes to low levels of SO<sub>2</sub> can result in airway constriction in some asthmatics.

Volatile Organic Compounds (VOC). Volatile organic compounds (VOC's) are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form O<sub>3</sub> to the same extent when exposed to photochemical processes. VOCs often have an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include CO, CO<sub>2</sub>, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. Due to the role VOC plays in O<sub>3</sub> formation, it is classified as a precursor pollutant and only a regional emissions threshold has been established. The SCAQMD uses the terms VOC and ROG (see below) interchangeably.

Reactive Organic Gases (ROG). Similar to VOC, reactive organic gases (ROG) are also precursors in forming O<sub>3</sub> and consist of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and nitrogen oxides react in the presence of sunlight. ROG's are a criteria pollutant since they are a precursor to O<sub>3</sub>, which is a criteria pollutant. The SCAQMD uses the terms ROG and VOC (see above) interchangeably.



## Short-Term (Construction) Emissions

### Construction Emissions

The proposed project involves constructing AT&T Wireless telecommunication facilities in the form of a new 18-foot tall gazebo within the Harbor Watch Park. Associated telecommunication equipment would also be installed in an approximately 17-foot-deep, approximately 123-square foot underground equipment vault adjacent to the gazebo. The project would also provide additional park amenities, including park benches, a drinking fountain, access path, and landscaping to complement the existing open space and recreational environment. Construction of the proposed project is anticipated to commence in September 2023 and last for approximately four months, ending in January 2024. Grading would require approximately 2,800 cubic yards of cut and 500 cubic yards of fill, resulting in approximately 2,300 cubic yards of soil export. Table 4.3-1, Project-Generated Construction Emissions, provides the construction emissions associated with the project. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced on-site as the equipment is used, and emissions from trucks transporting materials to and from the site. Exhaust emission factors for typical diesel-powered heavy equipment are based on the California Emissions Estimator Model version 2020.4.0. (CalEEMod) program defaults. Variables factored into estimating the total construction emissions include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on- or off-site. The analysis of daily construction emissions has been prepared utilizing CalEEMod. Refer to Appendix A, Air Quality/Greenhouse Gas/Energy Data, for the CalEEMod outputs and results.

**Table 4.3-1  
Project-Generated Construction Emissions**

Emissions Source	Pollutant (pounds/day) <sup>1,2</sup>					
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Construction Emissions</b>						
Year 1	2.20	20.59	16.61	0.04	3.37	1.83
Year 2	0.60	6.02	7.14	0.01	0.31	0.27
<b>Maximum Daily Emissions</b>	<b>2.20</b>	<b>20.59</b>	<b>16.61</b>	<b>0.04</b>	<b>3.37</b>	<b>1.83</b>
SCAQMD Thresholds	75	100	550	150	150	55
<b>Is Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Notes: ROG = reactive organic gas; NO <sub>x</sub> = nitrous oxide; CO = carbon monoxide; SO <sub>2</sub> = sulfur dioxide; PM <sub>10</sub> = coarse particulate matter; PM <sub>2.5</sub> = fine particulate matter 1. Emissions were calculated using CalEEMod, version 2020.4.0. Winter emissions represent the worst-case. 2. Modeling assumptions include compliance with SCAQMD Rule 403 which requires: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour.						
Source: Refer to <u>Appendix A</u> for detailed model input/output data.						

### Fugitive Dust Emissions

Construction activities are a source of fugitive dust emissions that may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project area. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill, and truck travel on unpaved roadways (typically during demolition and construction activities). Fugitive dust emissions vary substantially from day to day, depending on the level of activity, specific operations, and weather conditions. Fugitive dust from grading, excavation



and construction is expected to be short-term and would cease upon project completion. These short-term impacts, however, would not be significant for the reasons discussed below.

Dust (larger than 10 microns) generated by such activities usually becomes more of a local nuisance than a serious health problem. Of particular health concern is the amount of PM<sub>10</sub> generated as a part of fugitive dust emissions. PM<sub>10</sub> poses a serious health hazard alone or in combination with other pollutants. PM<sub>2.5</sub> is mostly produced by mechanical processes. These include automobile tire wear, industrial processes such as cutting and grinding, and re-suspension of particles from the ground or road surfaces by wind and human activities such as construction or agriculture. PM<sub>2.5</sub> is mostly derived from combustion sources, such as automobiles, trucks, and other vehicle exhaust, as well as from stationary sources. These particles are either directly emitted or are formed in the atmosphere from the combustion of gases such as NO<sub>x</sub> and SO<sub>x</sub> combining with ammonia. PM<sub>2.5</sub> components from material in the earth's crust, such as dust, are also present, with the amount varying in different locations.

The project would implement required SCAQMD dust control techniques (i.e., daily watering), limitations on construction hours, and adhere to SCAQMD Rules 402 and 403 (which require watering of inactive and perimeter areas, track out requirements, etc.), to reduce PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. As depicted in [Table 4.3-1](#), total PM<sub>10</sub> and PM<sub>2.5</sub> emissions would not exceed the SCAQMD thresholds during construction. Thus, PM<sub>10</sub> and PM<sub>2.5</sub> emissions impacts associated with project construction would be less than significant.

#### Construction Equipment and Worker Vehicle Exhaust

Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, employee commutes to the project site, emissions produced on-site as equipment is used, and emissions from trucks transporting materials to/from the site. As presented in [Table 4.3-1](#), construction equipment and worker vehicle exhaust emissions would not exceed the established SCAQMD threshold for all criteria pollutants. Therefore, impacts in this regard would be less than significant.

#### ROG Emissions

In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O<sub>3</sub> precursors. In accordance with the methodology prescribed by the SCAQMD, the ROG emissions associated with paving and architectural coating have been quantified with the CalEEMod model. As required, all architectural coatings for the proposed project structures would comply with SCAQMD Rule 1113 – Architectural Coating. Rule 1113 provides specifications on painting practices as well as regulates the ROG content of paint. ROG emissions associated with the proposed project would be less than significant; refer to [Table 4.3-1](#).

#### Naturally Occurring Asbestos

Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by State, federal, and international agencies and was identified as a toxic air contaminant by CARB in 1986.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. All of these activities may have the effect of releasing potentially harmful asbestos into the air. Natural weathering and erosion processes can act on asbestos bearing rock and make it easier for asbestos fibers to become airborne if such rock is disturbed. According to the Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to*



Contain Naturally Occurring Asbestos Report, serpentinite and ultramafic rocks are not known to occur within the project area.<sup>1</sup> Thus, there would be no impact in this regard.

### Long-Term (Operational) Emissions

Long-term air quality impacts occur from mobile source emission generated from project-related traffic and from stationary source emissions generated from natural gas. The proposed project would involve the construction of gazebo with an associated telecommunication equipment in an underground equipment vault adjacent to the gazebo.

Maintenance activities would be minimal during project operation. Stationary area source emissions are typically generated by the consumption of natural gas for space and water heating devices and the use of consumer products. As the project involves construction of AT&T Wireless telecommunication facility gazebo with associated telecommunication equipment, space and water heating devices would not be used. Additionally, the consumption of consumer products would be minimal. All equipment associated with the project would be electrically-powered and would not directly generate air emissions. The proposed project would not use any generator on-site that would generate emissions. Additionally, the project would install a battery as a backup during emergencies. As such, project operations would generate minimal emissions and would not exceed SCAQMD thresholds. Similarly, the project would not violate an air quality standard or contribute to an existing violation. Therefore, project operations would not result in a cumulatively considerable net increase of any criteria pollutant and impacts would be less than significant.

### Air Quality Health Impacts

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individual [e.g., age and gender]). In particular, O<sub>3</sub> precursors, VOCs and NO<sub>x</sub>, affect air quality on a regional scale. Health effects related to O<sub>3</sub> are therefore the product of emissions generated by numerous sources throughout a region. Existing models have limited sensitivity to small changes in criteria pollutant concentrations, and, as such, translating project-generated criteria pollutants to specific health effects or additional days of nonattainment would produce meaningless results. In other words, the project's less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.

As noted in the Brief of Amicus Curiae by the SCAQMD (April 6, 2015) for the *Sierra Club vs. County of Fresno*, the SCAQMD acknowledged it would be extremely difficult, if not impossible to quantify health impacts of criteria pollutants for various reasons including modeling limitations as well as where in the atmosphere air pollutants interact and form. Further, as noted in the Brief of Amicus Curiae by the San Joaquin Valley Air Pollution Control District (SJVAPCD) (April 13, 2015) for the *Sierra Club vs. County of Fresno*, SJVAPCD has acknowledged that currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's air emissions and specific human health impacts.

The SCAQMD acknowledges that health effects quantification from O<sub>3</sub>, as an example is correlated with the increases in ambient level of O<sub>3</sub> in the air (concentration) that an individual person breathes. SCAQMD's Brief of Amicus Curiae states that it would take a large amount of additional emissions to cause a modeled increase in ambient O<sub>3</sub> levels over the entire region. The SCAQMD states that based on their own modeling in the SCAQMD's 2012 *Air Quality Management Plan*, a reduction of 432 tons (864,000 pounds) per day of NO<sub>x</sub> and a reduction of 187 tons (374,000 pounds) per day of VOCs would reduce O<sub>3</sub> levels at highest monitored site by only nine parts per billion. As such, the SCAQMD concludes that it is not currently possible to accurately quantify O<sub>3</sub>-related health impacts caused by NO<sub>x</sub> or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. Thus, as the project would not exceed SCAQMD thresholds for construction emissions, and

<sup>1</sup> California Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report*, August 2000.





operational air emissions would be minimal, the project would have a less than significant impact for air quality health impacts.

## Conclusion

As summarized above, the project's short-term construction emissions would be below the SCAQMD thresholds and would result in a less than significant impact. Furthermore, the project would not result in significant long-term air quality impacts, as emissions would be minimal. Thus, the project's construction and operational emissions would not contribute to a cumulatively considerable air quality impact for nonattainment criteria pollutants in the Basin. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

### c) ***Expose sensitive receptors to substantial pollutant concentrations?***

**Less Than Significant Impact.** Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The nearest sensitive receptor is a residential property located approximately 310 feet north of the proposed project construction limits.

## Localized Significance Thresholds

Localized Significance Thresholds (LST) were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with project-specific level proposed projects. The SCAQMD provides the LST lookup tables for one-, two-, and five-acre projects emitting CO, NO<sub>x</sub>, PM<sub>2.5</sub>, or PM<sub>10</sub>. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The project is located within Sensitive Receptor Area (SRA) 18, North Coastal Orange County.

Based on the CalEEMod results, the project would disturb less than an acre over 10 days (less than an acre per day); therefore, the LST thresholds for one acre were conservatively utilized for the construction LST analysis. It is noted that an operational LST analysis was not prepared, as project operational emissions would not change from existing emissions. As noted above, the closest sensitive receptor to the project site is a residential property located approximately 310 feet (or 94 meters) to the north of the project's construction limits. This sensitive land use may be potentially affected by air pollutant emissions generated during on-site construction activities. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. As the nearest sensitive use is approximately 94 meters away, the LST values of 50 meters were conservatively utilized. Table 4.3-2, Localized Significance of Emissions, shows the construction-related emissions for NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> compared to the LSTs for SRA 18, North Coastal Orange County. As shown in Table 4.3-2, the short-term (approximately four months) construction emissions would not exceed the LSTs for SRA 18. Therefore, localized significance impacts from construction would be less than significant.



**Table 4.3-2  
Localized Significance of Emissions**

Source <sup>1</sup>	Emissions (pounds/day) <sup>1</sup>			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Year 1 <sup>2</sup>	10.18	7.10	2.40	1.34
Year 2 <sup>3</sup>	5.97	7.07	0.82	0.26
<b>Maximum Daily Emissions</b>	<b>10.18</b>	<b>7.10</b>	<b>2.40</b>	<b>1.34</b>
SCAQMD Localized Significance Threshold <sup>4</sup>	93	738	13	5
<b>Thresholds Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Notes: NO <sub>x</sub> = nitrous oxide; CO = carbon monoxide; PM <sub>10</sub> = coarse particulate matter; PM <sub>2.5</sub> = fine particulate matter				
1. Modeling assumptions include compliance with SCAQMD Rule 403 which requires properly maintaining mobile and other construction equipment; replacing ground cover in disturbed areas quickly; watering exposed surfaces three times daily; covering stockpiles with tarps; watering all haul roads twice daily; and limiting speeds on unpaved roads to 15 miles per hour.				
2. Year 1 (2023) grading phase emissions present the worst-case scenario for NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> and building construction phase emissions present the worst-case scenario for CO.				
3. Year 1 (2024) building construction phase emissions present the worst-case scenario for NO <sub>x</sub> , CO, PM <sub>10</sub> , and PM <sub>2.5</sub> .				
4. The Localized Significance Threshold was determined using Appendix C of the SCAQMD's <i>Final Localized Significant Threshold Methodology</i> guidance document for NO <sub>x</sub> , CO, PM <sub>10</sub> , and PM <sub>2.5</sub> . The Localized Significance Threshold was based on the anticipated daily acreage disturbance for construction (the thresholds for one acre were utilized), the distance to sensitive receptors (50 meters), and Source Receptor Area 18.				
Source: Refer to <u>Appendix A</u> for detailed model input/output data.				

### Carbon Monoxide Hotspots

CO emissions are a function of vehicle idling time, meteorological, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (e.g., adversely affecting residents, school children, hospital patients, and the elderly).

The Basin is designated as an attainment/maintenance area for the Federal CO standards and an attainment area under State standards. There has been a decline in CO emissions even though vehicle miles traveled (VMT) on U.S. urban and rural roads have increased; estimated anthropogenic CO emissions have decreased 68 percent between 1990 and 2014. In 2014, mobile sources accounted for 82 percent of the nation's total anthropogenic CO emissions.<sup>2</sup> Three major control programs have contributed to the reduced per-vehicle CO emissions, including exhaust standards, cleaner burning fuels, and motor vehicle inspection/maintenance programs.

According to the SCAQMD *CEQA Air Quality Handbook*, a potential CO hotspot may occur at any location where the background CO concentration already exceeds 9.0 parts per million (ppm), which is the 8-hour California ambient air quality standard. The closest monitoring station to the project site that monitors CO concentration is the Mission Viejo Station (26081 Via Pera, Mission Viejo, CA 92691), located approximately 9.7 miles northeast of the project site. The maximum CO concentration at the Mission Viejo Station was measured at 1.009 ppm in 2021.<sup>3</sup> Given that the background CO concentration does not currently exceed 9.0 ppm, a CO hotspot would not occur at the project site. Therefore, CO hotspot impacts would be less than significant in this regard.

<sup>2</sup> United States Environmental Protection Agency, *Carbon Monoxide Emissions*, [https://cfpub.epa.gov/roe/indicator\\_pdf.cfm?i=10](https://cfpub.epa.gov/roe/indicator_pdf.cfm?i=10), accessed August 12, 2022.

<sup>3</sup> California Air Resources Board, *Air Quality Data*, <https://www.arb.ca.gov/aqmis2/aqdselect.php?tab=specialrpt>, accessed August 12, 2022.



### Localized Air Quality Health Impacts

As evaluated above, the project's air emissions would not exceed the SCAQMD's LST thresholds and CO hotpots would not occur as a result of the proposed project. Therefore, the project would not exceed the most stringent applicable federal or State ambient air quality standards for emissions of CO, NO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. It should be noted that the ambient air quality standards are developed and represent levels at which the most susceptible persons (children and the elderly) are protected. In other words, the ambient air quality standards are purposefully set in a stringent manner to protect children, elderly, and those with existing respiratory problems. Thus, the project would not result in localized air quality health impacts.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project involves construction of a gazebo and telecommunication equipment and does not include any uses identified by the SCAQMD as being associated with odors.

Construction activities associated with the project may generate detectable odors from heavy-duty equipment exhaust and architectural coating. However, construction-related odors would be short-term in nature and cease upon project completion. In addition, the project would be required to comply with the California Code of Regulations, *Title 13, Sections 2449(d)(3) and 2485*, which minimizes the idling time of construction equipment either by requiring equipment to be shut off when not in use or limiting idling time to no more than five minutes. Compliance with these existing regulations would further reduce the detectable odors from heavy-duty equipment exhaust. The project would also be required to comply with the SCAQMD Regulation XI, *Rule 1113 – Architectural Coating*, which would minimize odor impacts from ROG emissions during architectural coating. Any odor impacts to existing adjacent land uses would be short-term and negligible. As such, the project would not result in other emissions, such as those leading to odors adversely affecting a substantial number of people. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.



## 4.4 BIOLOGICAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓		
c. Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		✓		

The information presented in this analysis is primarily based on the *Results of a Biological Resources Assessment for the Proposed AT&T Telecom Gazebo Project – City of Newport Beach, Orange County, California* (Biological Resources Assessment), prepared by Michael Baker International and dated August 1, 2022; refer to [Appendix B, Biological Resources Assessment](#).

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

***Less Than Significant Impact With Mitigation Incorporated.*** A Biological Resources Assessment was prepared for the project and included a literature review and records search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CIRP), and the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation Project Planning Tool (IPaC). The records search encompassed three United States Geologic Survey (USGS) 7.5-minute quadrangles, including the *Laguna Beach, Newport Beach, and Tustin, California* quadrangles. A search of the National Marine Fisheries Service (NMFS) West Coast Region database was also conducted but species were not analyzed for presence due to the entirely terrestrial nature of the project site. In addition, Michael Baker reviewed publicly available reports, survey results, and literature detailing the biological resources previously observed



on or within the vicinity of the project site, including the USFWS Critical Habitat Mapper and Environmental Conservation Online System, U.S. Department of Agriculture *Custom Soil Resource Report for Orange County and Part of Riverside County, California*, Cornell Lab of Ornithology's *Birds of the World Species Accounts*, and historic/current aerial photographs.

A field survey/habitat assessment was also conducted to observe existing biological resource conditions. The entire project site as well as areas within a 500-foot buffer (survey area) were surveyed; refer to Biological Resources Assessment Figure 2, *Survey Area*. Based on the field survey, the overall survey area and project site are a mixture of developed and undeveloped land uses. The project site consists of an undeveloped plot surrounded by a concrete trail. However, the larger survey area surrounding the project site consists of undeveloped slopes associated with Harbor Watch Park and the Buck Gully Reserve to the south, contrasted with a major local road (i.e., San Joaquin Hills Road) and the Spyglass Hill residential neighborhood to the north.

A total of three natural vegetation communities were observed and mapped within the boundaries of the survey area during the field survey: California buckwheat scrub (*Eriogonum fasciculatum* Shrubland Alliance), California sagebrush – black sage scrub (*Artemisia californica* – *Salvia mellifera* Shrubland Alliance), and lemonade berry scrub (*Rhus integrifolia* Shrubland Alliance). Additionally, three land cover types were observed within the survey area, including landscaped/ornamental, disturbed, and developed areas; refer to Biological Resources Assessment Figure 4, *Vegetation Communities and Other Land Uses*. Of the natural vegetation communities observed within the survey area, only 0.05-acre of California sagebrush was observed within the project site. This community correlates to the “scrub” or “coastal sage scrub” vegetation community in the Orange County Central/Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and is henceforth referenced as such for consideration of potential impacts.

### **Special-Status Plants**

A total of 49 special-status plant species have been recorded in the USGS *Laguna Beach, Newport Beach, and Tustin, California* 7.5-minute quadrangles by the CNDDDB, CIRP, and IPaC. No special-status plant species were observed within the survey area during the field survey; however, much of the area south of San Joaquin Hills Road within the survey area consists of intact and dense native habitat and was not trespassed upon so as to 1) minimize disturbance and destruction to surrounding areas outside of the impact boundaries, and 2) reduce chances for incidental take of any active nests that may be present. Instead, surrounding areas within the survey area south of San Joaquin Hills Road were scanned with binoculars from the public access trails.

Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, there is a high potential for the survey area to support intermediate mariposa lily (*Calochortus weedii* var. *intermedius*; California Rare Plant Rank [CRPR] 1B.2 and NCCP/HCP covered species) and western dichondra (*Dichondra occidentalis*; CRPR 4.2 and NCCP/HCP covered species) and a moderate potential to support Catalina mariposa lily (*Calochortus catalinae*; CRPR 4.2 and NCCP/HCP covered species) and Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*; CRPR 4.3). All other remaining special-status plant species identified during reviews of the CNDDDB, CIRP, and IPaC have a low potential to occur or are not expected to occur within the survey area.

### **Special-Status Wildlife**

A total of 39 special-status wildlife species have been recorded in the USGS *Laguna Beach, Newport Beach, and Tustin, California* 7.5-minute quadrangles by the CNDDDB and IPaC. No special-status wildlife species were observed during the field survey.

Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, there is a high potential for the survey area to support nesting and foraging coastal





California gnatcatcher (*Poliioptila californica californica*; federally threatened [FT] and NCCP/HCP covered species) and foraging Cooper's hawk (*Accipiter cooperii*; a California Watch List [WL] species). All other remaining special-status wildlife species identified during reviews of the CNDDDB and IPaC either have a low potential to occur or are not expected to occur within the survey area.

Several special-status reptile species such as orange-throated whiptail (*Aspidoscelis hyperythra*; a California WL species) and red-diamond rattlesnake (*Crotalus ruber*; a California Species of Special Concern [SSC] and NCCP/HCP covered species) have suitable habitat on-site and in the surrounding area but have not been recorded in the general vicinity. Based on a review of a previous biological report, USFWS and Irvine Ranch Conservancy have indicated that the Pacific pocket mouse (*Perognathus longimembris pacificus*; federally endangered [FE] and a California SSC) may have an extant population in the Buck Gully Reserve; however, due to past disturbances and imported soils that are present within the site, it is very unlikely that the species would occur within the project boundary.<sup>1</sup>

Although not detected during the field survey, California gnatcatcher was previously detected on-site in 2020 and a well-documented population of this species is known to be present in the general project vicinity within Buck Gully Reserve.<sup>2</sup> Therefore, California gnatcatcher is determined to have a high likelihood of occurring within the survey area. As such, to reduce potential impacts to special-status species, Mitigation Measure BIO-1 would require consultation with USFWS to determine if focused surveys for coastal California gnatcatcher would be required as part of the proposed project.

As mentioned above, the proposed project would directly impact (i.e., through construction activities) up to 0.05-acre of coastal sage scrub habitat that may support California gnatcatcher or other coastal sage scrub Identified Species under the NCCP/HCP. According to the NCCP/HCP, loss of coastal sage scrub habitat supporting California gnatcatcher needs to be mitigated. As such, Mitigation Measure BIO-2 would require the project satisfy one of the three mitigation requirements established by the NCCP/HCP for project-related impacts to 0.05-acre of coastal sage scrub. Specifically, the Applicant has three mitigation options: 1) avoid removal of habitat (no mitigation necessary); 2) undergo consultation under the Federal Endangered Species Act and/or California Endangered Species Act to obtain the appropriate take permits for habitat loss; 3) pay a one-time mitigation fee to the NCCP/HCP's non-profit corporation (Natural Communities Coalition).

No active nests or birds displaying overt nesting behavior were observed during the field surveys conducted during the field survey; however, nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF). Specifically, the MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. To reduce potential impacts to nesting birds during the nesting bird season (February 1 through August 31 for non-raptors), including special-status species such as coastal California gnatcatcher, Mitigation Measure BIO-3 requires a pre-construction nesting bird clearance survey be conducted to determine the presence/absence, location, and status of any active nests on or adjacent to the project site. If the nesting bird clearance survey indicates the presence of nesting migratory native birds, Mitigation Measure BIO-3 requires buffers to ensure that any nesting migratory native birds are protected pursuant to the MBTA. Based on the types of trees that are present in the area and the high level of ambient disturbance, raptors are not expected to nest within 500 feet of the project site (i.e., within the survey area) and thus an earlier survey (as early as January 1) to cover potential raptor nesting is unlikely to be required.

Further, because the project site and surrounding survey area south of San Joaquin Hills Road are nearly entirely composed of native coastal sage scrub and chaparral vegetation, there may perhaps be a greater likelihood for terrestrial wildlife to be present, including reptiles and small mammals such as woodrats and pocket mice. As such, Mitigation Measures BIO-4 through BIO-6 require a qualified biologist provide environmental awareness training for

<sup>1</sup> ACE Environmental, LLC, *General Biological Evaluation, AT&T Site CLL03953, 4500 San Joaquin Hills Road, Newport Beach, Orange County, CA 92657 FA #12844805*, June 24, 2020.

<sup>2</sup> Ibid.



construction crews, ensure the construction footprint is properly delineated, perform a pre-construction clearance survey, and monitor initial vegetation removal and ground disturbance.

With implementation of Mitigation Measures BIO-1 through BIO-6, the project's potential impacts to special status species would be reduced to a less than significant level.

**Mitigation Measures:**

- BIO-1 The project Applicant or its biological consultant shall contact the Carlsbad office of the U.S. Fish and Wildlife Service to determine if focused surveys for coastal California gnatcatcher shall be required for the project. If required, because the project is located within the jurisdiction of a participating landowner and signatory entity (City of Newport Beach) of the Natural Community Conservation Plan/Habitat Conservation Plan, a total of three surveys shall be conducted by the project Applicant's biological consultant between February 15 and August 30, at least one week apart. Notification and reporting requirements shall follow the biologist's recovery permit.
- BIO-2 The project Applicant shall coordinate with the City of Newport Beach to arrange to mitigate for the project-related loss of up to 0.05-acre of coastal sage scrub. This may require redesigning the project to reduce the amount of habitat lost, undergoing consultation under the Federal Endangered Species Act to obtain an individual take permit for the project, or paying a one-time mitigation fee through the City of Newport Beach to the Natural Community Conservation Plan/Habitat Conservation Plan's (NCCP/HCP) non-profit corporation (Natural Communities Coalition). The City of Newport Beach shall be responsible for determining that the chosen mitigation approach is completed and successfully satisfies the mitigation requirements of the NCCP/HCP.
- BIO-3 If it is not feasible to avoid the nesting bird season (February 1 through August 31 for non-raptors), a qualified biologist retained by the project Applicant shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or adjacent to the proposed project site. The extent of the survey buffer area shall be established by the qualified biologist and may be up to 500 feet to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to ensure the reproductive success of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code, a nesting bird survey shall be conducted no more than three days prior to the commencement of project construction if construction occurs between January 1 and August 31. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist) shall be established around such active nests, and no construction activities within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer dependent on the nest). To further minimize impacts to nesting birds and nesting bird habitat, removal or trimming of on-site vegetation shall be minimized to the extent possible.
- BIO-4 Prior to initiating project activities, a qualified biologist retained by the project Applicant shall prepare and present a Workers Environmental Awareness Program (WEAP) training for all contractors, subcontractors, and workers expected to be on-site throughout the entire construction period. The WEAP shall include a brief review of any special-status species, including habitat requirements and where they might be found, and other sensitive biological resources that could occur in and adjacent to the project (e.g., surrounding coastal sage scrub and chaparral). The WEAP shall also include a brief discussion of regulatory protections and consequences for violating environmental laws.
- BIO-5 Prior to project initiation, the construction contractor shall utilize fencing, flagging, signage, or another relatively unintrusive method of delineating the boundaries of the areas to be cleared so as to minimize, to the extent possible, the amount of overreach during vegetation removal and confine removals to only



approved areas. The project Applicant shall retain a qualified biologist who shall inspect and approve the boundaries no earlier than 48 hours prior to the start of construction and no later than the morning of the start of construction. Any unintentional extra removal of vegetation beyond that which is considered here (0.05-acre of coastal sage scrub) shall be added to the required mitigation under Mitigation Measure BIO-2, as applicable.

BIO-6 Prior to the commencement of any ground disturbance or vegetation removal, the Applicant shall retain a qualified biologist/monitor to conduct a general pre-construction clearance survey within the project footprint and all other areas to be directly affected by construction vehicles/equipment. Any wildlife, if detected, shall be flushed to areas away from the construction footprint and areas of direct effect. Any burrows potentially belonging to pocket mice (*Perognathus* sp.) shall be flagged for avoidance; any flagged burrows that cannot be avoided may require excavation pending consultation with the U.S. Fish and Wildlife Service. The qualified biologist/monitor shall remain on-site during all initial vegetation removal and/or ground disturbance.

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

***Less Than Significant Impact With Mitigation Incorporated.*** According to the Biological Resources Assessment, no riparian habitat or other sensitive natural communities are present within the project site and impact boundaries. Although most of the survey area south of San Joaquin Hills Road consists of lemonade berry scrub (CDFW Sensitivity Rank S3), this community is not present on the project site or any part of the construction footprint. However, project-related construction activities could still result in adverse impacts to this community as a result of fugitive dust, which may affect the health of plants if it coats them heavily enough to block or reduce photosynthetic processes, and the spread of non-native weed seeds, which could introduce new species not otherwise known to be present on-site, and/or result in competition between native species and non-native invasive species. Although lemonade berry scrub correlates to the chaparral community under the NCCP/HCP, which is considered a covered habitat type for impacts within the Coastal Subregion of the NCCP/HCP, this coverage only extends to participating landowners.

Therefore, to reduce impacts to sensitive natural communities, Mitigation Measure BIO-5 would require the utilization of fencing, flagging, signage, and other non-intrusive methods to delineate the boundaries of areas to be cleared, thereby reducing the amount of overreach during vegetation removal. To reduced incidences of fugitive dust release from on-site disturbance, Mitigation Measure BIO-7 requires all spoil piles be kept in previously disturbed/approved areas and watered or covered as needed. Further, Mitigation Measure BIO-8 requires project-related construction equipment and crew vehicles be washed at an off-site facility to remove potential noxious weed seeds prior to accessing the project site. With implementation of Mitigation Measures BIO-5, BIO-7, and BIO-8, the project's potential impacts to riparian habitat and other sensitive natural communities would be reduced to a less than significant level.

***Mitigation Measures:*** Refer to Mitigation Measure BIO-5 above.

BIO-7 The construction contractor shall keep all spoil piles in previously disturbed or otherwise approved areas and ensure the piles are watered or covered as needed to reduce incidences of fugitive dust from on-site release.

BIO-8 The construction contractor shall ensure that all project-related construction equipment and crew vehicles are washed at an off-site facility to remove all lingering noxious weed seeds that may be present prior to being brought on-site for the first time. Any equipment or vehicles that are taken to other construction sites shall be washed off-site before returning to the project site.



- c) ***Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

**No Impact.** The project site is entirely in uplands and does not contain any State or federally protected wetlands or any areas potentially falling under the jurisdiction of regulatory agencies. The surrounding survey area contains draws and drainages that likely contribute runoff to the Buck Gully Reserve during rain events but otherwise are completely dry outside of rain events and would not contribute any water flow under typical conditions. None of these potential features would be affected by project construction, which is on a ridge separated from all of them. Thus, project implementation would not impact State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. No impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** Wildlife corridors and linkages are key features for wildlife movement between habitat patches. Wildlife corridors are generally defined as those areas that provide opportunities for individuals or local populations to conduct seasonal migrations, permanent dispersals, or daily commutes, while linkages generally refer to broader areas that provide movement opportunities for multiple keystone/focal species or allow for propagation of ecological processes (e.g., for movement of pollinators), often between areas of conserved land.

The project site is not located within a known migratory wildlife corridor or native wildlife nursery site; however, Bucky Gully Reserve is located to the south of the project site and serves as a local corridor for wildlife. Specifically, Buck Gully Reserve provides a major local wildlife corridor with a dedicated walking trail that could be used by large mammals, given that the unpaved Buck Gully Trail crosses from nearly end to end along the bottom of the canyon. Nevertheless, primary access through the Buck Gully Reserve would be located approximately 1,000 feet downslope. Additionally, extensive dense vegetation limits the opportunity for wildlife movement and provides little, if any, opportunity for wildlife movement. As such, any wildlife utilizing the project site as a wildlife corridor would be sporadic and accidental. Less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures required.

- e) ***Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

**No Impact.** There are no trees within the project site or impact boundaries. While there are coast live oak (*Quercus agrifolia*) trees located along the perimeter of the vegetation patch that the project site is located in, the project has been designed to avoid these trees. As such, the project would not conflict with any local policies or ordinances protecting biological resources, and no impacts would occur.

**Mitigation Measures:** No mitigation measures are required.



- f) ***Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

**Less than Significant Impact With Mitigation Incorporated.**

**Newport Beach Local Coastal Program**

The survey area is not located within the designated Coastal Zone and is therefore not subject to the regulations and guidelines of the *City of Newport Beach Local Coastal Program*.

**Orange County Central/Coastal NCCP/HCP**

The project site is located within the Coastal Subregion of the Orange County Central/Coastal NCCP/HCP but is not located within the designated Reserve, within any designated Special Linkage Areas, or within any designated Existing Use Areas; refer to Biological Resources Assessment Figure 6, *Orange County Central/Coastal NCCP/HCP*.

The only NCCP/HCP Target or Identified Species that is likely to occur on-site is the coastal California gnatcatcher. As stated above, with implementation of Mitigation Measures BIO-1 through BIO-6, impacts to coastal California gnatcatchers and their habitat (i.e., coastal sage scrub) would be reduced to less than significant levels. As such, the project would be consistent with the NCCP/HCP and would not conflict with any local habitat conservation plans. Impacts would be less than significant with mitigation incorporated.

**Mitigation Measures:** Refer to Mitigation Measures BIO-1 through BIO-6.





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## 4.5 CULTURAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?				✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		✓		
c. Disturb any human remains, including those interred outside of formal cemeteries?			✓	

The information presented in this analysis is based on the *Cultural and Paleontological Resources Identification Report for the AT&T Telecom Gazebo Project (Telecommunications Facility CLL03953), City of Newport Beach, Orange County, California* (Cultural/Paleo Report), prepared by Michael Baker International and dated May 13, 2022; refer to Appendix C, *Cultural and Paleontological Resources Assessment*.

**a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?**

**No Impact.** As part of the Cultural/Paleo Report, a South Central Coastal Information Center (SCCIC) records search, literature review, field survey, historical map review, interested parties contact, and archaeological field survey were conducted to determine whether the project could result in a significant adverse change to cultural resources in accordance with CEQA. The field survey was conducted on March 29, 2022. The records search of the California Historical Resources Inventory System (CHRIS) was conducted at the SCCIC to identify previously recorded cultural resources and previously conducted cultural resources studies within a 0.5-mile radius of the project site. The CHRIS search results were provided on April 6, 2022 and included a review of the National Register of Historic Places, California Inventory of Historic Resources, California Points of Historical Interest, California Historical Landmarks, Archaeological Determinations of Eligibility, and the Built Environmental Resource Database. The Cultural/Paleo Report also included a review of available historic United States Geologic Survey 7.5-minuted topographic quadrangle maps. Additionally, the Newport Beach Historical Society was notified via email on March 15, 2022 requesting information or concerns regarding historical resources within the project area. No response was received from the Newport Beach Historical Society.

The records search identified 45 previous cultural resource studies conducted within a 0.5-mile radius of the project site. Of these, eight studies include portions of the project site. The record search also identified seven previously recorded cultural resources within a 0.5-mile radius of the project site, none of which were identified within the project site. Additionally, no cultural resources were discovered during the field survey. Based on the distances of known cultural resources from the project site and lack of identified buildings or structures on-site, project development would not result in adverse effects to historical resources. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.



**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?**

**Less Than Significant Impact With Mitigation Incorporated.** As discussed in Response 4.5(a) and detailed in the Cultural/Paleo Report, no previously recorded cultural resources were identified within the project site as part of the records search or field survey, and the project site has a low sensitivity for significant prehistoric or historic period archaeological sites due to negative impacts from modern development, the age of on-site sediments, the steep slope, and the distance to water. The soils of the project area have been impacted by road construction, landscaping, artificial slope stabilization, and trail-building. The field survey showed very little natural soil remains, and the bedrock is colluvial, dating from the Oligocene to Miocene and early to middle Pleistocene. Additionally, the project is on an artificially flat area surrounded by a 30 percent slope going into a canyon. Buck Gully is the closest natural water source, located 1,000 feet south of the project area at the base of the slope.

Although the project site has a low sensitivity for potential archaeological resources, project-related construction could uncover previously undiscovered archaeological resources during excavation into native soil. In the unlikely event that archaeological resources are encountered during ground-disturbing activities, Mitigation Measure CUL-1 would require all project construction efforts to halt until an archaeologist examines the find, evaluate the archaeological significance of the find, and recommends a course of action. With implementation of Mitigation Measure CUL-1, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines, and impacts would be reduced to less than significant levels.

**Mitigation Measures:**

CUL-1 In the event that any subsurface cultural resources are encountered during earth-moving activities, all work within 50 feet shall be halted until a qualified archaeologist is retained by the project Applicant and evaluates the find and makes recommendations. Prehistoric materials can include flaked-stone tools (e.g., projectile points knives, choppers) or obsidian, chert, or quartzite toolmaking debris; cultural darkened soil (i.e., midden soil often containing heat-affected rock, ash, and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars pestles, handstones). Historical materials may include wood, stone, or concrete footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, metal, glass, ceramics, and other refuse. The archaeologist shall evaluate the find in accordance with federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2, to assess the significance of the find and identify avoidance or other measures as appropriate.

**c) Disturb any human remains, including those interred outside of formal cemeteries?**

**Less Than Significant Impact.** The project site is located within the existing Harbor Watch Park, and is predominantly characterized by undeveloped open spaces dominated by native coastal sage scrub and maritime chaparral plant communities. Additionally, the project site is predominantly surrounded by undeveloped open space to the east, south, and west, with San Joaquin Hills Road bounding the site to the north. The trail undergoes varying topography, ranging in elevation from approximately 545 to 565 feet above mean sea level, sloping uphill from south to north. Given the topography and existing use, it is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during ground-disturbing activities. Nevertheless, if human remains are found, those remains would require proper treatment, in accordance with applicable laws. State of California Public Resources Health and Safety Code Section 7050.5-7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission and consultation with the individual identified by the Native American Heritage Commission to be the "most likely descendant." If human remains are found during ground-disturbing



activities, activities must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County Coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with existing State regulations, which detail the appropriate actions necessary in the event human remains are encountered, impacts in this regard would be considered less than significant.

**Mitigation Measures:** No mitigation measures are required.



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## 4.6 ENERGY

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			✓	

### REGULATORY FRAMEWORK

#### California Building Energy Efficiency Standards (Title 24)

The 2019 California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as “Title 24,” became effective on January 1, 2020. In general, Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Under 2019 Title 24 standards, residential buildings use about 53 percent less energy (mainly due to solar photovoltaic panels and lighting upgrades) when compared to those constructed under 2016 Title 24 standards, and nonresidential buildings are 30 percent more energy efficient than 2016 Title 24 standards.<sup>1</sup> The 2019 Title 24 standards require installation of energy efficient windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses. It should be acknowledged that buildings whose permit applications are applied for on or after January 1, 2023 would be required to comply with the 2022 Title 24.

#### California Green Building Standards (CALGreen)

The California Green Building Standards Code (CALGreen; California Code of Regulations, Title 24, Part 11) is a Statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development; Title 24 Parts 6 and 11 together comprise the Building Energy Efficiency Standards. CALGreen standards require new residential and commercial buildings to comply with the Energy Efficiency Strategic Plan.

The California Public Utilities Commission (CPUC) prepared an *Energy Efficiency Strategic Plan* (Strategic Plan) in September 2008 with the goal of promoting energy efficiency and a reduction in greenhouse gases. In January 2011, a lighting chapter was adopted and added to the Strategic Plan. The Strategic Plan is California’s single roadmap to achieving maximum energy savings in the State between 2009 and 2020, and beyond 2020. The Strategic Plan contains the practical strategies and actions to attain significant statewide energy savings, as a result of a year-long collaboration by energy experts, utilities, businesses, consumer groups, and governmental organizations in California, throughout the West, nationally and internationally. The plan includes four bold strategies:

<sup>1</sup> California Energy Commission, *2019 Building Energy Efficiency Standards*, March 2018.



1. All new residential construction in California will be zero net energy by 2020;
2. All new commercial construction in California will be zero net energy by 2030;
3. Heating, ventilation, and air condition (HVAC) will be transformed to ensure that its energy performance is optimal for California's climate; and
4. All eligible low-income customers will be given the opportunity to participate in the low-income energy efficiency program by 2020.

### California Energy Commission Integrated Energy Policy Report

In 2002, the California State legislature adopted Senate Bill (SB) 1389, which requires the California Energy Commission (CEC) to develop an Integrated Energy Policy Report (IEPR) every two years. SB 1389 requires the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices, and use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety.

The CEC adopted the *2021 Integrated Energy Policy Report (2021 IEPR) Volume I, Volume II, and Volume IV* on February 1, 2022 and Volume III on February 24, 2022. The 2021 IEPR provides information and policy recommendations on advancing a clean, reliable, and affordable energy system for all Californian.<sup>2</sup> Volume I of the 2021 IEPR addresses actions needed to reduce the greenhouse gas emissions related to the buildings in which California live and work, with an emphasis on energy efficiency; Volume II examines actions needed to increase the reliability and resiliency of California's energy system; Volume III looks at the evolving role of gas in California's energy system; and Volume IV reports on California's energy demand outlook, including a forecast to 2035 and long-term energy demand scenarios of 2050. The 2021 IEPR builds on the goals and work in response to AB 758 (Energy: energy audit), SB 350 (Clean Energy and Pollution Reduction Act), AB 3232 (Zero-emissions buildings and sources of heat energy), and the 2019 IEPR to further a comprehensive approach toward decarbonizing buildings in a cost-effective and equitable manner. For the 2021 IEPR, the CEC extends the forecast timeframe to 15 years to coincide with several State goals that are planned for 2035 and improves methodologies to better quantify and predict the likelihood, severity, and duration of future extreme heat events.

### City of Newport Beach Energy Action Plan

The City adopted the *City of Newport Beach Energy Action Plan (EAP)* in July 2013. The EAP aims to provide a roadmap for the City to reduce greenhouse gas (GHG) emissions through reductions in energy used in facility buildings and operations. The EAP identifies past energy measures that have been implemented and present measures that are currently being implemented, all of which contribute towards the City's energy reduction goal. In addition, the EAP identifies other potential energy reduction measures that the City could consider for future implementation. The EAP's long-term vision for energy efficiency focuses on the following objectives:

- Reduce the City's carbon footprint and its adverse effect on the environment;
- Conserve energy at the local government facilities; and
- Raise energy conservation awareness in local community and improve the quality of life.

This EAP also outlines various measures and strategizes numerous methods on how the City's long-term vision can be achieved. Key goals of this EAP include:

- Meeting and exceeding AB 32 energy reduction goals;
- Being an example for energy efficiency and sustainability at City facilities;

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<sup>2</sup> California Energy Commissions, *Final 2021 Integrated Energy Policy Report Volume I Building Decarbonization*, February 2022.



- Continue interacting, educating, and informing the community about energy efficiency and greenhouse gas emissions;
- Exploring the newest "green" technologies and methods to decrease future energy dependency;
- Exploring renewable energy recourses (not limited to solar) and possible financing based on available grants/rebates;
- Enhancing energy efficiency and operations in existing buildings through systematic commissioning strategies or independent energy efficiency studies; and
- Evaluating all the suggested energy efficiency action measures presented in the EAP, establishing a priority for implementation, and determining possible funding sources.

## SIGNIFICANCE CRITERIA

### CEQA Guidelines Appendix F

Appendix F of the CEQA Guidelines is an advisory document that assists environmental document preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. The analysis in Response 4.6(a) relies upon Appendix F of the CEQA Guidelines, which includes the following criteria to determine whether this threshold of significance is met:

- **Criterion 1:** The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- **Criterion 2:** The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- **Criterion 3:** The effects of the project on peak and base period demands for electricity and other forms of energy.
- **Criterion 4:** The degree to which the project complies with existing energy standards.
- **Criterion 5:** The effects of the project on energy resources.
- **Criterion 6:** The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

Quantification of the project's energy usage is presented and addresses **Criterion 1**. The discussion on construction-related energy use focuses on **Criteria 2, 4, and 5**. The discussion on operational energy relates to **Criteria 2** through **6**.

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

### **Less Than Significant Impact.**

#### **Project-Related Sources of Energy Consumption**

This analysis focuses on two sources of energy that are relevant to the proposed project: electricity and fuel consumption. It should be noted that as a utility project, natural gas consumption is minimal during project construction and would not occur during project operation. As such, this analysis does not include natural gas as a source of project-related energy consumption. The analysis of operational electricity usage is based on the California Emissions Estimator Model version 2020.4.0 (CalEEMod) modeling results for the project, which quantifies energy use for occupancy. The results of the CalEEMod modeling are included in Appendix A, Air Quality/Greenhouse Gas Emissions/Energy Data. The amount of construction fuel consumption was estimated using the California Air Resources Board's (CARB) Emissions Factor 2017 (EMFAC2017) computer program which provides projections for typical daily fuel usage in Orange County. The estimated construction fuel consumption is based on the project's



construction equipment list timing/phasing and hours of duration for construction equipment, as well as vendor, hauling, and construction worker trips.

The project’s primary source of energy consumption (i.e., vehicle fuel consumption) would occur from the use of construction equipment on-site and mobile trips to and from the project site by construction workers and vendors. The project’s estimated construction energy consumption is summarized in Table 4.6-1, Construction Energy Consumption. As shown in Table 4.6-1, the project’s construction fuel consumption would be approximately 6,034 gallons and would increase the County’s consumption by 0.0093 percent; electricity consumption during project operation would be approximately 3 megawatt hours and would increase the County’s consumption by less than 0.0001 percent (**Criterion 1**).

**Table 4.6-1  
Construction Energy Consumption**

Energy Type	Project Annual Energy Consumption <sup>1</sup>	Orange County Annual Energy Consumption <sup>2</sup>	Percentage Increase Countywide <sup>2</sup>
<b>Electricity (MWh)</b>	3 MWh	19,733,000 MWh	<0.0001%
<b>Fuel Consumption<sup>3</sup></b>			
Construction (Heavy-Duty Diesel Vehicle) Fuel Consumption <sup>2</sup>	6,034 gallons	65,152,282 gallons	0.0093%
Notes: MWh = megawatt hours			
1. As modeled in CalEEMod version 2020.4.0.			
2. The project’s electricity consumption during operation is compared to the total consumption in Orange County in 2020. The project’s construction fuel consumption is compared with the projected Countywide heavy-duty vehicle/diesel fuel consumption in 2023 (when construction starts), as calculated from the California Air Resources Board EMFAC2017. Orange County electricity consumption data source: California Energy Commission, <i>Electricity Consumption by County</i> , <a href="http://www.ecdms.energy.ca.gov/elecbycounty.aspx">http://www.ecdms.energy.ca.gov/elecbycounty.aspx</a> , accessed August 12, 2022. EMFAC2017 Model data source: <a href="https://arb.ca.gov/emfac/2017/">https://arb.ca.gov/emfac/2017/</a> , accessed August 12, 2022.			
3. The project would not increase vehicular trips. As such, the project would not result in operational fuel consumption.			
Refer to Appendix A, <i>Air Quality/Greenhouse Gas Emissions/Energy Data</i> for assumptions used in this analysis.			

**Construction-Related Energy Consumption**

Project construction would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used primarily during site clearing, grading, and construction. Fuel energy consumed during construction would be temporary and would not represent a significant demand on energy resources. As indicated in Table 4.6-1, the project’s fuel consumption from construction would be approximately 6,034 gallons, which would increase fuel use in the County by 0.0093 percent. As such, construction would have a nominal effect on the local and regional energy supplies (**Criterion 2**).

Additionally, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest United States Environmental Protection Agency (EPA) and CARB engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction (**Criterion 4**).



Significant reductions in energy inputs for construction materials can be achieved by selecting green building materials composed of recycled materials that require less energy to produce than non-recycled materials.<sup>3</sup> The integration of green building materials can help reduce environmental impacts associated with the extraction, transport, processing, fabrication, installation, reuse, recycling, and disposal of these building industry source materials.<sup>4</sup> The project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State. Therefore, fuel energy and construction materials consumed during construction would not represent a significant demand on energy resources (**Criterion 5**).

Overall, construction fuel consumption would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. A less than significant impact would occur in this regard.

### Operational Energy Consumption

The proposed project involves constructing AT&T Wireless telecommunication facilities in the form of a gazebo and associated telecommunication equipment in the underground equipment vault adjacent to the gazebo. The project would also provide additional park amenities, including park benches, a drinking fountain, access path, and landscaping to complement the existing open space and recreational environment.

### Transportation Energy Demand

As a utility project, the project would not result in increased vehicle trips to and from the project site, and operational vehicle-related energy consumption is not anticipated (**Criterion 6**).

### Building Energy Demand

The CEC developed 2020 to 2035 forecasts for energy consumption and peak demand in support of the 2021 IEPR for each of the major electricity and natural gas planning areas and the State based on the economic and demographic growth projections. CEC forecasts that the Statewide annual average growth rates of energy demand between 2021 and 2030 would be 1.3 percent to 2.3 percent for electricity and less than 0.1 percent to 0.8 percent increase for natural gas. As a utility project, no natural gas would be used on-site. The project would include telecommunication equipment, which would utilize energy (electricity) from the proposed AT&T underground power runs that would be installed within three-foot wide trenches from an existing transformer on the northern side of San Joaquin Hills Road; refer to Section 2.3, Project Characteristics, and Exhibit 2-3, Overall Conceptual Plan. As such, the proposed equipment would utilize electricity supplied by existing public infrastructure (from San Joaquin Hills Road) and would not require the construction of additional public infrastructure. Additionally, it is acknowledged that associated energy consumption from such equipment would not be substantial. As shown in Table 4.6-1, operational electricity consumption of the project would represent less than 0.0001 percent increase in electricity consumption over the current Countywide usage, which would be nominal and insignificant compared to CEC's forecasts and the current Countywide usage. Therefore, the project would be consistent with the CEC's energy consumption forecasts and would not require additional energy capacity or supplies (**Criterion 2**). Further, as the operational electricity consumption of the project would be nominal, the project would not result in unique or more intensive peak or base period electricity demand (**Criterion 3**).

<sup>3</sup> California Department of Resources Recycling and Recovery, *Green Building Materials*, <https://www.calrecycle.ca.gov/greenbuilding/materials#Material>, accessed August 12, 2022.

<sup>4</sup> Ibid.





The electricity provider, Southern California Edison, is subject to California's Renewables Portfolio Standard (RPS) reflected in SB 100. The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by the end of 2020, 44 percent by the end of 2024, 52 percent by the end of 2027, and 60 percent of total procurement by 2030. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The increase in reliance of such energy resources further ensures that the project would not result in the waste of the finite energy resources (**Criterion 5**).

Overall, project construction and operations would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. Less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?**

**Less Than Significant Impact.** As discussed above, the City adopted the EAP which aims to provide a roadmap for the City to reduce GHG emissions through reductions in energy used in facility buildings and operations. It should be acknowledged that the EAP focuses on improving building efficiency and sustainability of City facilities, and is not directly applicable to the proposed project. As a small-scale utility project with minimal energy consumption, the proposed project is not anticipated to conflict with or obstruct the EAP or a State plan for renewable energy or energy efficiency. Specifically, as shown in Table 4.6-1, the project's construction fuel consumption would increase the County's consumption by 0.0093 percent, while the project's electricity consumption during operations would increase the County's consumption by less than 0.0001 percent. As such, project implementation would not result in increased operational electricity or construction fuel consumption compared to existing conditions. Further, as discussed in Response 4.6(a), the project would be required to adhere to all applicable federal, State, and local requirements pertaining to energy efficiency. Therefore, less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.



## 4.7 GEOLOGY AND SOILS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
2) Strong seismic ground shaking?			✓	
3) Seismic-related ground failure, including liquefaction?				✓
4) Landslides?			✓	
b. Result in substantial soil erosion or the loss of topsoil?			✓	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial direct or indirect risks to life or property?			✓	
e. 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?				✓
f. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?		✓		

The information presented in this analysis is primarily based on the following technical studies; refer to [Appendix C, Cultural and Paleontological Resources Assessment](#), and [Appendix D, Geotechnical Report](#):

- *Geotechnical Report Proposed AT&T Wireless Communications Facility, Site Number: CLL03953, 4500 San Joaquin Hills Road Newport Beach, CA, (Geotechnical Report), prepared by AESCO and dated September 16, 2020;*
- *Addendum 1, Site Number: CLL03953, 4500 San Joaquin Hills Road, Newport Beach, California, AESCO Project No. 20191455-G6672, (Geotechnical Addendum 1), prepared by AESCO and dated June 17, 2022;*
- *Clarification of Response 2 in Addendum 1, Site Number: CLL03953, 4500 San Joaquin Hills Road, Newport Beach, California, AESCO Project No. 20191455-G6672, (Geotechnical Addendum 2), prepared by AESCO and dated July 26, 2022; and*
- *Cultural and Paleontological Resources Identification Report for the AT&T Telecom Gazebo Project (Telecommunications Facility CLL03953), City of Newport Beach, Orange County, California (Cultural/Paleo Report), prepared by Michael Baker International and dated May 13, 2022.*



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

**No Impact.** Southern California, including the project area, is subject to the effects of seismic activity due to the active faults that traverse the area. Active faults are defined as those that have experienced surface displacement within Holocene time (approximately the last 11,000 years) and/or are in a State-designated Alquist-Priolo Earthquake Fault Zone. According to the Geotechnical Report, the project site is not situated within an Alquist-Priolo Earthquake Fault Zone. As such, the proposed gazebo would not increase the potential for human loss, injury, or death as a result of fault rupture. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- 2) **Strong seismic ground shaking?**

**Less Than Significant Impact.** The southern California region has numerous active seismic faults that can result in potential earthquake and seismic-related hazards. Seismic activity poses two types of potential hazards for people and structures, categorized either as primary or secondary hazards. Primary hazards are caused by the direct interaction of seismic energy with the ground. Examples include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Secondary hazards are consequences of the shaking, such as ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires.

According to the Geotechnical Report, there are a number of known faults within 100 miles of the site. The nearest faults include the Newport Inglewood Fault approximately 3.4 miles from the site and the San Joaquin Hills Fault located approximately 5.5 miles from the site. As such, the project site could be subjected to future strong seismic ground shaking that may result from earthquakes on local to distant sources.

The proposed project involves the construction of new telecommunications facilities and associated equipment and would not include the development of any habitable structures or other facilities that could experience substantial hazards during a seismic event. Additionally, the design and construction of the project would be required to comply with the existing seismic safety requirements of the California Building Code and Title 15, *Buildings and Construction*, of the Municipal Code, which would minimize risks pertaining to seismic ground shaking. Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

- 3) **Seismic-related ground failure, including liquefaction?**

**No Impact.** Liquefaction and seismically induced settlement or ground failure is generally related to strong seismic shaking events where the groundwater table occurs at a relatively shallow depth (generally within 50 feet of the ground surface) or where lands are underlain by loose, cohesionless deposits. Liquefaction generally results in the loss of shear strength of a soil, which occurs due to the increase of pore water pressure caused by the rearrangement of soil particles induced by shaking or vibration. During liquefaction, soil strata typically behave similar to a heavy fluid.

According to the Geotechnical Report, materials encountered at the project site generally consist of medium dense granular material and very dense weathered bedrock. The project site is not within a potential liquefaction hazard zone as designated by the California Geological Survey. Additionally, groundwater was not encountered within the boring



which was drilled to a maximum depth of 40 feet beneath the existing ground surface. Based on the Geotechnical Report analysis and test results, the potential for liquefaction on-site is low. No impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**4) Landslides?**

**Less Than Significant Impact.** According to the Geotechnical Report, the project site is located within a potential landslide zone. A dormant probable landslide is mapped below (southwest of) the site per the California Geological Survey Landslide Inventory Map. Additionally, Geotechnical Addendum 1 indicates that the descending hillsides on both the east and west side of the site have been flagged as being susceptible to earthquake-induced landslides. However, the descending hillsides appear stable with a relatively thin mantle of surficial soils. Movement of the surficial soils would not impact the site due to the distance of the proposed improvements to the top of the slopes and the structures being founded on very dense weathered bedrock. Reactivation of the mapped landslide would not be expected to impact the site due to the significant distance (roughly 400 feet) between the proposed improvements and the head of the mapped landslide. Additionally, the site is over 100 feet from the edge of both slopes. The slope to the southwest is at a gradient of 4:1 and the slope on the southeast is at a gradient of 2:1. Both slopes have vertical bedding and the dormant landslide is greater than 400 feet southwest from the site. As such, the Geotechnical Addendum 1 determined that slope stability is not an issue for the project site and the current slopes are stable in the site vicinity. As such, impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**b) Result in substantial soil erosion or the loss of topsoil?**

**Less Than Significant Impact.** Refer to Responses 4.10(a) and 4.10(c)(1). The project would be required to comply with applicable regulations from Municipal Code Chapter 14.36, *Water Quality*. Specifically, Municipal Code Section 14.36.040, *Control of Urban Runoff*, requirements related to the reduction or elimination of pollutants in stormwater runoff, including soil and sediment erosion. The project would also be required to adhere to Title 15, *Buildings and Construction*, of the Municipal Code. Specifically, Municipal Code, Section 15.10.130 *Erosion Control*, outlines requirements pertaining to cut and fill slopes during construction activities and erosion control measures to retain water from dry-weather runoff and minor rain events within the site. Further, the project would also be subject to the South Coast Air Quality Management District's (SCAQMD) Rule 403, which establishes requirements for dust control during construction activities. Following conformance with local regulations and SCAQMD Rule 403, impacts concerning soil erosion and loss of topsoil would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** Refer to Responses 4.7(a)(3), 4.7(a)(4), and 4.7(d) regarding project impacts related to liquefaction, landslides, and expansive soils, respectively.

**Lateral Spreading**

Lateral spreading is limited displacement ground failure, often associated with liquefaction. Lateral spreading is typically exemplified by the formation of vertical cracks on the surface of liquefied soils, and usually takes place on gently sloping ground or level ground with nearby free surface such as a drainage or stream channel. According to the Geotechnical Report, the potential for lateral spreading on-site is considered low.



## **Subsidence**

Subsidence occurs when a large portion of land is displaced or compressed vertically, typically due to human activities, such as the withdrawal of groundwater, oil, or natural gas. As discussed in the Geotechnical Report, groundwater was not encountered within the boring which was drilled to a maximum depth of 40 feet beneath the existing ground surface. Additionally, based on regional data, historic high groundwater is anticipated to occur at a depth greater than 10 feet. Further, oil and natural gas extraction do not occur on-site or in the project vicinity. Thus, the potential for subsidence to occur on-site is low.

## **Collapse**

Soil collapse is a phenomenon where the soils that have loose soil structures undergo a significant decrease in volume upon increase in moisture content, with or without an increase in external loads. Buildings, structures, and other improvements may be subject to excessive settlement-related distress when compressible soils or collapsible soils are present. According to the Geotechnical Report, soils encountered on-site consist of medium dense silty sand with some clay to a depth of five feet underlain by very dense weathered bedrock. Given that on-site soils are predominantly dense, potential hazards related to soil collapse on-site is less than significant.

Overall, the project site would not involve the construction of habitable structures or a change in land use that could result in substantial geologic risks associated with lateral spreading, subsidence, or collapse. Further, the proposed gazebo and associated telecommunication and park improvements would be required to comply with the California Building Code and Title 15, *Building and Construction*, of the Municipal Code regulations pertaining to grading and construction. Given that the proposed project consists of construction of a gazebo and associated telecommunication facilities and would not introduce new habitable structures, impacts related to unstable soils would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** Expansive soils are those that undergo volume changes as moisture content fluctuates, swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement, and distorting structural elements. As stated, the project site is underlain by very dense weathered bedrock, which correlates to a lower potential for expansive soils. Additionally, the Geotechnical Report includes recommended design and construction methods to reduce geological hazards. Specifically, it is recommended that any engineered fill utilized should have an expansion index less than 20 and that non-expansive granular material should be used for bedding and shading of utilities for utility trenching activities. The project would be required to comply with all site-specific design recommendations identified in the Geotechnical Report. As such, impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

- e) ***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?***

**No Impact.** No septic tanks or alternative wastewater systems would be constructed as part of the project. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.





f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Less Than Significant Impact With Mitigation Incorporated.** The Cultural/Paleo Report included a paleontological resources records search from the Natural History Museum of Los Angeles County. Based on the records search, there are no previously identified fossil localities within the project area that were previously identified. However, several fossil localities from the same or similar sedimentary deposits as the project area occurred between two and 14 miles from the project site; refer to Cultural/Paleo Report Table 3, *Previously Recorded Paleontological Resources from NHMLA Records Search*. The Cultural/Paleo Report also included supplemental paleontological records searches within three miles of the project area utilizing other sources. While the databases did not identify any previously identified fossil localities in the project area, several localities are within three miles; refer to Cultural/Paleo Report Table 4, *Previously Recorded Paleontological Resources from Online Databases*.

Due to the nature and depth of ground-disturbing activities and fossil sensitivity of the rock formations present within 0.25-mile of the project site (Sespe [Oligocene to Miocene age], Topanga [middle Miocene age], and Monterey Formations [middle to late Miocene age], and marine terrace deposits [Pleistocene age]), the project has a high potential to disturb paleontological resources within undisturbed bedrock contexts. Significant vertebrate fossil localities have been recovered from Sespe, Topanga, and Monterey Formations within three miles of the project area and across the County. Therefore, paleontological resources may be encountered during ground-disturbing activities at depths greater than four feet in undisturbed geologic contexts. Mitigation Measure GEO-1 would require paleontological monitoring during ground disturbing activities at depths greater than four feet in undisturbed geologic contexts that have the potential to contain significant paleontological resources. If a resource is encountered, all project construction activities would be required to halt until the qualified professional paleontologist assesses the find to determine its significance and any required measures. Thus, following implementation of Mitigation Measure GEO-1, impacts would be reduced to less than significant levels.

**Mitigation Measures:**

GEO-1 Due to the depth and nature of ground-disturbing activities, the project has a high potential to disturb paleontological resources. The project Applicant shall retain a qualified professional paleontologist to conduct full-time paleontological monitoring during ground disturbing activities at depths greater than four feet in undisturbed geologic contexts that have the potential to contain significant paleontological resources. Activities occurring along the current surface and at depths less than 4 feet do not require full-time monitoring.

In the event that paleontological resources are encountered during the course of ground-disturbing activities, all such activities shall halt immediately, at which time the Applicant shall notify the City of Newport Beach Planning Division and consult with the qualified professional paleontologist retained by the project Applicant to assess the significance of the find. The paleontological assessment shall be completed in accordance with the Society of Vertebrate Paleontology standards. If the find is identified as insignificant, no additional measures will be necessary. If the find is determined to be significant, appropriate avoidance measures recommended by the qualified professional paleontologist and approved by the City of Newport Beach Planning Division shall be followed unless avoidance is determined infeasible. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation, curation) as recommended by the qualified professional paleontologist shall be instituted.

A qualified professional paleontologist is a professional with a graduate degree in paleontology, geology, or related field, with demonstrated experience in the vertebrate, invertebrate, or botanical paleontology of California, as well as at least one year of full-time professional experience or equivalent specialized training in paleontological research (i.e., the identification of fossil deposits, application of paleontological field and laboratory procedures and techniques, and curation of fossil specimens), and at least four months of supervised field and analytic experience in general North American paleontology.



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## 4.8 GREENHOUSE GAS EMISSIONS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b. Conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

### GLOBAL CLIMATE CHANGE

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 418.2 million metric tons of carbon dioxide equivalent (MMTCO<sub>2</sub>e) per year.<sup>1</sup> Methane (CH<sub>4</sub>) is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth’s ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission. Every nation emits GHGs and as a result makes an incremental cumulative contribution to global climate change; therefore, global cooperation will be required to reduce the rate of GHG emissions enough to slow or stop the human-caused increase in average global temperatures and associated changes in climatic conditions.

The impact of human activities on global climate change is apparent in the observational record. Air trapped by ice has been extracted from core samples taken from polar ice sheets to determine the global atmospheric variation of CO<sub>2</sub>, CH<sub>4</sub>, and nitrous oxide (N<sub>2</sub>O) from before the start of industrialization (approximately 1750), to over 650,000 years ago. For that period, it was found that CO<sub>2</sub> concentrations ranged from 180 to 300 parts per million (ppm). For the period from approximately 1750 to the present, global CO<sub>2</sub> concentrations increased from a pre-industrialization period concentration of 280 ppm to 379 ppm in 2005, with the 2005 value far exceeding the upper end of the pre-industrial period range. As of August 2022, the highest monthly average concentration of CO<sub>2</sub> in the atmosphere was recorded at 416 ppm.<sup>2</sup>

### REGULATORY FRAMEWORK AND SIGNIFICANCE CRITERIA

#### Federal

The Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. It concluded that a stabilization of GHGs at 400 to 450 ppm carbon dioxide equivalent (CO<sub>2</sub>e)<sup>3</sup> concentration is required to keep global mean warming below 2 degrees Celsius (°C), which in turn is assumed to be necessary to avoid dangerous climate change.

<sup>1</sup> California Air Resources Board, *California Greenhouse Gas Emissions for 2000 to 2019*, [https://ww3.arb.ca.gov/cc/inventory/pubs/reports/2000\\_2019/ghg\\_inventory\\_trends\\_00-19.pdf](https://ww3.arb.ca.gov/cc/inventory/pubs/reports/2000_2019/ghg_inventory_trends_00-19.pdf), accessed August 12, 2022.

<sup>2</sup> Scripps Institution of Oceanography, *Carbon Dioxide Concentration at Mauna Loa Observatory*, <https://scripps.ucsd.edu/programs/keelingcurve/>, accessed August 12, 2022.

<sup>3</sup> Carbon Dioxide Equivalent (CO<sub>2</sub>e) – A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.



## State

Various Statewide and local initiatives to reduce the State's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long term.

Assembly Bill 32 (California Global Warming Solutions Act of 2006). California passed the California Global Warming Solutions Act of 2006 (AB 32; California Health and Safety Code Division 25.5, Sections 38500 - 38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on Statewide GHG emissions. AB 32 requires that Statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then the California Air Resources Board (CARB) should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Executive Order S-3-05. Executive Order S-3-05 set forth a series of target dates by which Statewide emissions of GHGs would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

Senate Bill 32. Signed into law on September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030.

CARB Scoping Plan. On December 11, 2008, CARB adopted the *Climate Change Scoping Plan* (Scoping Plan), which functions as a roadmap to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. The Scoping Plan contains the main strategies California will implement to reduce GHG emissions by 174 million metric tons (MT), or approximately 30 percent, from the State's projected 2020 emissions level of 596 million MTCO<sub>2e</sub> under a business as usual (BAU)<sup>4</sup> scenario. This is a reduction of 42 million MTCO<sub>2e</sub>, or almost ten percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

The Scoping Plan calculates 2020 BAU emissions as the emissions that would be expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, electrical power, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. The measures described in the Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the State stays on course to meet

<sup>4</sup> "Business as Usual" refers to emissions that would be expected to occur in the absence of GHG reductions; refer to <http://www.arb.ca.gov/cc/inventory/data/bau.htm>. Note that there is significant controversy as to what BAU means. In determining the GHG 2020 limit, CARB used the above as the "definition." It is broad enough to allow for design features to be counted as reductions.



our long-term goal.” In December 2017, CARB approved the *California’s 2017 Climate Change Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target* (2017 Scoping Plan). This update focuses on implementation of a 40 percent reduction in GHGs by 2030 compared to 1990 levels.

On December 15, 2022, CARB released the *2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan), which identifies the strategies achieving carbon neutrality by 2045 or earlier. The 2022 Scoping Plan contains the GHG reductions, technology, and clean energy mandated by statutes. The 2022 Scoping Plan was developed to achieve carbon neutrality by 2045 through a substantial reduction in fossil fuel dependence, while at the same time increasing deployment of efficient non-combustion technologies and distribution of clean energy. The plan would also reduce emissions of short-lived climate pollutants (SLCPs) and would include mechanical CO<sub>2</sub> capture and sequestration actions, as well as emissions and sequestration from natural and working lands and nature-based strategies. Under the 2022 Scoping Plan, by 2045, California aims to cut GHG emissions by 85 percent below 1990 levels, reduce smog-forming air pollution by 71 percent, reduce the demand for liquid petroleum by 94 percent compared to current usage, improve health and welfare, and create millions of new jobs. This plan also builds upon current and previous environmental justice efforts to integrate environmental justice directly into the plan, to ensure that all communities can reap the benefits of this transformational plan.

## Regional

### ***South Coast Air Quality Management District Thresholds***

At this time, there is no absolute consensus in the State of California among CEQA lead agencies regarding the analysis of global climate change and the selection of significance criteria. In fact, numerous organizations, both public and private, have released advisories and guidance with recommendations designed to assist decision-makers in the evaluation of GHG emissions given the current uncertainty regarding when emissions reach the point of significance. Lead agencies may elect to rely on thresholds of significance recommended or adopted by State or regional agencies with expertise in the field of global climate change.

The SCAQMD has formed a GHG CEQA Significance Threshold Working Group (Working Group) to provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. As of the last Working Group meeting (Meeting No.15) held in September 2010, the SCAQMD is proposing to adopt a tiered approach for evaluating GHG emissions for development projects where SCAQMD is not the lead agency.<sup>5</sup>

With the tiered approach, the project is compared with the requirements of each tier sequentially and would not result in a significant impact if it complies with any tier. Tier 1 excludes projects that are specifically exempt from SB 97 from resulting in a significant impact. Tier 2 excludes projects that are consistent with a GHG reduction plan that has a certified final CEQA document and complies with AB 32 GHG reduction goals. Tier 3 excludes projects with annual emissions lower than a screening threshold. For all non-industrial projects, the SCAQMD is proposing a screening threshold of 3,000 MTCO<sub>2e</sub> per year. SCAQMD concluded that projects with emissions less than the screening threshold would not result in a significant cumulative impact.

Tier 4 consists of three options. Under the Tier 4 first option, the SCAQMD initially outlined that the project would be excluded if design features and/or mitigation measures resulted in emissions 30 percent lower than business as usual emissions. However, the Working Group did not provide a recommendation for this approach. Under the Tier 4 second option, the Working Group folded this into the third option. Under the Tier 4 third option, the project would be excluded if it was below an efficiency-based threshold of 4.8 MTCO<sub>2e</sub> per service population per year or 3.0 MTCO<sub>2e</sub> per service population for post-2020 projects.<sup>6</sup> Tier 5 would exclude projects that implement off-site mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level.

<sup>5</sup> The most recent SCAQMD GHG CEQA Significance Threshold Working Group meeting was held on September 2010.

<sup>6</sup> The project-level efficiency-based threshold of 4.8 MTCO<sub>2e</sub> per service population per year is relative to the 2020 target date. The SCAQMD has also proposed efficiency-based thresholds relative to the 2035 target date to be consistent with the GHG reduction target date of SB 375.





## Local

### ***City of Newport Beach Energy Action Plan***

In July 2013, the City prepared an Energy Action Plan (EAP), created in partnership with Southern California Edison (SCE) and Southern California Gas Company. The EAP provides the City guidance in reducing GHG emissions by lowering municipal and community wide energy use. The primary goal of the EAP is to provide a roadmap for the City to reduce GHG emission through reductions in energy used in facility buildings and operations. The EAP assists in identifying a clear path to successfully implementing goals, policies, and actions that will achieve the City's reduction targets.

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

**Less Than Significant Impact.** The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions; however, the SCAQMD released draft guidance regarding interim CEQA GHG significance thresholds in 2008. As discussed above, within its October 2008 document, the SCAQMD proposed the use of a percent emission reduction target to determine significance for non-industrial projects that emit greater than 3,000 MTCO<sub>2e</sub> per year. For the purpose of this analysis, project-related GHG emissions resulting in an exceedance above 3,000 MTCO<sub>2e</sub> would be considered significant.

The project would result in direct and indirect emissions of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. The project's anticipated GHG emissions are identified in Table 4.8-1, *Estimated Greenhouse Gas Emissions*. GHG emissions for the proposed project were estimated using the California Emissions Estimator Model version 2020.4.0 software (CalEEMod). CalEEMod is a statewide model designed to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation, and water use. Project-related GHG emissions would include emissions from construction and operational activities. Direct GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from energy consumption, water demand, and solid waste generation. As the project involves construction of AT&T Wireless telecommunication facility gazebo with associated telecommunication equipment, space and water heating devices would not be used. Additionally, the consumption of consumer products would be minimal. All equipment associated with the project would be electrically-powered and would not directly generate air emissions. The proposed project would not use any generator on-site that would generate emissions. Additionally, the project would install a battery as a backup during emergencies. The project would also provide additional park amenities, including park benches, a drinking fountain, access path, and landscaping to complement the existing open space and recreational environment. The project does not propose a trip-generating land use or facilities that would require natural gas consumption.

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GHG reductions by the SB 375 target date of 2035 would be approximately 40 percent. Applying this 40 percent reduction to the 2020 targets results in an efficiency threshold for plans of 4.1 MTCO<sub>2e</sub> per service population per year and an efficiency threshold at the project-level of 3.0 MTCO<sub>2e</sub>/year.



**Table 4.8-1  
Estimated Greenhouse Gas Emissions**

Source	CO <sub>2</sub>	CH <sub>4</sub>		N <sub>2</sub> O		Total Metric Tons of CO <sub>2</sub> e
	Metric Tons/yr <sup>1</sup>	Metric Tons/yr <sup>1</sup>	Metric Tons of CO <sub>2</sub> e <sup>2</sup>	Metric Tons/yr <sup>1</sup>	Metric Tons of CO <sub>2</sub> e <sup>2</sup>	
<b>Direct Emissions</b>						
• Construction (amortized over 30 years) <sup>3</sup>	2.15	<0.01	0.02	<0.01	0.01	2.19
• Area Source	<0.01	0.00	0.00	0.00	0.00	<0.01
<b>Total Direct Emissions<sup>4</sup></b>	<b>2.15</b>	<b>&lt;0.01</b>	<b>0.02</b>	<b>&lt;0.01</b>	<b>0.01</b>	<b>2.19</b>
<b>Indirect Emissions</b>						
• Energy <sup>4</sup>	0.62	<0.01	<0.01	<0.01	<0.01	0.62
• Solid Waste Generation	0.13	<0.01	0.19	0.00	0.00	0.31
• Water Demand	0.40	<0.01	0.13	<0.01	0.04	0.56
<b>Total Indirect Emissions<sup>5</sup></b>	<b>1.14</b>	<b>0.01</b>	<b>0.31</b>	<b>&lt;0.01</b>	<b>0.04</b>	<b>1.50</b>
<b>Total Project-Related Emissions<sup>5</sup></b>	<b>3.68 MTCO<sub>2</sub>e/year</b>					
<b>SCAQMD Threshold</b>	<b>3,000 MTCO<sub>2</sub>e/year</b>					
<b>Exceed Thresholds?</b>	<b>No</b>					
Notes:						
1. Emissions calculated using California Emissions Estimator Model Version 2020.4.0 (CalEEMod) computer model.						
2. CO <sub>2</sub> Equivalent values calculated using the EPA Website, <i>Greenhouse Gas Equivalencies Calculator</i> , <a href="http://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator">http://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator</a> , accessed August 11, 2022.						
3. Total project construction GHG emissions equate to 65.5 MTCO <sub>2</sub> e. However, construction emissions are amortized over the lifetime of the project (assumed to be 30 years) and added to operational GHG emissions consistent with SCAQMD's guidance.						
4. The project would not use natural gas; therefore, no GHG emissions related to natural gas consumption would result.						
5. Totals may be slightly off due to rounding.						
Refer to <a href="#">Appendix A</a> for detailed model input/output data.						

As shown in [Table 4.8-1](#), the amount of project related GHG emissions from direct and indirect sources combined would total 3.68 MTCO<sub>2</sub>e per year. Therefore, project-related GHG emissions would not exceed the SCAQMD interim threshold of 3,000 MTCO<sub>2</sub>e per year, and impacts would be less than significant.

The proposed project would not include significant level of emissions from operational area, water, solid waste, or energy uses. Furthermore, the proposed project would not result in an increase of mobile trips compared to existing conditions. Therefore, operational GHG emissions generated by the project would be nominal. Overall, GHG emissions generated by construction and operation of the project would be minimal and less than the SCAQMD interim threshold. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**b) Conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases?**

**Less Than Significant Impact.** The City of Newport Beach currently does not have an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. However, the City prepared an EAP, created in partnership with SCE and Southern California Gas Company (SCG). The EAP provides the City guidance in reducing GHG emissions by lowering municipal and community wide energy use. The EAP assists in identifying a clear path to successfully implementing goals, policies, and actions that will achieve the City's reduction targets. Additionally, CARB's 2022 Scoping Plan describes the approach California will take to reduce GHG emissions by 40 percent below 1990 levels by the year 2030.



As discussed above, the project involves AT&T Wireless telecommunication facilities in the form of a gazebo associated telecommunication equipment in an underground equipment vault and does not propose a trip-generating land use or facilities that would generate GHG emissions. As presented in Table 4.8-1, project-related GHG emissions would only result in a total of 3.68 MTCO<sub>2</sub>e per year and are well below the 3,000 MTCO<sub>2</sub>e/year screening threshold. Comparing to other development projects, the proposed project would generate a nominal amount of GHG emissions and would not have the potential to conflict with the EAP, 2022 Scoping Plan, or any other applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.



## 4.9 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e. For a 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 result in a safety hazard or excessive noise for people residing or working in the project area?				✓
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		✓		
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓	

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

**Less Than Significant Impact.** Limited amounts of hazardous materials could be used in the short-term construction of the project, including standard construction materials (i.e., paints and solvents), gasoline, diesel fuels, and other hazardous materials routinely utilized with construction equipment. However, these activities would be short-term, and the materials used would not be in such quantities, or stored in such a manner, as to pose a significant safety hazard. Further, all project construction activities would demonstrate compliance with the applicable laws and regulations governing the use, storage, and transportation of hazardous materials, which would ensure all potentially hazardous materials are used and handled in an appropriate manner. Specifically, regulations established by the U.S. Department of Transportation (DOT), California Department of Transportation (Caltrans), and California Highway Patrol (CHP) as well as the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) statute would ensure that impacts concerning the hauling or disposal of hazardous materials during construction are reduced to less than significant levels.

The proposed project would construct telecommunication facilities in the form of a new gazebo. Additionally, project implementation would provide additional park amenities (e.g., park benches, drinking fountain, access path, and landscaping). The project would not construct habitable structures, nor would the project introduce new land uses that would require the use of hazardous materials. Additionally, hazardous materials are not typically associated with



telecommunication facilities or park amenities. Thus, the proposed project would not involve the routine transport, use, or disposal of hazardous materials during long-term operations. Less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.**

## CONSTRUCTION

One of the means through which human exposure to hazardous substances could occur is through accidental release. Incidents that result in an accidental release of hazardous substances into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. Human exposure of contaminated soil, soil gas, or water can have potential health effects based on a variety of factors, such as the nature of the contaminant and the degree of exposure.

During project construction, there is a possibility of accidental release of hazardous substances such as petroleum-based fuels or hydraulic fluid used for construction equipment. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials anticipated during construction. Nevertheless, regulations established by the DOT, Caltrans, and CHP as well as the HMTUSA statute would ensure that impacts concerning hazardous materials during construction are reduced to less than significant levels. Further, the construction contractor would be required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local, State, and Federal law. Upon compliance with all applicable regulations, impacts in this regard would be less than significant.

## OPERATIONS

The project involves constructing telecommunication facilities in the form of a new gazebo. Project implementation would also improve existing park amenities and pedestrian facilities at the Harbor Watch Park, as well as improve sidewalks along San Joaquin Hills Road. As noted in Response 4.9(a), project implementation would not introduce a change in land use that would result in the use of hazardous materials. The site is currently part of the Harbor Watch Park and the proposed improvements are park amenities. Upon project completion, no operational impacts would occur that could result in a significant hazard to the public or the environment through the reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Long-term impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

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

**No Impact.** There are no existing or proposed schools located within 0.25-mile of the project site. The nearest school is the Harbor Day School, located approximately one mile to the east at 3443 Pacific View Drive in the City of Newport Beach. As such, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.





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

**No Impact.** Government Code Section 65962.5 requires the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB) to compile and update a regulatory site listing (per the criteria of the Section). The California Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code. Section 65962.5 requires the local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations (CCR), to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.<sup>1</sup> As such, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- e) ***For a 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 result in a safety hazard or excessive noise for people residing or working in the project area?***

**No Impact.** The closest public use airport, John Wayne Airport, is located approximately 4.6 miles to the north of the project site at 18601 Airport Way in the City of Santa Ana. The project site is located outside of the John Wayne Airport Influence Area and is not within the vicinity of a private airstrip or any airport land use plan, or within two miles of a public airport.<sup>2</sup> As such, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- f) ***Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

**Less than Significant Impact with Mitigation Incorporated.** The proposed project would not impair emergency access in the site vicinity. Similar to existing conditions, access to the project site during project operations would be provided through the existing trail system and dirt access road via two existing access points along San Joaquin Hills Road. These access points would be utilized as emergency access points for park patrons, AT&T maintenance workers, and emergency responders. Additionally, the proposed project would develop an American Disability Act (ADA) compliant landscaped pathway from the existing concrete path to the proposed gazebo structure. Additionally, the western segment of the existing concrete path to the proposed gazebo would be improved to provide a non-exclusive five-foot wide technician pedestrian access way. Through these project improvements, access and mobility within the Harbor Watch Park would be improved, resulting in a beneficial impact in this regard. However, since construction activities may require partial temporary lane closures along San Joaquin Hills Road to install proposed utility connections in existing rights-of-way, the project Applicant would be required to implement a traffic management plan (TMP) to maintain emergency access during the construction process (Mitigation Measure TRA-1). The TMP may include potential measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and the need for a construction flagperson to direct traffic during heavy equipment use, among others. Implementation of the TMP would provide congestion relief during short-term construction activities and ensure

<sup>1</sup> California Environmental Protection Agency, *Cortese List Data Resources*, <http://calepa.ca.gov/SiteCleanup/CorteseList/>, accessed April 20, 2022.

<sup>2</sup> County of Orange Airport Land Use Commission, *Airport Environs Land Use Plan for John Wayne Airport*, amended April 17, 2008, [http://www.ocair.com/commissions/aluc/docs/JWA\\_AELUP-April-17-2008.pdf](http://www.ocair.com/commissions/aluc/docs/JWA_AELUP-April-17-2008.pdf), accessed April 20, 2022.



safe travel along existing travel routes. As such, with implementation of Mitigation Measure TRA-1, the project's impacts in this regard would be reduced to less than significant levels.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.

**g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

**Less than Significant Impact.** According to the California Department of Forestry and Fire Protection, the project site is located within a Very High Fire Hazard Severity Zone in a Local Responsibility Area (LRA).<sup>3</sup> Construction of the proposed project would be required to comply with existing regulations outlined in the California Fire Code (CFC) regarding construction activities within areas of high wildfire risk. Additionally, the project would be required to comply with specific fire safety requirements, pursuant to Section 9.04.380, *Replacement to Chapter 49 Requirements for Wildland-Urban Interface Fire Areas*, of the Municipal Code. The intent of Municipal Code Section 9.04.380 is to mitigate the conditions where vegetative fuels could potentially transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses. Specifically, the section requires a fuel modification plan be submitted and approved by the fire code official prior to issuance of a building permit. Additionally, the section prohibits the use of any internal combustion engine that uses hydrocarbon fuel and includes maintenance requirements for properties located within an identified Very High Fire Hazard Severity Zone. Compliance with State and local regulations would minimize impacts related construction activities to less than significant levels.

It is acknowledged that the project proposes off-site improvements, including the installation of a new fire hydrant along the southern side of San Joaquin Hills Road and an underground water connection that connects the new fire hydrant to an existing fire hydrant on the northern side of San Joaquin Hills Road for additional fire suppression in the event that a wildfire occurs in the area. Further, the project would provide a ten-foot radius clear of combustible vegetation around the proposed gazebo and underground equipment vault in order to meet fuel modification requirements.

As such, project operations would not expose people or structures to significant risk of loss, injury or death involving wildland fires. Less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

<sup>3</sup> California Department of Forestry and Fire, *Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE, Newport Beach*, October 2011, [https://osfm.fire.ca.gov/media/5891/c30\\_newportbeach\\_vhfsz.pdf](https://osfm.fire.ca.gov/media/5891/c30_newportbeach_vhfsz.pdf), accessed April 12, 2022.



## 4.10 HYDROLOGY AND WATER QUALITY

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✓	
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✓	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river or through the addition of impervious surfaces, in a manner which would:				
1) Result in substantial erosion or siltation on- or off-site?			✓	
2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
3) 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?			✓	
4) Impede or redirect flood flows?			✓	
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓

**a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?***

**Less Than Significant Impact.** As part of Section 402 of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control direct stormwater discharges. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The NPDES program regulates industrial pollutant discharges, which include construction activities. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality. The project site is located within the jurisdiction of the Santa Ana RWQCB.

Impacts related to water quality typically range over three different periods: 1) during the earthwork and construction phase, when the potential for erosion, siltation, and sedimentation would be the greatest; 2) following construction, prior to the establishment of ground cover, when the erosion potential may remain relatively high; and 3) following completion of the project, when impacts related to sedimentation would decrease markedly, but those associated with urban runoff would increase.



## CONSTRUCTION

The proposed project may result in water quality impacts during short-term construction activities. Project-related excavation and grading activities would expose soils to wind and water erosion. As construction activities would disturb less than one acre, the project would not be required to obtain coverage under the NPDES Construction General Permit. However, the project would be required to comply with applicable regulations from Municipal Code Chapter 14.36, *Water Quality*. Specifically, Municipal Code Section 14.36.040, *Control of Urban Runoff*, requires all new development and significant redevelopment within the City to comply with the Orange County Drainage Area Management Plan and conditions/requirements established by the City related to the reduction or elimination of pollutants in stormwater runoff from the project site. Following conformance with Municipal Code Chapter 14.36, the project's short-term impacts to water quality would be less than significant.

## OPERATIONS

At project completion, the proposed gazebo and additional park amenities would slightly increase impervious areas on-site. However, the project would implement Best Management Practices (BMPs) to minimize impacts related to water quality and stormwater runoff. Specifically, the project proposes landscaping that would allow infiltration of stormwater accumulated on-site into the earth rather than flowing off-site. Additionally, the proposed on-site landscaping would complement the existing open space and recreational environment. Given the nature of the proposed project as primarily park improvements and amenities at an existing park, project operations would not substantially degrade surface or groundwater water quality. Long-term operational impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** The project involves construction of a gazebo and park amenities along an existing concrete trail within the Harbor Watch Park and would not introduce any new uses that would substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Although a nominal amount of water may be used during construction these activities would be minimal and temporary in nature and would have no impact on groundwater supplies. Additionally, the site is not currently utilized as a groundwater recharge area. The project would not result in any water demand at project completion and thus, would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

- 1) ***Result in substantial erosion or siltation on- or off-site?***

**Less Than Significant Impact.** The proposed project would not result in a substantial alteration to existing drainage patterns, including through the alteration of the course of a stream or river. Currently, stormwater from the project site sheet flows in a southerly direction towards the Buck Gully Reserve. It is noted that there are no existing catch basins or storm drain lines on-site or in the immediate vicinity. Soil disturbance during project construction would include earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction, and moving and grading. Disturbed soils would be susceptible to high rates of erosion from wind and rain, resulting in sediment transport via runoff from the project site; however, soil disturbance would be nominal and temporary in nature.



While development of the proposed gazebo and park amenities would slightly increase impervious surfaces compared to existing conditions, the project proposes landscaping that would allow infiltration of stormwater accumulated on-site into the earth rather than flowing off-site. Further, the proposed on-site landscaping would complement the existing open space and recreational environment. Similar to existing conditions, no exposed soils would remain at project completion that could result in substantial erosion or siltation on- or off-site and existing drainage patterns on-site would remain.

Further, the project would be required to comply with applicable regulations from Municipal Code Chapter 14.36, *Water Quality*. Specifically, Municipal Code Section 14.36.040, *Control of Urban Runoff*, would require all new development and significant redevelopment within the City to comply with the Orange County Drainage Area Management Plan and conditions/requirements established by the City related to the reduction or elimination of pollutants in stormwater runoff from the project site. Additionally, the project would be required to comply with Municipal Code Section 14.36.030, *Illicit Connections and Prohibited Discharges*, which prohibits the construction, maintenance, operation, and utilization of any illicit connection or prohibited discharge. As such, project implementation would not substantially alter the existing drainage pattern on-site in a manner that would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** Refer to Responses 4.10(a) and 4.10 (c)(1).

**Mitigation Measures:** No mitigation measures are required.

- 3) ***Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?***

**Less Than Significant Impact.** Refer to Responses 4.10(a) and 4.10(c)(1). Stormwater runoff from the project site would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources or polluted runoff. Given the nature of the proposed project as primarily park improvements and amenities, project implementation would not introduce a new land use that would substantially increase stormwater runoff on-site. At project completion, the proposed project would complement the existing open space and recreational environment and would not generate substantial stormwater runoff compared to existing conditions. Less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- 4) ***Impede or redirect flood flows?***

**Less Than Significant Impact.** Refer to Responses 4.10(a), 4.10 (c)(1), and 4.10(c)(3).

**Mitigation Measures:** No mitigation measures are required.





d) ***In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?***

**No Impact.**

**Flood Hazard**

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the project area, the project site is located outside of the 100-year flood hazard area.<sup>1</sup> No impacts would occur in this regard.

**Tsunami**

A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as tectonic displacement of a sea floor associated with large, shallow earthquakes. The project site is located approximately 1.8 miles inland from the Pacific Ocean and is approximately 1,016 feet above mean sea level so as not to be subject to tsunami impacts. As such, no impacts would occur in this regard.

**Seiche**

A seiche is a standing wave in an enclosed or partially enclosed body of water. The project site is not located near any lakes or other major bodies of enclosed water. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

e) ***Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

**No Impact.** The *Water Quality Control Plan for the Santa Ana River Basin* (Basin Plan) designates beneficial uses for water bodies in the Santa Ana Region and establishes water quality objectives and implementation plans to protect those beneficial uses. As noted above, the project would not result in significant impacts to water quality following compliance with the Basin Plan and conformance with Municipal Code Chapter 14.36, *Water Quality*.

The Sustainable Groundwater Management Act (SGMA) requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans or prepare an alternative to a groundwater sustainability plan. According to the California Department of Water Resources SGMA Basin Prioritization Dashboard, the project is not underlain by a groundwater basin.<sup>2</sup> Thus, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and no impact would occur.

**Mitigation Measures:** No mitigation measures are required.

<sup>1</sup> Federal Emergency Management Agency, *Flood Insurance Rate Map #06059C0401J*, December 2, 2009, <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-117.87113952835794,33.61505203269935,-117.86594677170439,33.61728568259848>, accessed April 25, 2022.

<sup>2</sup> California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp-dashboard/final/>, accessed May 23, 2022.



## 4.11 LAND USE AND PLANNING

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?				✓
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✓	

**a) *Physically divide an established community?***

**No Impact.** Activities and features that could physically divide a community include, but are not limited to:

- Construction of major highways or roadways;
- Construction of storm channels;
- Closing bridges or roadways; and
- Construction of utility transmission lines.

The key factor with respect to this threshold is the potential to create physical barriers that change the connectivity between areas of a community to the extent that persons are separated from other areas of the community. The proposed project would not physically divide an established community. The project would install telecommunication facilities at the Harbor Watch Park in the form of a gazebo with an adjacent underground vault with equipment. Additionally, the project would provide new park amenities, including park benches, a drinking fountain, concrete pathways, and landscaping. No existing residential communities would be impacted by the proposed improvements within the Harbor Watch Park, and no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.**

### GENERAL PLAN CONSISTENCY

According to the *City of Newport Beach General Plan* (General Plan) Land Use Element, the project site is designated Open Space (OS). The OS designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources. OS uses may include incidental building, such as maintenance equipment and supply storage, which are not traditionally included in determining intensity limits.

Table 4.11-1, *General Plan Land Use Consistency Analysis*, provides a consistency analysis of the proposed project and relevant General Plan Land Use Element goals regarding land uses. As indicated in Table 4.11-1, the proposed project would be consistent with the General Plan, and impacts would be less than significant in this regard.



**Table 4.11-1**  
**General Plan Land Use Element Consistency Analysis**

Relevant Policies	Project Consistency Analysis
<p><u>Goal LU 1:</u> A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.</p>	
<p><u>LU 1.1:</u> Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view shed.</p>	<p><u>Consistent.</u> The project proposes would construct an 18-foot tall gazebo within the existing Harbor Watch Park. The gazebo would include six four-foot panel antennas within the gazebo and Spanish roof tiles, transparent screens, louvered vents, steel rafters, and concrete and wood building materials; refer to <u>Exhibit 2-4, AT&amp;T Gazebo Building Elevations</u>. In total, the gazebo structure would be approximately 21 feet in height. The proposed gazebo's design would complement the existing gazebo in the adjacent Canyon Watch Park, approximately 860 feet to the east. The project would also provide additional park amenities, including concrete benches, a drinking fountain, and an American Disability Act (ADA) compliant concrete pathway from the existing concrete pathway to the proposed gazebo. The gazebo and park amenities would complement the existing open space and recreational environment of the Harbor Watch Park.</p>
<p><u>LU 1.3:</u> Protect the natural setting that contributes to the character and identify of Newport Beach and the sense of place it provides for its resident and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.</p>	<p><u>Consistent.</u> Refer to response to Policy LU 1.1. Additionally, associated telecommunication equipment would be installed in an approximately 17-foot deep underground equipment vault adjacent to the proposed gazebo; refer to <u>Exhibit 2-4 and Exhibit 2-5, AT&amp;T Gazebo Site Plan</u>. All facilities and equipment would be screened from public view and right-of-way. Specifically, the top of the underground equipment vault would be screened with a faux rock cover aboveground with a vault hatch underneath. Additionally, all telecommunication equipment in the gazebo would be screened with the gazebo's architectural features and designs.</p> <p>The project would also include landscaping to complement the existing open space and recreational environment. Most existing vegetation and landscaping (e.g., boulders and decomposed rock mulch) in the project area would be preserved. Limited vegetation removal is proposed as part of the project to provide a ten-foot radius clear of combustible vegetation around the proposed gazebo and underground equipment vault. Existing California sagebrush, toyon, and lemonade berry to the north of the proposed gazebo (outside of the ten-foot radius area) would be preserved. Further, additional decomposed rock mulch and boulder-scape would be added to complement the existing and proposed landscaping.</p>
<p><u>LU 1.4:</u> Implement a conservative growth strategy that enhances the quality of life of residents and balances the needs of all constituencies with the preservation of open space and natural resources.</p>	<p><u>Consistent.</u> Refer to responses to Policies LU 1.1 and LU 1.3.</p>
<p><u>LU 1.6:</u> Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.</p>	<p><u>Consistent.</u> Refer to responses to Policies LU 1.1 and LU 1.3. The proposed gazebo and added park amenities would enhance Harbor Watch Park as a scenic overlook park that affords park patrons with views of open space, mountains, canyons, and the ocean.</p>
<p><u>Goal LU 2:</u> A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.</p>	



**Table 4.11-1 [cont'd]**  
**General Plan Land Use Element Consistency Analysis**

Relevant Policies	Project Consistency Analysis
<p><u>LU 2.1</u>: Accommodate uses that support the needs of Newport Beach’s residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.</p>	<p><u>Consistent</u>. Refer to responses to Policies LU 1.1, LU 1.3, and LU 1.6.</p>
<p><u>LU 2.6</u>: Provide uses that serve visitors to Newport Beach’s ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.</p>	<p><u>Consistent</u>. Refer to responses to Policies LU 1.1, LU 1.3, and LU 1.6.</p>
<p><u>LU 2.8</u>: Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).</p>	<p><u>Consistent</u>. The proposed gazebo, telecommunication facilities, and park amenities at the Harbor Watch Park would not increase demand on transportation and utility infrastructure or public services. Instead, it would provide additional utility (i.e., telecommunications) infrastructure in the City to serve AT&amp;T customers. As part of the project, several off-site improvements are also proposed along San Joaquin Hills Road right-of-way; refer to <u>Exhibit 2-3</u>. Specifically, AT&amp;T underground power runs are proposed to be installed within three-foot wide trenches to connect the proposed telecommunication facilities within Harbor Watch Park to an existing transformer on the northern side of San Joaquin Hills Road. The underground utilities would be installed along approximately 520 feet of the northern side of San Joaquin Hills Road right-of-way and would cross San Joaquin Hills Road to continue towards the proposed gazebo, following the existing concrete walking path for approximately 275 within 1.5-foot wide trenches.</p> <p>The project would also reconstruct existing damaged sidewalk panels along both sides of San Joaquin Hills Road to meet the City of Newport Beach Public Works standards. Additionally, a new fire hydrant is proposed along the southern side of San Joaquin Hills Road and an underground water line is proposed to connect the new fire hydrant to an existing fire hydrant on the opposite side (i.e., northern side) of San Joaquin Hills Road.</p> <p>As discussed in <u>Section 4.17, Transportation</u> and <u>Section 4.19, Utilities and Service Systems</u>, the project would result in less than significant impacts to transportation and utility infrastructure. Further, as discussed in <u>Section 4.15, Public Services</u>, the proposed project would not substantially increase demand for public services.</p>
<p><u>Goal LU 3</u>: A development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.</p>	
<p><u>LU 3.7</u>: Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.</p>	<p><u>Consistent</u>. Refer to responses to Policies LU 1.1, LU 1.3, and LU 1.6.</p>
<p><u>Goal LU 4</u>: Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach’s natural setting.</p>	



**Table 4.11-1 [cont'd]  
General Plan Land Use Element Consistency Analysis**

Relevant Policies	Project Consistency Analysis
<p><u>LU 4.1:</u> Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).</p> <p>The density/intensity ranges are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.</p> <p>To determine the permissible development, the user should:</p> <ol style="list-style-type: none"> <li>a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15</li> <li>b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity.</li> <li>c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits.</li> <li>d. For residential development in the Airport Area., refer to the policies prescribed by the Land Use Element that define how development may occur.</li> </ol>	<p><u>Consistent.</u> As stated, the project site has an OS land use designation. The OS designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources. OS may include incidental building, such as maintenance equipment and supply storage, which are not traditionally included in determining intensity limits. The project proposes the construction of telecommunication facilities in the form of an 18-foot tall gazebo within the existing Harbor Watch Park. An underground equipment vault and additional park amenities are also proposed adjacent to the proposed gazebo. The project would require a Director's Determination to interpret whether the proposed improvements are allowable uses within the OS designation. Upon approval, the project would be consistent with the Land Use Plan.</p>
<p><u>Goal LU 5.6:</u> Neighborhoods, districts, and corridors containing a diversity of uses and building that are mutually compatible and enhance the quality of the City's environment.</p>	





**Table 4.11-1 [cont'd]**  
**General Plan Land Use Element Consistency Analysis**

Relevant Policies	Project Consistency Analysis
<p><u>LU 5.6.4:</u> Require that sites be planned and buildings designed in consideration of the property's topography, landforms, drainage patterns, natural vegetation, and relationship to the Bay and coastline, maintaining the environmental character that distinguishes Newport Beach.</p>	<p><u>Consistent.</u> Refer to response to Policies LU 1.1, LU 1.3, and LU 1.6.</p>
<p>Source: City of Newport Beach, <i>City of Newport Beach General Plan Land Use Element</i>, July 25, 2006.</p>	

**MUNICIPAL CODE CONSISTENCY**

According to the *City of Newport Beach Overview Map*, the project site is zoned Planned Community (PC) 53 (Newport Ridge). Based on *Newport Beach Municipal Code* (Municipal Code) Section 20.26.010, the PC zoning district is intended to provide areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment; to allow diversification of land uses as they relate to each other in a physical and environmental arrangement; and to include a variety of land uses, consistent with the General Plan, through the adoption of a development plan and related text that provides land use relationships and associated development. It is acknowledged that the proposed use (i.e., telecommunications facility and recreation) is not listed under Municipal Code Table 2-14, *Allowed Uses and Permit Requirements*. As such, the proposed project would require a Director's Determination pursuant to Municipal Code Section 20.26.020 for unlisted land uses. Specifically, Municipal Code Section 20.12.020(e), *Unlisted Uses of Land*, authorizes the Director to make the determination that a proposed use may be allowed if specific findings can be made. Unlisted land uses that may be approved by the Director could include proposed uses that are equivalent to those listed in the zoning district as allowable and would not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise or similar impacts than the uses listed in the zoning district. The proposed use would also be required to meet the purpose/intent of the zoning district that is applied to the location of the use; be consistent with the General Plan, or any applicable Specific Plan; not be listed as allowable in another zoning district; and not be a prohibited or illegal use. The proposed telecommunication facilities and park amenities meet the required findings under Municipal Code Section 20.12.020(e) and thus, upon Director's Determination approval, the proposed project would be consistent with the Municipal Code. Impacts in this regard would be less than significant.

**NEWPORT RIDGE PLANNED COMMUNITY CONSISTENCY**

According to the *Newport Ridge Planned Community Program* (Newport Ridge PC), the project site is located in Recreation Planning Area 17 (PA 17). Based on the Newport Ridge PC, PA 17 is intended to provide active and passive park sites and recreational uses that preserve open space areas for passive use in a fuel-modified condition for wildland fire protection. Roads, utilities, grading, drainage and other infrastructure development and facilities are permitted for the improvement of park, recreational uses and adjacent development planning areas.

Principal and accessory uses permitted in PA 17 are detailed in Newport Ridge PC Chapter IV, *Recreation Use Regulations/Development Standards*. The proposed telecommunication facilities and park amenities fall under the category of 'Principal Permitted Uses (not subject to discretionary land use permits, plans, or approvals)' as Public Utility Lines/Facilities and Passive Recreation Area. Thus, the proposed uses are permitted in PA 17 under the Newport Ridge PC. Additionally, the consistency of the proposed project to applicable Newport Ridge PC development standards are analyzed in Table 4.11-2, *Newport Ridge PC Recreation Planning Area Development Standards Consistency Analysis*.



**Table 4.11-2**  
**Newport Ridge PC Recreation Planning Area Development Standards Consistency Analysis**

Development Standard	Planning Area Requirement	Proposed Project	Does Project Satisfy Requirement?
Building Site Area	No minimum	1,200 square feet	Yes
Building Site Width and Depth	No minimum	30 feet by 40 feet	Yes
Building Setbacks	All buildings shall be setback from property lines at a distance of at least equal to the height of the building or structure, and not less than thirty (30) feet from any adjacent development planning area.	The proposed 18-foot tall gazebo would be approximately 184.5 feet setback from the northern property line along San Joaquin Hills Road, approximately 21 feet setback from the southern property line, and approximately 2,170 feet from the nearest adjacent planning area (PA 7), located to the east of PA 17.	Yes
Building Site Coverage	Not more than five (5) percent of the total area in this land use category may be covered by buildings.	The Recreation land use category encompasses 154 acres within the 645-acre Newport Ridge PC. The proposed gazebo structure would encompass a 1,200-square foot area.	Yes
Building Height Limit	28 feet	The proposed gazebo structure would be 18 feet tall with an additional three-foot tall weathervane on top of the gazebo.	Yes
Source: Orange County Board of Supervisors, <i>Newport Ridge Planned Community Program</i> , March 1998.			

Based on the analysis above, the proposed project would not conflict with applicable Newport Ridge PC development standards for recreation uses. A less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.



## 4.12 MINERAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

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

**No Impact.** The California Department of Conservation’s Surface Mining and Reclamation Act of 1975 (SMARA) identifies a range of Mineral Resource Zones (MRZs) within California based on geologic and economic factors that identify the potential importance of mineral deposits in a particular area. According to the California Geological Survey, the project site is identified as MRZ-1, which is defined as areas where available geologic information indicate there is little or no likelihood for presence of significant mineral resources.<sup>1</sup> Additionally, mineral extraction operations currently do not occur at or nearby the project site. As such, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**No Impact.** Refer to Response 4.12(a), above.

**Mitigation Measures:** No mitigation measures are required.

<sup>1</sup> California Geological Survey Division of Mines and Geology, *Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California, Part II- Orange County Special Report 143: Mineral Land Classification of the Greater Los Angeles Area: Part III - Classification of Sand and Gravel Resource Areas, Orange County-Temescal Valley Production-Consumption Region, Mineral Land Classification Map Plate 3.29, 1981.*



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## 4.13 NOISE

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

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air and is characterized by both its amplitude and frequency (or pitch). The human ear does not hear all frequencies equally. In particular, the ear deemphasizes low and very high frequencies. To better approximate the sensitivity of human hearing, the A-weighted decibel scale (dBA) has been developed. On this scale, the human range of hearing extends from approximately 3 dBA to around 140 dBA.

Noise is generally defined as unwanted or excessive sound, which can vary in intensity by over one million times within the range of human hearing; therefore, a logarithmic scale, known as the decibel scale (dB), is used to quantify sound intensity. Noise can be generated by several sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates (is reduced) at a rate between 3 dBA and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6 dBA and about 7.5 dBA per doubling of distance.

There are a number of metrics used to characterize community noise exposure, which fluctuate constantly over time. One such metric, the equivalent sound level ( $L_{eq}$ ), represents a constant sound that, over the specified period, has the same sound energy as the time-varying sound. Noise exposure over a longer period of time is often evaluated based on the Day-Night Sound Level ( $L_{dn}$ ). This is a measure of 24-hour noise levels that incorporates a 10-dBA penalty for sounds occurring between 10:00 p.m. and 7:00 a.m. The penalty is intended to reflect the increased human sensitivity to noises occurring during nighttime hours, particularly at times when people are sleeping and there are lower ambient noise conditions.

Two of the primary factors that reduce levels of environmental sounds are increasing the distance between the sound source to the receiver and having intervening obstacles such as walls, buildings, or terrain features between the sound source and the receiver. Factors that act to increase the loudness of environmental sounds include moving the sound source closer to the receiver, sound enhancements caused by reflections, and focusing caused by various meteorological conditions.





## REGULATORY FRAMEWORK

### State

The State Office of Planning and Research (OPR) Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. [Table 4.13-1, \*Noise and Land Use Compatibility\*](#), shows the compatibility of various land uses with a range of environmental noise levels in terms of the Community Noise Equivalent Level (CNEL).

**Table 4.13-1  
Noise and Land Use Compatibility**

Land Use Category	Community Noise Exposure (L <sub>dn</sub> or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential - Low Density, Single-Family, Duplex, Mobile Homes	50 - 60	55 - 70	70 - 75	75 - 85
Residential - Multiple Family	50 - 65	60 - 70	70 - 75	70 - 85
Transient Lodging - Motel, Hotels	50 - 65	60 - 70	70 - 80	80 - 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 - 70	60 - 70	70 - 80	80 - 85
Auditoriums, Concert Halls, Amphitheaters	NA	50 - 70	NA	65 - 85
Sports Arenas, Outdoor Spectator Sports	NA	50 - 75	NA	70 - 85
Playgrounds, Neighborhood Parks	50 - 70	NA	67.5 - 75	72.5 - 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 - 70	NA	70 - 80	80 - 85
Office Buildings, Business Commercial and Professional	50 - 70	67.5 - 77.5	75 - 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 - 75	70 - 80	75 - 85	NA
Notes: NA = Not Applicable Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. Conditionally Acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice. Normally Unacceptable – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Clearly Unacceptable – New construction or development should generally not be undertaken.				
Source: State of California Office of Planning and Research, <i>General Plan Guidelines</i> , October 2017.				

### Local

#### ***Newport Beach Noise Ordinance***

The City of Newport Beach has a noise ordinance that provides noise guidelines and standards for significant noise generators. Noise standards from Municipal Code Chapter 10.26, *Community Noise Control*, are presented in [Table 4.13-2, \*City of Newport Beach Exterior Noise Standards\*](#), and [Table 4.13-3, \*City of Newport Beach Interior Noise Standards\*](#). The following sections are applicable to the project.

#### Section 10.26.025, *Exterior Noise Standards*

- A. The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated noise zone:



**Table 4.13-2  
City of Newport Beach Exterior Noise Standards**

Zone	Allowable Exterior Noise Level (L <sub>eq</sub> ) <sup>1</sup>	
	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
1- Single-, two- or multiple-family residential properties	55 dBA	50 dBA
2- Commercial properties	65 dBA	60 dBA
3- Residential portions of mixed-use properties	60 dBA	50 dBA
4- Industrial or manufacturing	70 dBA	70 dBA
1. If the ambient noise level exceeds the resulting standards, the ambient shall be the standard.		
Source: City of Newport Beach, Newport Beach Municipal Code Chapter 10.26, <i>Community Noise Control</i> , Section 10.26.025(A), 2018.		

- B. It is unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property, to exceed the following:
  - 1. The noise standard for the applicable zone for any 15-minute period;
  - 2. A maximum instantaneous noise level equal to the value of the noise standard plus 20 dBA for any period of time (measured using A-weighted slow response).
- C. In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
- D. The Noise Zone III standard shall apply to that portion of residential property falling within 100 feet of a commercial property, if the intruding noise originates from that commercial property.
- E. If the measurement location is on boundary between two difference noise zones, the lower noise level standard applicable to the noise zone shall apply.

Section 10.26.030, *Interior Noise Standards*

- A. The following noise standard, unless otherwise specifically indicated, shall apply to all residential property within all noise zones:

**Table 4.13-3  
City of Newport Beach Interior Noise Standards**

Noise Zone	Type of Land Use	Allowable Interior Noise Level <sup>1</sup>	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Residential	45 dBA	40 dBA
III	Residential portions of mixed-use properties	45 dBA	40 dBA
1. If the ambient noise level exceeds the resulting standards, the ambient shall be the standard.			
Source: City of Newport Beach, Newport Beach Municipal Code Chapter 10.26, <i>Community Noise Control</i> , Section 10.26.030(A), 2018.			

- B. It is unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such



person, which causes the noise level when measured on any other property, to exceed the following:

1. The noise standard for the applicable zone for any 15-minute period;
  2. A maximum instantaneous noise level equal to the value of the noise standard plus 20 dBA for any period of time (measured using A-weighted slow response).
- C. In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
- D. The Noise Zone III standard shall apply to that portion of residential property falling within 100 feet of a commercial property, if the intruding noise originates from that commercial property.
- E. If the measurement location is on boundary between two difference noise zones, the lower noise level standard applicable to the noise zone shall apply.

#### 10.28.040, *Construction Activity – Noise Regulations*

The following noise regulations regarding construction activity from Municipal Code Chapter 10.28, *Loud and Unreasonable Noise*, are applicable to the proposed project:

- A. Weekdays and Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any weekday except between the hours of 7:00 a.m. and 6:30 p.m., nor on any Saturday except between the hours of 8:00 a.m. and 6:00 p.m.
- B. Sundays and Holidays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or any federal holiday.
- C. No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the provisions of this section.

#### ***City of Newport Beach General Plan Noise Element***

The General Plan Noise Element discloses guiding information pertaining to noise sensitive land uses and noise sources and defines areas of noise impact for the purpose of developing policies to ensure that Newport Beach residents will be protected from excessive noise intrusion. The Noise Element includes goals, objectives, and policies that apply to the proposed project, including those identified below.

**Goal N-1: Noise Compatibility.** Minimized land use conflicts between various noise sources and other human activities.

- Policy N 1.1:** Require that all proposed projects are compatible with the noise environment through the use of Table N2 (Table 4.13-4, *General Plan Land Use Noise Compatibility Matrix*, below), and enforce the interior and exterior noise standards shown in Table N3 (Tables 4.13-2 and 4.13-3, above).



**Table 4.13-4  
General Plan Land Use Noise Compatibility Matrix**

Land Use Categories		Community Noise Equivalent Level (CNEL)						
Categories	Uses	<55	55-60	60-65	65-70	70-75	75-80	>80
<b>Residential</b>	Single Family, Two Family, Multiple Family	A	A	B	C	C	D	D
<b>Residential</b>	Mixed Use	A	A	A	C	C	C	D
<b>Residential</b>	Mobile Home	A	A	B	C	C	D	D
<b>Commercial</b> Regional, District	Hotel, Motel, Transient Lodging	A	A	B	B	C	C	D
<b>Commercial</b> Regional, Village District, Special	Commercial Retail, Bank, Restaurant, Movie Theatre	A	A	A	A	B	B	C
<b>Commercial</b> <b>Industrial</b> <b>Institutional</b>	Office Building, Research and Development, Professional Offices, City Office Building	A	A	A	B	B	C	D
<b>Commercial</b> Recreational	Amphitheatre, Concert Hall Auditorium, Meeting Hall	B	B	C	C	D	D	D
<b>Institutional</b> Civic Center								
<b>Commercial</b> Recreation	Children's Amusement Park, Miniature Golf Course, Go-cart Track, Equestrian Center, Sports Club	A	A	A	B	B	D	D
<b>Commercial</b> General, Special	Automobile Service Station, Auto Dealership, Manufacturing, Warehousing, Wholesale, Utilities	A	A	A	A	B	B	B
<b>Industrial</b> <b>Institutional</b>								
<b>Institutional</b>	Hospital, Church, Library, Schools' Classroom	A	A	B	C	C	D	D
<b>Open Space</b>	Parks	A	A	A	B	C	D	D
<b>Open Space</b>	Golf Course, Cemeteries, Nature Centers Wildlife Reserves, Wildlife Habitat	A	A	A	A	B	C	C
<b>Agriculture</b>	Agriculture	A	A	A	A	A	A	A

Notes:  
**Zone A:** Clearly Compatible—Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.  
**Zone B:** Normally Compatible—New construction or development should be undertaken only after detailed analysis of the noise reduction requirements and are made and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will normally suffice.  
**Zone C:** Normally Incompatible—New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made and needed noise insulation features included in the design.  
**Zone D:** Clearly Incompatible—New construction or development should generally not be undertaken.  
Source: City of Newport Beach, *City of Newport Beach General Plan Noise Element*, 2006.

**Policy N 1.2:**

Applicants for proposed projects that require environmental review and are, located in areas projected to be exposed to a CNEL of 60 dBA and higher, as shown on Figure N4, Figure N5, and Figure N6 (see pages 12-17 through 12-22 of the City's General Plan Noise Element) may conduct a field survey, noise measurements or other modeling in a manner acceptable to the City to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall



be used to determine the level of exterior or interior, noise attenuation needed to attain an acceptable noise exposure level and the feasibility of such mitigation when other planning considerations are taken into account.

**Policy N 1.3:** Require that all remodeling and additions of structures comply with the noise standards shown in Table N3 (Tables 4.13-2 and 4.13-3 above).

**Policy N 1.8:** Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in Table 4.13-5, General Plan Noise Increase Significance Criteria.

**Table 4.13-5  
General Plan Noise Increase Significance Criteria**

CNEL (dBA)	dBA Increase
55	3
60	2
65	1
70	1
Over 75	Any increase is considered significant

Source: City of Newport Beach, *City of Newport Beach General Plan Noise Element*, 2006.

**Goal N-4: Minimization of Nontransportation-Related Noise.** Minimized nontransportation-related noise impacts on sensitive noise receptors.

**Policy N 4.1:** Enforce interior and exterior noise standards outlined in Table N3 (Tables 4.13-2 and 4.13-3 above), and in the City’s Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.

**Policy N 4.6:** Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.

**Policy N 4.8:** Regulate the use of mechanized landscaping equipment.

**Goal N-5: Minimized excessive construction-related noise.**

**Policy N 5.1:** Enforce the limits on hours of construction activity.

**EXISTING CONDITIONS**

The project site is designated as Open Space in the General Plan. The nearest noise sensitive residential property is located approximately 310 feet north of the proposed project construction limits. The existing noise environment is predominately characterized by vehicular traffic noise along San Joaquin Hills Road.





**Noise Measurements**

In order to quantify existing ambient noise levels in the project area, Michael Baker conducted three short-term noise measurements on March 29, 2022; refer to Table 4.13-6, Noise Measurements. The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the project site. The ten-minute measurements were taken between 11:00 a.m. and 1:00 p.m.

**Table 4.13-6  
Noise Measurements**

Site No.	Location	L <sub>eq</sub> (dBA)	L <sub>min</sub> (dBA)	L <sub>max</sub> (dBA)	Time
1	The north side of the project site	58.9	39.0	70.3	11:58 a.m.
2	In front of 21 Montecito Drive	44.8	35.7	60.3	11:36 a.m.
3	Southwestern corner of intersection of San Joaquin Hills Road and Spy Glass Hill Road	69.4	48.5	87.1	12:20 p.m.

Source: Refer to Appendix E.

Meteorological conditions when the measurements were taken consisted of clear skies, cool temperatures, with moderately light wind speeds (less than five miles per hour), and low humidity. Measured noise levels during the daytime measurements ranged from 44.8 to 69.4 dBA L<sub>eq</sub>. The source of peak noise in the project area is vehicular traffic along San Joaquin Hills Road. Noise monitoring equipment used for the ambient noise survey consisted of a Brüel & Kjær Hand-held Analyzer Type 2250 equipped with a Type 4189 pre-polarized microphone. The monitoring equipment complies with applicable requirements of the American National Standards Institute (ANSI) for Type I (precision) sound level meters. The results of the field measurements are included in Appendix E, Noise Data.

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

**Less Than Significant Impact.** It is difficult to specify noise levels which are acceptable to everyone, what is annoying to one individual may be acceptable to another. However, standards usually address the needs of most of the general population and can be based on documented complaints in response to documented noise levels or based on studies of the ability of people to sleep, talk, or work under various noise conditions. All such studies recognize that individual responses vary considerably.

**Short-Term (Construction) Impacts**

Construction activities are generally temporary and have a short duration, resulting in periodic increases in the ambient noise environment. Construction of the proposed project is anticipated to commence in September 2023 and last for approximately four months, ending in January 2024. Typical noise levels generated by construction equipment are shown in Table 4.13-7, Maximum Noise Levels Generated by Construction Equipment. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment).



**Table 4.13-7**  
**Maximum Noise Levels Generated by Construction Equipment**

Type of Equipment	Acoustical Use Factor <sup>1</sup>	L <sub>max</sub> at 50 Feet (dBA)
Crane	16	81
Concrete Mixer Truck	40	79
Forklift	40	78
Grader	40	85
Dozer	40	82
Paver	50	77
Roller	20	80
Tractor	40	84
Note:		
1. Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.		
Source: Federal Highway Administration, <i>Roadway Construction Noise Model (FHWA-HEP-05-054)</i> , January 2006.		

The project proposes to construct an 18-foot tall gazebo with six four-foot panel antennas within the gazebo and associated telecommunication equipment in an approximately 17-foot deep underground vault adjacent to the gazebo. The closest residential uses, located on Montecito Drive, are situated approximately 310 feet from construction activities. Construction noise modeling was performed using the Roadway Construction Noise Model (RCNM) developed by the Federal Highway Administration (FHWA)<sup>1</sup>. This program enables the prediction of construction noise levels for a variety of construction operations. This program was used to identify construction noise levels at nearby sensitive uses. Table 4.13-8, Construction Noise Levels by Construction Activity, shows the highest anticipated noise levels generated during project construction.

**Table 4.13-8**  
**Construction Noise Levels by Construction Activity**

Construction Activity	Distance from Construction Activity <sup>1</sup>	Estimated Noise Level at Nearest Receptor (L <sub>eq</sub> , dBA) <sup>2</sup>
Grading	310	68.8
Notes:		
1. Distance from nearest residential use to proposed construction activities are based on site plans.		
2. Estimated noise levels account for the existing solid masonry walls at the nearby residential receptors.		
Source: Federal Highway Administration, <i>Roadway Construction Noise Model (Version 1.1)</i> , December 2008; refer to Appendix E.		

Pursuant to the City of Newport Beach Municipal Code, Noise Ordinance, Section 10.26.035, construction activities are considered exempt from the noise standards of the noise ordinance if limited to the hours of 7:00 a.m. to 6:30 p.m. on Mondays to Fridays, and 8:00 a.m. to 6:00 p.m. on Saturdays, with no activity allowed on Sundays or national holidays. For informational purposes, the project's construction noise levels are compared against the FTA's acceptable noise level of 80 dBA L<sub>eq</sub> for sensitive receiver locations. As shown in Table 4.13-8, the highest noise levels are predicted to occur during the grading phase when construction noise levels could reach 68.8 dBA at the nearest residential uses and are expected to be below FTA's acceptable noise level of 80 dBA L<sub>eq</sub>. As such, noise impacts during construction activities would be less than significant.

<sup>1</sup> Federal Highway Administration, *Roadway Construction Noise Model (FHWA-HEP-05-054)*, January 2006.



**Long-Term (Operational) Impacts**

Operation of the proposed project would not introduce any new noise-generating sources. Upon project completion, routine maintenance and inspection visits would occur; however, there would not be any significant increase in vehicular trips to the project area generated by the project. Therefore, no long-term noise impacts would result.

**Mitigation Measures:** No mitigation measures are required.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

**Less Than Significant Impact.** Project construction can generate varying degrees of groundborne vibration, depending on the construction equipment used and the type of activity. Construction equipment operation would generate groundborne vibrations which decrease with distance from the source. The effect on buildings located near the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Ground-borne vibrations from construction activities rarely reach levels that damage structures.

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Consistent with the FTA’s *Transit Noise and Vibration Impact Assessment Manual*, this evaluation uses the FTA architectural damage threshold for continuous vibrations at engineered concrete and masonry buildings of 0.2 inch/second PPV. As the nearest structures to project construction areas are residential structures, this threshold is considered appropriate. Table 4.13-9, Typical Vibration Levels for Construction Equipment, identifies typical vibration levels for construction equipment.

**Table 4.13-9  
Typical Vibration Levels for Construction Equipment**

Equipment	Approximate peak particle velocity at 25 feet (inch/second)	Approximate peak particle velocity at 310 feet (inch/second)
Loaded trucks	0.076	0.0018
Vibratory Roller	0.21	0.0049
Small bulldozer/Tractors	0.003	0.0001
Notes: 1. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance PPV (ref) = the reference vibration level at 25 feet in in/sec D = the distance from the equipment to the receiver		
Source: Federal Transit Administration, <i>Transit Noise and Vibration Impact Assessment Manual</i> , September 2018.		

As illustrated in Table 4.13-9, based on the FTA data, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.0001 to 0.0049 inch/second PPV at 310 feet from the source of activity. As such, vibration levels during project construction would not exceed the FTA architectural damage threshold for continuous vibrations at engineered concrete and masonry buildings of 0.2 inch/second PPV threshold.



In addition, according to the FTA, ground-borne noise occurs when vibration radiates through a building interior and creates a low-frequency sound, often described as a rumble. The proposed project does not include train operations or equipment with the potential to generate groundborne vibration. As such, a less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**No Impact.** The project is not located within an airport land use plan and there are no public or private airports or airstrips within two miles of the project site. The nearest airport to the project site is the John Wayne Airport, located approximately 4.6 miles to the north. Thus, project implementation would not expose people residing or working in the project area to excessive noise levels. No impact would occur.

**Mitigation Measures:** No mitigation measures are required.



## 4.14 POPULATION AND HOUSING

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

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

**No Impact.** The proposed project would not involve the construction of any homes, businesses, or other uses that would result in direct or indirect population growth. Short-term temporary construction jobs would be created during construction and installation of the proposed gazebo and off-site improvements. However, given the temporary nature of the construction process and limited duration of construction, it is anticipated that local construction workers would be employed, and no new workers would relocate to Newport Beach to construct the project. Routine maintenance of the gazebo during project operations would also be conducted by existing AT&T maintenance workers. As such, the proposed park improvements would not induce substantial unplanned population growth and no impacts would occur.

**Mitigation Measures:** No mitigation measures are required.

- b) ***Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

**No Impact.** The project site is located within the Harbor Watch Park and no residences exist on-site. Thus, the project would not displace residents or housing, necessitating the construction of replacement housing elsewhere. No impact would occur.

**Mitigation Measures:** No mitigation measures are required.





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## 4.15 PUBLIC SERVICES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?			✓	
2) Police protection?				✓
3) Schools?				✓
4) Parks?			✓	
5) Other public facilities?				✓

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

1) ***Fire protection?***

**Less Than Significant Impact.** The Newport Beach Fire Department (NBFD) provides fire and emergency medical services for the City. The NBFD staffs eight fire stations 24 hours a day, seven days a week. Each are staffed, per shift, with one battalion chief, 10 fire captains, 10 fire apparatus engineers, 10 paramedic/firefighters, and six firefighters.<sup>1</sup> The project site is served by Fire Station #8, located at the 6502 Ridge Park Road, approximately 0.9-mile east of the project site.

The proposed gazebo, wireless telecommunication facilities, and off-site improvements would not increase the City's existing population; refer to Section 4.14, Population and Housing. Additionally, the proposed project would not construct habitable structures or result in other land uses capable of substantially increasing the need for fire protection services.

Further, construction of the proposed project would be required to comply with existing regulations outlined in the California Fire Code (CFC) and with specific fire safety requirements pursuant to Section 9.04.380, *Replacement to Chapter 49 Requirements for Wildland-Urban Interface Fire Areas*, of the Municipal Code. Specifically, the section requires a fuel modification plan be submitted and approved by the fire code official prior to issuance of a building permit. It is also acknowledged that the project proposes off-site improvements, including the installation of a new fire hydrant along the southern side of San Joaquin Hills Road and an underground water connection that connects the new fire hydrant to an existing fire hydrant on the northern side of San Joaquin Hills Road for additional fire suppression

<sup>1</sup> City of Newport Beach, *Fire Operations Division*, <https://www.newportbeachca.gov/government/departments/fire-department/fire-operations-division>, accessed April 13, 2022.



in the event that a wildfire occurs in the area. Further, the project would provide a ten-foot radius clear of combustible vegetation around the proposed gazebo and underground equipment vault in order to meet fuel modification requirements. The project would not increase demand for fire protection and emergency medical services and thus, would not result in adverse physical impacts associated with the construction of any new or physically altered fire protection facilities. Less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**2) Police protection?**

**No Impact.** The Newport Beach Police Department (NBPD) provides police protection services to the City. The NBPD station is located approximately 2.3 miles to the northwest of the project site at 870 Santa Barbara Drive. As stated, implementation of the project would not increase the City's existing population. Further, no habitable structures or other land uses capable of substantially increasing the need for police protection services are proposed. Therefore, the project would not increase the need for additional police protection services or involve construction of any new or physically altered police protection facilities. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**3) Schools?**

**No Impact.** The project site is located within the Newport-Mesa Unified School District (NMUSD). Implementation of the proposed project would not increase the City's residential population and thus, would not impact existing capacities and resources at NMUSD schools and facilities. No impact is anticipated in this regard.

**Mitigation Measures:** No mitigation measures are required.

**4) Parks?**

**Less Than Significant Impact.** The City currently owns and operates 67 parks within the City.<sup>2</sup> The project site itself is located within the Harbor Watch Park at 4500 San Joaquin Hills Road. As discussed above, the proposed project would not increase the City's residential population. Thus, the project would not substantially increase the need for park or recreational facilities. Rather, the project would enhance the existing Harbor Watch Park by providing new park amenities for park patrons. Proposed amenities include a gazebo, park benches, a drinking fountain, and an extended concrete walking path to the proposed gazebo; refer to Exhibit 2-5, AT&T Gazebo Site Plan. As such, impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**5) Other public facilities?**

**No Impact.** As detailed above in Responses 4.15(a)(1) through 4.15(a)(4), the proposed project would not result in any potentially significant impacts related to public services. The project would not increase the City's existing population and would not introduce any uses that would increase demand for other public facilities, including library services. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

<sup>2</sup> City of Newport Beach, *Recreation & Senior Services – Parks and Facilities*, <http://nbgis.newportbeachca.gov/gispub/recreation/facilities/default.aspx>, accessed April 13, 2022.



## 4.16 RECREATION

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

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

**Less Than Significant Impact.** Refer to Response 4.15(a)(4). Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** As detailed in Section 2.4, *Project Characteristics*, the project proposes to construct telecommunication facilities in the form of a gazebo and would provide several additional park amenities, including three new concrete park benches (replacing three existing wood benches), a drinking fountain, and improvements to the existing concrete walking path and access road. The project would also construct an American Disability Act (ADA) compliant pathway from the existing concrete path to the proposed gazebo. The project's potential environmental impacts associated with the proposed park improvements are analyzed throughout this Initial Study. Compliance with applicable laws, ordinances, and regulations would ensure project impacts are reduced to less than significant levels in this regard.

**Mitigation Measures:** No mitigation measures are required.



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## 4.17 TRANSPORTATION

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

a) ***Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?***

**Less Than Significant Impact with Mitigation Incorporated.**

### ROADWAY FACILITIES

The project site is served by San Joaquin Hills Road, which is a four-lane divided road within the City. San Joaquin Hills Road travels in an east to west direction within City limits. Under the General Plan Circulation Element, the portion of San Joaquin Hills Road that provides access to the project site is classified as a Primary Road (four lane divided).

Construction activities associated with the project would include short-term traffic trips associated with the transfer of construction equipment, construction worker trips, and hauling trips for soil and construction material. Although construction traffic may have the potential to impact the local circulation system, the scope of construction activity at the site is expected to be limited and a relatively limited number of construction deliveries would occur.

However, as part of the project, several off-site improvements are also proposed along San Joaquin Hills Road right-of-way. Specifically, AT&T underground power runs are proposed to be installed within three-foot wide trenches to connect the proposed telecommunication facilities within Harbor Watch Park to an existing transformer on the northern side of San Joaquin Hills Road. As such, construction activities for off-site improvements may require temporary partial lane closures on San Joaquin Hills Road. Implementation of Mitigation Measure TRA-1 would require a Traffic Management Plan (TMP) be prepared to maintain vehicular traffic flow, bicyclist and pedestrian access, and emergency access during the construction process. The TMP would be required to include potential measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and the use of a construction flagperson to direct traffic during heavy equipment use, among others. With the implementation of Mitigation Measure TRA-1, short-term construction impacts on roadways would be reduced to less than significant levels.

Upon project completion, the proposed gazebo and park amenities within the Harbor Watch Park would have no impact on roadway facilities.



## TRANSIT FACILITIES

Transit services in the project area are provided by the Orange County Transportation Authority (OCTA). Five OCTA routes (Routes 1, 47, 55, 71, and 79) serve areas within or in close proximity to Newport Beach. However, there are no transit facilities located within the project vicinity. As such, implementation of the proposed project would not impact existing transit facilities and the project would not conflict with any policies or regulations pertaining to transit facilities. As such, no impacts would occur in this regard.

## BICYCLE AND PEDESTRIAN FACILITIES

Based on Figure CE4, *Bikeways Master Plan*, of the General Plan Circulation Element, the portion of San Joaquin Hills Road that provides access to the project site is identified as a Class II Bikeway (On-road Striped Lane). According to the General Plan Circulation Element, a Class II Bikeway is a bikeway that provides a striped and stenciled lane for bicycle travel on a street or highway.

Pedestrian facilities in the project area include an unnamed recreational trail, concrete walking path, and access road within the Harbor Watch Park. Additionally, pedestrian sidewalks are provided along the project frontage on San Joaquin Hills Road.

Construction activities associated with the project may temporarily impact bicycle and pedestrian facilities. As stated, temporary partial lane closures, including bicycle and pedestrian facilities along San Joaquin Hills Road, may be required during project construction activities. As such, a Traffic Management Plan (TMP) would be required to maintain vehicular traffic flow, bicyclist, and pedestrian access, and emergency access during the construction process (Mitigation Measure TRA-1). Bicycle lanes and pedestrian sidewalks would be required to remain open and accessible, to the greatest extent feasible, during construction or be re-routed to ensure continued connectivity. With implementation of Mitigation Measure TRA-1, impacts would be less than significant in this regard.

Upon project completion, the project would provide additional park amenities within the Harbor Watch Park and would not conflict with any program plan, ordinance, or policy addressing the City's existing bicycle or pedestrian network. Impacts would be less than significant.

### **Mitigation Measures:**

TRA-1 Prior to issuance of a grading permit, the project Applicant shall prepare a Traffic Management Plan (TMP) for approval by the City's Traffic Engineer. The TMP shall specify that one lane of travel in each direction on San Joaquin Hills Road shall always be maintained during project construction activities. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours of truck traffic, temporary striping plans, and, if necessary, use of construction flag person(s) to direct traffic during heavy equipment use. Bicycle lanes and pedestrian sidewalks shall remain open and accessible, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity while maintaining Americans with Disabilities Act (ADA) accessibility. The TMP shall be incorporated into project specifications for verification prior to final plan approval.

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

**Less Than Significant Impact.** In accordance with Senate Bill 743, the City has developed a VMT analysis methodology as part of Council Policy K-3, *Implementation Procedures for the California Act*. The City's VMT analysis methodology is also supplemented by the *City SB 743 VMT Implementation Guide*, dated April 6, 2020, the General Plan, Coastal Land Use Plan, and Municipal Code. The City's VMT analysis methodology establishes screening criteria



and thresholds of significance to determine whether a project would result in a significant transportation impact under CEQA.

Given the nature of the proposed telecommunications and park improvements, the project does not explicitly fall within any of the City's land use or transportation project screening categories. However, the project does not involve any new land uses that would generate new vehicle trips and associated VMT. Nominal trips are anticipated for AT&T maintenance activities. Thus, project impacts in this regard would be less than significant and the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b).

**Mitigation Measures:** No mitigation measures are required.

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

**No Impact.** Project improvements would not introduce hazards on surrounding roadways due to geometric design features or incompatible uses. No new land uses are proposed that would be incompatible with the site's existing use as an open space and recreational area. Thus, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

d) ***Result in inadequate emergency access?***

**Less Than Significant Impact with Mitigation Incorporated.** As stated, the proposed project would include off-site improvements to install underground power runs within existing right-of-way along San Joaquin Hills Road. Construction activities may require temporary partial lane closures along San Joaquin Hills Road to install the proposed utility improvements. As such, implementation of a TMP would be required to maintain adequate emergency access during the construction process (Mitigation Measure TRA-1). With the implementation of Mitigation Measure TRA-1, and with compliance with State and City regulations pertaining to emergency access, impacts in this regard would be reduced to less than significant levels.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.



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## 4.18 TRIBAL CULTURAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				✓
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		✓		

As of July 1, 2015, California Assembly Bill 52 (AB 52) was enacted and expanded CEQA by establishing a formal consultation process for California tribes within the CEQA process. The bill specifies that any project may affect or cause a substantial adverse change in the significance of a tribal cultural resource would require a lead agency to “begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project.” Section 21074 of AB 52 also defines a new category of resources under CEQA called “tribal cultural resources.” Tribal cultural resources are defined as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and is either listed on or eligible for the California Register of Historical Resources (CRHR) or a local historic register, or if the lead agency chooses to treat the resource as a tribal cultural resource.

On February 19, 2016, the California Natural Resources Agency proposed to adopt and amend regulations as part of AB 52 implementing Title 14, Division 6, Chapter 3 of the California Code of Regulations, CEQA Guidelines, to include consideration of impacts to tribal cultural resources pursuant to Government Code Section 11346.6. On September 27, 2016, the California Office of Administrative Law approved the amendments to Appendix G of the CEQA Guidelines, and these amendments are addressed within this Initial Study.

- a) ***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***
- 1) ***Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).***



**No Impact.** According to the Cultural/Paleo Report, no historic resources listed or eligible for listing in a State or local register of historic resources are located within the project site. Thus, no impacts related to historic tribal cultural resources defined in Public Resources Code Section 5020.1(k) would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- 2) ***A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

**Less Than Significant Impact with Mitigation Incorporated.** In compliance with AB 52, the City distributed letters notifying each tribe that requested to be on the City's list for the purposes of AB 52 of the opportunity to consult with the City regarding the proposed project; refer to Appendix E, AB 52 Documentation. The letters were distributed by certified mail on March 31, 2022. The tribes had 30 days to respond to the City's request for consultation.

The Juaneño Band of Mission Indians, Acjachemen Nation-Belardes (JBMI) responded on April 12, 2022 stating that the project location is in the core of the JBMI's ancestral territory. The JBMI requested the results of a Sacred Land File (SLF) search and California Historical Resources Information System (CHRIS) report prior to consulting on the project. The City responded on April 18, 2022 stating that a SLF search with the Native American Heritage Commission was not conducted given that the project does not involve a general plan amendment but provided the CHRIS record search results from the South Central Coastal Information Center. The City followed up with the JBMI two additional times after April 18, 2022 but received no response. As such, AB 52 consultation was assumed to be concluded.

The Gabrieleno Band of Mission Indians – Kizh Nation (GBMI) responded on July 6, 2022, stating that the project is within the tribe's ancestral tribal territory and requested consultation and proposed several mitigation measures. After consultation was conducted between the City and GBMI, the City reached out to GBMI several times to request clarification and to provide modifications to the mitigation. However, the GBMI did not respond to the City.

As such, the City developed Mitigation Measures TCR-1 through TCR-3 to minimize project-related impacts to potential tribal cultural resources in the project area. Upon implementation of these measures, impacts to tribal cultural resources would be reduced to less than significant levels.

**Mitigation Measures:**

TCR-1 Prior to the commencement of any ground disturbing activity at the project site, the project Applicant shall retain a Native American monitor. The Native American monitor shall be selected from a list of tribes that have requested that a monitor be present on the project site, and in which the project site is within their ancestral region of occupation, including the Gabrieleno Tribes. If multiple tribes request monitoring, a weekly rotating schedule shall be determined by the City of Newport Beach Planning Division.

The Native American monitor shall only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined as activities that may include, but are not limited to, grubbing, tree removals, boring, grading, excavation, drilling, and trenching. The Native American monitor shall complete daily monitoring logs that shall provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the project site are completed, or when the Native American monitor has indicated that all upcoming ground-disturbing activities at the project site have little to no potential for impacting tribal cultural resources.





TCR-2 In the event tribal cultural resources are discovered during project construction, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All tribal cultural resources unearthed by project activities shall be evaluated by the Native American monitor and a qualified archaeologist to be retained by the project Applicant. If the resources are Native American in origin, the resource shall be evaluated by the qualified archaeologist with the assistance of the consulting tribe(s). After evaluation and all necessary reporting, the affected tribe shall retain it/them in the form and/or manner the tribe deems appropriate, for educational, cultural and/or historic purposes. Reburial of inadvertent discoveries on-site shall be considered by the City of Newport Beach Planning Division if requested by the consulting tribes. Work may continue in other parts of the project site while evaluation and any required recovery activities take place. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include site capping (burial), creation of conservation easements, and/or data recovery. Implementation of archaeological data recovery excavations will require the recreation of a data recovery plan to remove the resource along with subsequent laboratory processing and analysis.

TCR-3 If human skeletal remains are found at the project site during earth-moving activities, work shall be suspended and the Orange County Coroner's Office shall be notified by the project Applicant. Standard guidelines set by California law provide for the treatment of skeletal material of Native American origin (California Public Resources Code Sections 5097.98 et seq.; Health and Safety Code Section 7050.5). If suspected or confirmed human skeletal remains are found during earth-moving activities, work shall be suspended and the process described in the Health and Safety Code Section 7050.5 shall be implemented.

- The County Coroner shall be notified by the project Applicant if potentially human bone is discovered.
- The County Coroner shall then determine within two working days of being notified if the remains are subject to his or her authority.
- If the County Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with Public Resources Code Section 5097.98.
- The NAHC shall then designate a most likely descendant (MLD) with respect to the human remains.
- The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work the means for treating or disposing, with appropriate dignity, the human remains and associated grave goods.

Additional guidance regarding the treatment of human remains can be found in "A Professional Guide for the Preservation and Protection of Native American Remains and Associated Grave Goods," published by the NAHC.



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## 4.19 UTILITIES AND SERVICE SYSTEMS

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

- a) ***Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication, the construction or relocation of which could cause significant environmental effects?***

**Less than Significant Impact.**

**Water**

The City of Newport Beach Water Services Department provides water supply and conveyance services throughout Newport Beach. Although a nominal amount of water may be used during construction, construction-related water usage would be minimal and temporary in nature. The project does not propose any new land uses that would increase operational water demand nor would it require the relocation or construction of new or expanded facilities. It is acknowledged that off-site improvements are proposed, including a proposed fire hydrant on the southern side of San Joaquin Hills Road and an underground water line that connects the proposed fire hydrant to an existing fire hydrant on the northern side of San Joaquin Hills Road. However, the off-site improvement would not result in a significant increase in demand for potable water. Impacts would be less than significant in this regard.

**Wastewater**

The project does not propose any new land uses that would generate wastewater and result in increased demand for wastewater treatment, nor would it require the relocation or construction of new or expanded facilities. As such, no impacts would occur in this regard.



## Stormwater Drainage

The project does not propose any new land uses that would require installation of new storm drainage infrastructure on-site. As discussed in Section 4.10, *Hydrology and Water Quality*, while the project would increase impervious surfaces; this increase would be nominal and would not substantially alter the existing drainage pattern and runoff volumes in the project area. As such, the project would not require the relocation or construction of new or expanded facilities. No impacts would occur in this regard.

## Dry Utilities

Dry utilities that are proposed to operate on-site would include AT&T telecommunication infrastructure within existing rights-of-way along San Joaquin Hills Road, adjacent to the proposed gazebo, and within the proposed underground equipment vault. The project would be required to comply with Municipal Code Chapter 13.20, *Public Rights-of-Way*, which requires the submittal of engineering plans, a Construction Plan, Traffic Control Plan, and Public Notification Plan, among others, to the City's Public Works Department to obtain a Public-Right-of-Way Permit to install the underground utilities within San Joaquin Hills Road right-of-way. As such, project impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** The proposed project would not substantially increase water demand during construction or operational activities. Although a nominal amount of water may be used during construction, these activities would be minimal and temporary in nature and would have no impact on the City's overall water supplies. At project completion, minimal water demand would be generated by the proposed drinking fountain. However, water demand would be minimal in this context and would not adversely impact existing water supplies within the City. Therefore, impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**No Impact.** Project operations would not introduce a new land use that would generate wastewater. Thus, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** The proposed project would construct telecommunication facilities in the form of a new gazebo, and several additional park amenities. While some solid waste in the form of construction waste/debris may be generated during construction activities, such activities are temporary in nature and would not substantially impact solid waste capacities of nearby landfills. At project completion, no solid waste would be generated beyond existing conditions. Thus, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.



- e) **Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?**

**Less than Significant Impact.** As stated, the project may generate a nominal amount of solid waste during construction activities, however, the project would be required to comply with existing regulations related to construction waste and state the regulations, including Assembly Bill 939. Specifically, the project would be required to recycle, reduce, or compost at least 50 percent of construction and demolition debris. As such, less than significant impacts regarding conflict with Federal, State, and local solid waste management and reduction regulations would occur.

**Mitigation Measures:** No mitigation measures are required.



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## 4.20 WILDFIRE

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

**a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

**Less Than Significant Impact With Mitigation Incorporated.** The California Department of Forestry and Fire Protection identifies the project site as a Very High Fire Hazard Severity Zone within a Local Responsibility Area (LRA).<sup>1</sup>

Pursuant to the Disaster Mitigation Act of 2000 (DMA 2000), the *City of Newport Beach Local Hazard Mitigation Plan* (LHMP) was developed by the City to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards. Hazard mitigation efforts include identifying and profiling hazards, analyzing the people and facilities at risk, and developing mitigation actions to reduce or eliminate hazard risk. The LHMP identifies typical wildfire characteristics, and the City’s susceptibility to wildfires. For example, the LHMP notes that many structures are prone to destruction when located on steep slopes with flammable vegetation. Implementation of the mitigation activities in the LHMP include short- and long-term strategies that involve planning, policy changes, programs, projects, and other activities. For example, these strategies include fire prevention, vegetation management, hazard abatement notices, construction requirements, and public awareness.

Further, the City of Newport Beach has designated disaster routes for evacuation within the City. According to the *Tsunami Evacuation Map for Newport Beach*, disaster routes in the City include Superior Avenue, Newport Boulevard, Dover Drive, Macarthur Boulevard, Newport Coast Drive.<sup>2</sup>

As discussed in Response 4.9(f), the proposed project would not impair local or regional access in the site vicinity, nor would the project impair existing emergency access in the project area in its proposed location adjacent to San Joaquin Hills Road. Similar to existing conditions, access to the project site during project operations would be provided through the existing trail system and dirt access road via two existing access points along San Joaquin Hills Road. These access points would be utilized as emergency access points for park patrons, AT&T maintenance workers, and

<sup>1</sup> California Department of Forestry and Fire, *Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE, Newport Beach*, October 2011, [https://osfm.fire.ca.gov/media/5891/c30\\_newportbeach\\_vhfhsz.pdf](https://osfm.fire.ca.gov/media/5891/c30_newportbeach_vhfhsz.pdf), accessed April 12, 2022.

<sup>2</sup> City of Newport Beach, *Tsunami Evacuation Map for Newport Beach*, [https://www.newportbeachca.gov/pln/CEQA\\_ARCHIVE/LDS%20Rectory%20-%20MND/12-Appendix%20J.%20Tsunami%20Evacuation%20Map.pdf](https://www.newportbeachca.gov/pln/CEQA_ARCHIVE/LDS%20Rectory%20-%20MND/12-Appendix%20J.%20Tsunami%20Evacuation%20Map.pdf), July 15, 2004.



emergency responders. Additionally, the proposed project would develop an American Disability Act (ADA) compliant landscaped pathway from the existing concrete path to the proposed gazebo structure. Additionally, the western segment of the existing concrete path to the proposed gazebo would be improved to provide a non-exclusive five-foot wide technician pedestrian access way. Through these project improvements, access and mobility within the Harbor Watch Park would be improved, resulting in a beneficial impact in this regard.

However, since construction activities may require partial temporary lane closures along San Joaquin Hills Road to install proposed utility connections in existing rights-of-way, the project Applicant would be required to implement a Traffic Management Plan (TMP) to maintain emergency access during the construction process (Mitigation Measure TRA-1). The TMP may include potential measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and the need for a construction flagperson to direct traffic during heavy equipment use, among others. Implementation of the TMP would provide congestion relief during short-term construction activities and ensure safe travel along existing travel routes. As such, with implementation of Mitigation Measure TRA-1, project implementation would not substantially impair an adopted emergency response plan or emergency evacuation plan and impacts would be reduced to less than significant levels.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.

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

**Less Than Significant Impact.** As discussed in Response 4.9(g), project construction-related activities would be required to comply with existing regulations outlined in the California Fire Code (CFC) regarding construction activities within areas of high wildfire risk. Additionally, the project would be required to comply with specific fire safety requirements, pursuant to Section 9.04.380, *Replacement to Chapter 49 Requirements for Wildland-Urban Interface Fire Areas*, of the Municipal Code. The intent of Municipal Code Section 9.04.380 is to mitigate the conditions where vegetative fuels could potentially transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses. Specifically, the section requires a fuel modification plan be submitted and approved by the fire code official prior to issuance of a building permit. Additionally, the section prohibits the use of any internal combustion engine that uses hydrocarbon fuel and includes maintenance requirements for properties located within an identified Very High Fire Hazard Severity Zone. Compliance with State and local regulations would minimize impacts related to project construction activities to less than significant levels.

It is acknowledged that the project proposes off-site improvements, including the installation of a new fire hydrant along the southern side of San Joaquin Hills Road and an underground water connection that connects the new fire hydrant to an existing fire hydrant on the northern side of San Joaquin Hills Road for additional fire suppression in the event that a wildfire occurs in the area. Additionally, in the event that a wildfire occurs in the area, the project site would have adequate water pressure and access for firefighting in accordance with existing Fire Code regulations. Further, the nearest Newport Beach Fire Department (NBFD) fire station, Fire Station #8, operates 24 hours a day, seven days a week, and is located approximately 0.9-mile east of the project site; refer to [Section 4.15, Public Services](#). Based on the proximity to the project site, NBFD would provide adequate service/response time to the area. The project would also provide a ten-foot radius clear of combustible vegetation around the proposed gazebo and underground equipment vault in order to meet fuel modification requirements. It is acknowledged that in the event of a wildfire the gazebo would be closed. With implementation of the proposed off-site improvements and vegetation removal, the project would not exacerbate wildfire risks in the project area. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.



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

**Less Than Significant Impact.** Proposed utility improvements include telecommunication facilities within the proposed gazebo and an underground equipment vault adjacent to the proposed gazebo. As mentioned above, the project proposes off-site improvements, including the installation of a new fire hydrant along the southern side of San Joaquin Hills Road and an underground water connection that connects the new fire hydrant to an existing fire hydrant on the northern side of San Joaquin Hills Road for additional fire suppression in the event that a wildfire occurs in the area. Further, the project would provide a ten-foot radius clear of combustible vegetation around the proposed gazebo and underground equipment vault in order to meet fuel modification requirements. Off-site underground utility infrastructure would be installed within San Joaquin Hills Road existing right-of-way to connect to an existing transformer on the northern end of San Joaquin Hills Road. All utilities within the proposed gazebo would be screened from public view and the remainder of the proposed utilities would be underground. Thus, the proposed utility improvements would not exacerbate fire risk on-site or result in temporary or long-term impacts to the environment. Less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** Refer to Response 4.20(b). The proposed park and telecommunication facility improvements do not include habitable structures that could expose people or structures to significant risk from post-fire slope instability or drainage changes.

**Mitigation Measures:** No mitigation measures are required.



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## 4.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

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

**Less Than Significant Impact With Mitigation Incorporated.** As discussed in Section 4.4, *Biological Resources*, the project site consists of an undeveloped plot surrounded by a concrete trail within the Harbor Watch Park. The larger biological survey area surrounding the project site consists of undeveloped slopes associated with Harbor Watch Park and the Buck Gully Reserve to the south, contrasted with a major local road (i.e., San Joaquin Hills Road) and the Spyglass Hill residential neighborhood to the north. The proposed project has the potential to impact special-status plant and wildlife species and special-status vegetation communities, and sensitive natural communities. As such, Mitigation Measures BIO-1 through BIO-8 would reduce such impacts to less than significant levels. Specifically, Mitigation Measure BIO-1 would require consultation with the U.S. Fish and Wildlife Service to determine if focused surveys for coastal California gnatcatcher would be required as part of the proposed project. Mitigation Measure BIO-2 would ensure the project’s direct impacts on coastal sage scrub habitat is adequately mitigated based on one of three mitigation requirements established by the Orange County Central/Coastal Natural Community Conservation Plan/Habitat Conservation Plan, and Mitigation Measure BIO-3 would require pre-construction nesting bird clearance survey. Additionally, Mitigation Measures BIO-4 through BIO-6 require a qualified biologist provide environmental awareness training for construction crews, ensure the construction footprint is properly delineated, perform a pre-construction clearance survey, and monitor initial vegetation removal and ground disturbance. Further, Mitigation Measure BIO-7 requires all spoil piles be kept in previously disturbed/approved areas and watered or covered as needed and Mitigation Measure BIO-8 requires project-related construction equipment and crew vehicles be washed at an off-site facility to remove potential noxious weed seeds prior to accessing the project site. Upon implementation of Mitigation Measures BIO-1 through BIO-8, the project is not anticipated to reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.



Additionally, as analyzed in Section 4.5, *Cultural Resources*, and Section 4.18, *Tribal Cultural Resources*, no historic, archaeological, or tribal cultural resources occur on-site. Should previously undiscovered cultural or tribal cultural resources or human remains be uncovered during project ground-disturbing activities, implementation of Mitigation Measures CUL-1 and TCR-1 through TCR-3 would reduce the project's potential effects to less than significant levels. Thus, the project would not eliminate important examples of major periods of California history or prehistory, and impacts in this regard would be less than significant.

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

**Less Than Significant Impact With Mitigation Incorporated.** Cumulative impacts can occur as a result of the interactions of environmental changes from multiple projects that affect the same resources, transportation network, watershed, air basin, noise environment, or other environmental conditions. Such impacts could be short-term and temporary from overlapping construction impacts, or long-term due to permanent land use changes.

The project would not result in substantial population growth within the area, either directly or indirectly; refer to Section 4.14, *Population and Housing*. While other projects and development in the project area are considered probable and foreseeable, environmental analysis of these future projects would be conducted on a project-by-project basis in accordance with CEQA. Although the project may incrementally affect other resources that were determined to be less than significant, the project's contribution to these effects is not considered “cumulatively considerable,” in consideration of the relatively nominal project impacts and required mitigation measures.

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

**Less Than Significant Impact With Mitigation Incorporated.** This Initial Study reviewed the proposed project's potential impacts related to aesthetics, air quality, geology and soils, greenhouse gases, hydrology/water quality, noise, hazards and hazardous materials, traffic, among other disciplines. As concluded in this Initial Study, the proposed project would result in less than significant impacts with implementation of the recommended mitigation measures: refer to Section 4.4; Section 4.5; Section 4.7, *Geology and Soils*; Section 4.17, *Transportation*; and Section 4.18. Therefore, the proposed project would not result in environmental impacts that would cause substantial adverse effects on human beings.





## 4.22 REFERENCES

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## 5.0 INVENTORY OF MITIGATION MEASURES

### BIOLOGICAL RESOURCES

- BIO-1 The project Applicant or its biological consultant shall contact the Carlsbad office of the U.S. Fish and Wildlife Service to determine if focused surveys for coastal California gnatcatcher shall be required for the project. If required, because the project is located within the jurisdiction of a participating landowner and signatory entity (City of Newport Beach) of the Natural Community Conservation Plan/Habitat Conservation Plan, a total of three surveys shall be conducted by the project Applicant's biological consultant between February 15 and August 30, at least one week apart. Notification and reporting requirements shall follow the biologist's recovery permit.
- BIO-2 The project Applicant shall coordinate with the City of Newport Beach to arrange to mitigate for the project-related loss of up to 0.05-acre of coastal sage scrub. This may require redesigning the project to reduce the amount of habitat lost, undergoing consultation under the Federal Endangered Species Act to obtain an individual take permit for the project, or paying a one-time mitigation fee through the City of Newport Beach to the Natural Community Conservation Plan/Habitat Conservation Plan's (NCCP/HCP) non-profit corporation (Natural Communities Coalition). The City of Newport Beach shall be responsible for determining that the chosen mitigation approach is completed and successfully satisfies the mitigation requirements of the NCCP/HCP.
- BIO-3 If it is not feasible to avoid the nesting bird season (February 1 through August 31 for non-raptors), a qualified biologist retained by the project Applicant shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or adjacent to the proposed project site. The extent of the survey buffer area shall be established by the qualified biologist and may be up to 500 feet to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to ensure the reproductive success of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code, a nesting bird survey shall be conducted no more than three days prior to the commencement of project construction if construction occurs between January 1 and August 31. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist) shall be established around such active nests, and no construction activities within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer dependent on the nest). To further minimize impacts to nesting birds and nesting bird habitat, removal or trimming of on-site vegetation shall be minimized to the extent possible.
- BIO-4 Prior to initiating project activities, a qualified biologist retained by the project Applicant shall prepare and present a Workers Environmental Awareness Program (WEAP) training for all contractors, subcontractors, and workers expected to be on-site throughout the entire construction period. The WEAP shall include a brief review of any special-status species, including habitat requirements and where they might be found, and other sensitive biological resources that could occur in and adjacent to the project (e.g., surrounding coastal sage scrub and chaparral). The WEAP shall also include a brief discussion of regulatory protections and consequences for violating environmental laws.
- BIO-5 Prior to project initiation, the construction contractor shall utilize fencing, flagging, signage, or another relatively unintrusive method of delineating the boundaries of the areas to be cleared so as to minimize, to the extent possible, the amount of overreach during vegetation removal and confine removals to only approved areas. The project Applicant shall retain a qualified biologist who shall inspect and approve the boundaries no earlier than 48 hours prior to the start of construction and no later than the morning of the start of construction. Any unintentional extra removal of vegetation beyond that which is considered here



(0.05-acre of coastal sage scrub) shall be added to the required mitigation under Mitigation Measure BIO-2, as applicable.

- BIO-6 Prior to the commencement of any ground disturbance or vegetation removal, the Applicant shall retain a qualified biologist/monitor to conduct a general pre-construction clearance survey within the project footprint and all other areas to be directly affected by construction vehicles/equipment. Any wildlife, if detected, shall be flushed to areas away from the construction footprint and areas of direct effect. Any burrows potentially belonging to pocket mice (*Perognathus* sp.) shall be flagged for avoidance; any flagged burrows that cannot be avoided may require excavation pending consultation with the U.S. Fish and Wildlife Service. The qualified biologist/monitor shall remain on-site during all initial vegetation removal and/or ground disturbance.
- BIO-7 The construction contractor shall keep all spoil piles in previously disturbed or otherwise approved areas and ensure the piles are watered or covered as needed to reduce incidences of fugitive dust from on-site release.
- BIO-8 The construction contractor shall ensure that all project-related construction equipment and crew vehicles are washed at an off-site facility to remove all lingering noxious weed seeds that may be present prior to being brought on-site for the first time. Any equipment or vehicles that are taken to other construction sites shall be washed off-site before returning to the project site.

## **CULTURAL RESOURCES**

- CUL-1 In the event that any subsurface cultural resources are encountered during earth-moving activities, all work within 50 feet shall be halted until a qualified archaeologist is retained by the project Applicant and evaluates the find and makes recommendations. Prehistoric materials can include flaked-stone tools (e.g., projectile points knives, choppers) or obsidian, chert, or quartzite toolmaking debris; cultural darkened soil (i.e., midden soil often containing heat-affected rock, ash, and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars pestles, handstones). Historical materials may include wood, stone, or concrete footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, metal, glass, ceramics, and other refuse. The archaeologist shall evaluate the find in accordance with federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2, to assess the significance of the find and identify avoidance or other measures as appropriate.

## **GEOLOGY AND SOILS**

- GEO-1 Due to the depth and nature of ground-disturbing activities, the project has a high potential to disturb paleontological resources. The project Applicant shall retain a qualified professional paleontologist to conduct full-time paleontological monitoring during ground disturbing activities at depths greater than four feet in undisturbed geologic contexts that have the potential to contain significant paleontological resources. Activities occurring along the current surface and at depths less than 4 feet do not require full-time monitoring.

In the event that paleontological resources are encountered during the course of ground-disturbing activities, all such activities shall halt immediately, at which time the Applicant shall notify the City of Newport Beach Planning Division and consult with the qualified professional paleontologist retained by the project Applicant to assess the significance of the find. The paleontological assessment shall be completed in accordance with the Society of Vertebrate Paleontology standards. If the find is identified as insignificant, no additional measures will be necessary. If the find is determined to be significant,



appropriate avoidance measures recommended by the qualified professional paleontologist and approved by the City of Newport Beach Planning Division shall be followed unless avoidance is determined infeasible. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation, curation) as recommended by the qualified professional paleontologist shall be instituted.

A qualified professional paleontologist is a professional with a graduate degree in paleontology, geology, or related field, with demonstrated experience in the vertebrate, invertebrate, or botanical paleontology of California, as well as at least one year of full-time professional experience or equivalent specialized training in paleontological research (i.e., the identification of fossil deposits, application of paleontological field and laboratory procedures and techniques, and curation of fossil specimens), and at least four months of supervised field and analytic experience in general North American paleontology.

## **TRANSPORTATION**

TRA-1 Prior to issuance of a grading permit, the project Applicant shall prepare a Traffic Management Plan (TMP) for approval by the City's Traffic Engineer. The TMP shall specify that one lane of travel in each direction on San Joaquin Hills Road shall always be maintained during project construction activities. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours of truck traffic, temporary striping plans, and, if necessary, use of construction flag person(s) to direct traffic during heavy equipment use. Bicycle lanes and pedestrian sidewalks shall remain open and accessible, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity while maintaining Americans with Disabilities Act (ADA) accessibility. The TMP shall be incorporated into project specifications for verification prior to final plan approval.

## **TRIBAL CULTURAL RESOURCES**

TCR-1 Prior to the commencement of any ground disturbing activity at the project site, the project Applicant shall retain a Native American monitor. The Native American monitor shall be selected from a list of tribes that have requested that a monitor be present on the project site, and in which the project site is within their ancestral region of occupation, including the Gabrieleno Tribes. If multiple tribes request monitoring, a weekly rotating schedule shall be determined by the City of Newport Beach Planning Division.

The Native American monitor shall only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined as activities that may include, but are not limited to, grubbing, tree removals, boring, grading, excavation, drilling, and trenching. The Native American monitor shall complete daily monitoring logs that shall provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the project site are completed, or when the Native American monitor has indicated that all upcoming ground-disturbing activities at the project site have little to no potential for impacting tribal cultural resources.

TCR-2 In the event tribal cultural resources are discovered during project construction, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All tribal cultural resources unearthed by project activities shall be evaluated by the Native American monitor and a qualified archaeologist to be retained by the project Applicant. If the resources are Native American in origin, the resource shall be evaluated by the qualified archaeologist with the assistance of the consulting tribe(s). After evaluation and all necessary reporting, the affected tribe shall retain it/them in the form and/or manner the tribe deems appropriate, for educational, cultural and/or historic purposes. Reburial of inadvertent discoveries on-site shall be considered by the City of Newport Beach Planning Division if requested by the consulting tribes. Work may continue in other parts of the



project site while evaluation and any required recovery activities take place. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include site capping (burial), creation of conservation easements, and/or data recovery. Implementation of archaeological data recovery excavations will require the recreation of a data recovery plan to remove the resource along with subsequent laboratory processing and analysis.

TCR-3

If human skeletal remains are found at the project site during earth-moving activities, work shall be suspended and the Orange County Coroner's Office shall be notified by the project Applicant. Standard guidelines set by California law provide for the treatment of skeletal material of Native American origin (California Public Resources Code Sections 5097.98 et seq.; Health and Safety Code Section 7050.5). If suspected or confirmed human skeletal remains are found during earth-moving activities, work shall be suspended and the process described in the Health and Safety Code Section 7050.5 shall be implemented.

- The County Coroner shall be notified by the project Applicant if potentially human bone is discovered.
- The County Coroner shall then determine within two working days of being notified if the remains are subject to his or her authority.
- If the County Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with Public Resources Code Section 5097.98.
- The NAHC shall then designate a most likely descendant (MLD) with respect to the human remains.
- The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work the means for treating or disposing, with appropriate dignity, the human remains and associated grave goods.

Additional guidance regarding the treatment of human remains can be found in "A Professional Guide for the Preservation and Protection of Native American Remains and Associated Grave Goods," published by the NAHC.



## 6.0 CONSULTANT RECOMMENDATION

Based on the information and environmental analysis contained in the Initial Study, we recommend that the City of Newport Beach prepare a Mitigated Negative Declaration for the AT&T Telecom Gazebo Project. We find that the proposed project could have a significant effect on a number of environmental issues, but that mitigation measures have been identified that reduce such impacts to a less than significant level. We recommend that the second category be selected for the City's determination (see Section 7.0, *Lead Agency Determination*).

5/24/23

Date

A handwritten signature in black ink, appearing to read "f. yau".

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Frances Yau, AICP, Project Manager  
Michael Baker International



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## 7.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. —

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 4 have been added. A MITIGATED NEGATIVE DECLARATION will be prepared. ✓

I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. —

I find that the proposal MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. —

Signature: 

Title: Senior Planner

Printed Name: David Lee

Agency: City of Newport Beach

Date: May 24, 2023



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