

INITIAL STUDY

BACK BAY LANDING PROJECT

CITY OF NEWPORT BEACH, CALIFORNIA



OCTOBER 2012

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Prepared For:

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OCTOBER 2012

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1. PROJECT DESCRIPTION

1. INTRODUCTION

Bayside Village Marina, LLC, the project applicant, is seeking legislative approvals for the development of a mixed-use bayfront village, Back Bay Landing (the “proposed project”). The proposed project is an integrated, mixed-use visitor-serving commercial, marine services and limited residential village on an improved but underutilized bay front site of 6.974 acres in the City of Newport Beach. The applicant is seeking General Plan and Coastal Land Use Plan Amendments that would allow for limited residential use on the site through reallocation of density within an existing three-parcel parcel map. The applicant has also prepared and is seeking approval of the Back Bay Landing Planned Community Development Plan (PCDP), which will serve as the controlling zoning ordinance for the project site and will provide a regulatory framework for the five Planning Areas that comprise the 31.431 acre Parcel 3 of Parcel Map 93-111 (“Parcel 3”- see **Figure 2, Planning Areas**, below). Within PCDP, the Back Bay Landing Design Guidelines will provide specific guidance on the physical implementation of the project and assist the City and community to visualize the architectural theme and desired character of the project. Specific project-level applications for a fully integrated, mixed-use development through the Site Development Plan and Coastal Development Permit (CDP) will be filed in the future.

2. PROJECT LOCATION

The Back Bay Landing project waterfront village will be located on 6.974 acres in the City of Newport Beach (“City”) in Orange County, California. Newport Beach is at the western edge of Orange County, adjacent to the Pacific Ocean and is bordered by Costa Mesa to the northwest, Huntington Beach to the west, Irvine to the northeast, and unincorporated portions of Orange County to the southeast.

The 6.974-acre project site consists of the crescent-shaped landside portion of Parcel 3, as shown on **Figure 1, Project Location Map**, and a small portion of Parcel 2 that would be subject to a Lot Line Adjustment (LLA) which would enlarge Parcel 3 by 0.304 acres at its ingress/egress at Bayside Drive. The entire Parcel 3 is 31.431 acres and encompasses both the land side project area and the 24.457-acre fee-owned submerged lands. No land use or physical changes to this waterside portion of Parcel 3 are proposed as part of the subject entitlement applications. The majority of the 6.974-acre project area is located immediately north of East Coast Highway between Bayside Drive and the Bayside Marina adjacent to the Upper Newport Bay. Of the 6.974 acres, 6.332 acres (275,820 square feet) is located in General Plan Statistical Area K-1 and contains the mixed-use site area that is the subject of the proposed land use applications and is comprised of the following Planning Areas (PAs), as shown on Figure 2 below: Mixed-Use Area (PA 1), Private Marina Access and Beach (PA 3), and Storage Garages and Marina/Bayside Village Guest Parking (PA 4). The balance of the 6.974-acre project site, 0.642 acres (27,966 square feet), is Marine Office and Service Area (PA 2), and is located within General Plan Statistical Area G-1 under and immediately south of the Coast Highway bridge. Although this 0.642-acre contiguous parcel is not part of the requested land use amendments, it will be developed consistent with the current Recreational and Marine Commercial General Plan and Coastal Land Use Plan designations. This 0.642-acre area will also be included in the Back Bay Landing PCDP (PC-9) boundaries and development standards.

3. EXISTING SITE CONDITIONS AND SURROUNDING LAND USES

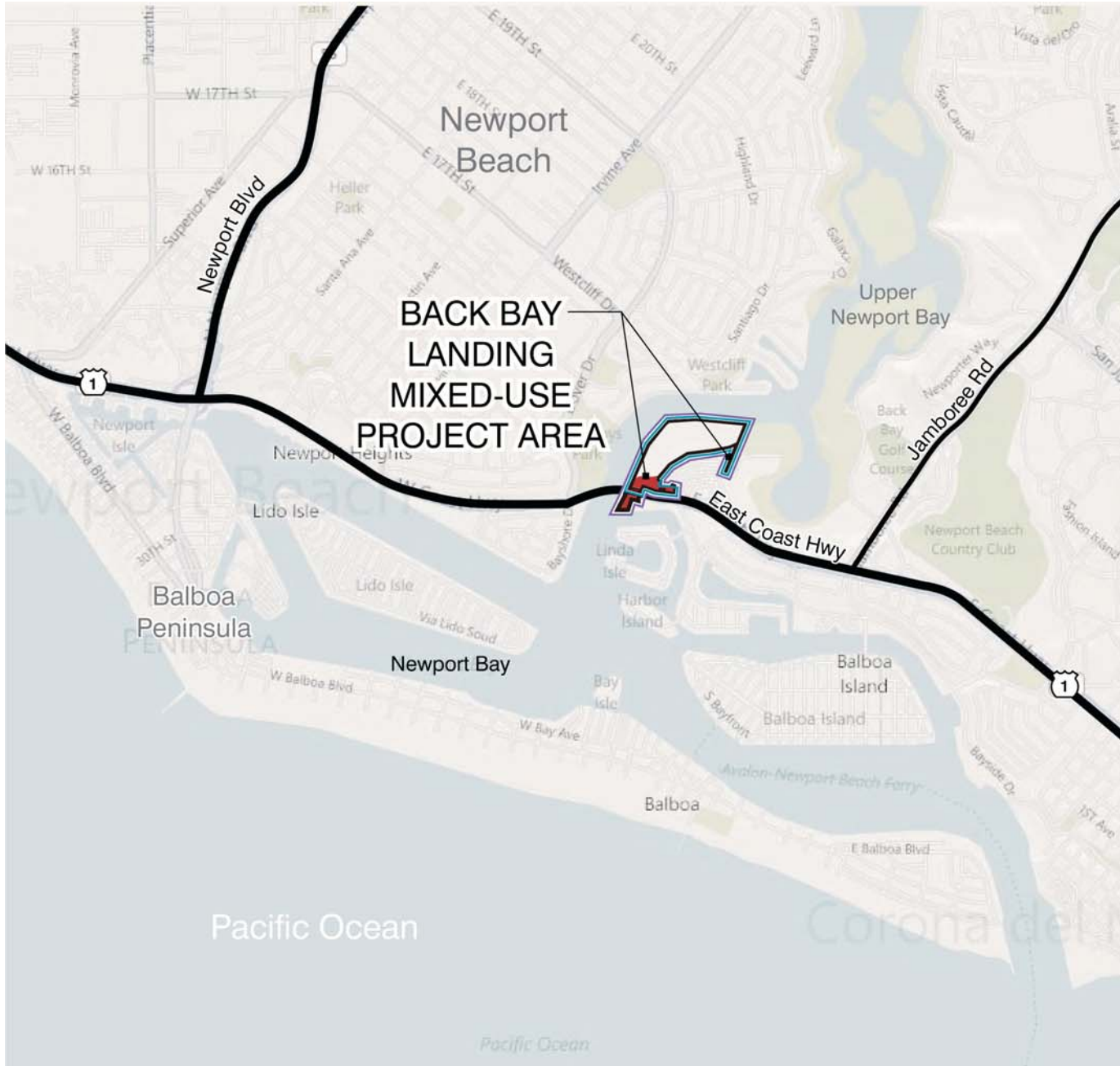
The larger 31.431-acre Parcel 3 consists of five Planning Areas as shown in Figure 2, including the following:

- **Planning Area 1 (Mixed-Use – 5.132 Acres / 223,549 square feet).** A slightly sloping, mostly fully paved area bounded by the Bayside Village Mobile Home Park to the northeast, Bayside Drive to the east, East Coast Highway to the south and the Upper Newport Bay Channel to the west. Existing uses on the site include outside storage space for RV's and small boats on trailers; Bayside Marina parking and restrooms; kayak and standup paddle board (SUP) rentals and launch area; parking and access to Pearson's Port, a floating fish market in the County tidelands/Upper Newport Bay Channel; marine service equipment storage under the Coast Highway Bridge; and Bayside Village Mobile Home Park guest parking. Adjoining the southwest portion of the site is the 45+year old Orange County Sanitation District (OCSD) pump station.
- **Planning Area 2 (Marine Office and Service – 0.642 Acres / 27,966 square feet).** This 0.642-acre area is located under and immediately south of the Coast Highway bridge. Existing uses in this area include an unpaved parking lot under the bridge and storage and launch area for rowing club south of the bridge.
- **Planning Area 3 (Existing Private Marina Access and Beach – 0.659 Acres / 28,750 square feet).** A narrow strip of fully paved, private walkway and sand beach area located between the Bayside Village Mobile Home Park to the south and Bayside Marina to the north, provides lessee access to private boat slips and docks and is available for mobile home park resident use. This area is adjacent to the northern boundary of the existing Bayside Village Mobile Home Park. No development is proposed to occur within this walkway and beach area, and will remain as private open space and marina access.
- **Planning Area 4 (Storage Garages and Marina / Bayside Village Guest Parking –0.541 Acres / 23,522 square feet).** A narrow strip of paved parking area located within Parcel 3 along the eastern boundary of Bayside Village Mobile Home Park. This area is currently improved with 45 commercial storage units and parking spaces, available to marina and mobile home park tenants and off-site users.
- **Planning Area 5 (Submerged Fee-Owned Lands –24.457 Acres / 1,065,347 square feet).** The balance of Parcel 3 is waterside area. This fee-owned submerged land is bordered by the earthen, De Anza Bayside Marsh Peninsula. The De Anza Bayside Marsh Peninsula was originally constructed with dredging spoils and rip-rock as fill to provide a protected harbor and overflow parking for the privately owned Bayside Village Marina (area is fee-owned submerged lands). The existing Bayside Village Marina contains 220 slips. No development shall occur within the De Anza Bayside Marsh Peninsula. The marina and floating fish market shall be regulated by Title 17 of the Newport Beach Municipal Code.

4. PROJECT SITE GENERAL PLAN AND ZONING DESIGNATIONS

The project site contains several land use designations, including the following:

- **General Plan:** Recreational and Marine Commercial CM 0.5 and CM 0.3
- **Coastal Land Use Plan (CLUP):** CM-B (north of Coast Highway); CM-A (south of Coast Highway)
- **Zoning:** Planned Community PC-9 (north of Coast Highway); CM (south of Coast Highway)



Back Bay Landing is located immediately north east of East Coast Highway in Newport Beach, California. The site is bounded by East Coast Highway and Newport Harbor on the south and west, Bayside Drive to the south, the Newport Back Bay channel to the west and Bayside Village Mobile Home Park to the southeast.

Legend

- Project Area (Parcel 3 of PM 93-111)
- Back Bay Landing Mixed-Use Project Area
- Existing PC-9 Boundary
- Proposed PC-9 Boundary Expansion



North arrow icon
Not to scale

Project Location Map

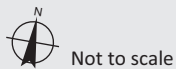
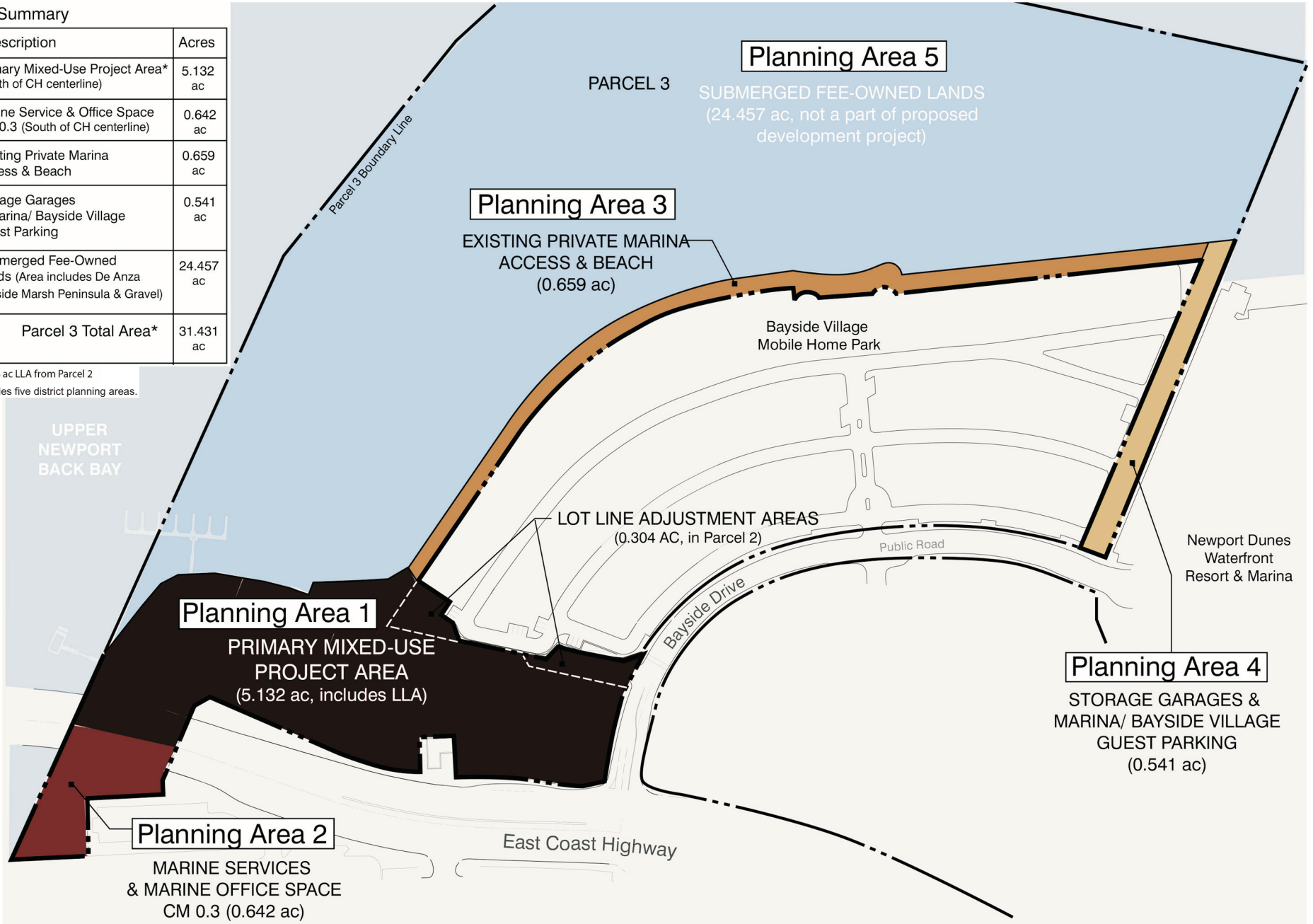
Back Bay Landing
Source: Bayside Village Marina, LLC, 2012.

FIGURE
1

Parcel 3 Summary

P. A.	Description	Acres
1	Primary Mixed-Use Project Area* (North of CH centerline)	5.132 ac
2	Marine Service & Office Space CM 0.3 (South of CH centerline)	0.642 ac
3	Existing Private Marina Access & Beach	0.659 ac
4	Storage Garages & Marina/ Bayside Village Guest Parking	0.541 ac
5	Submerged Fee-Owned Lands (Area includes De Anza Bayside Marsh Peninsula & Gravel)	24.457 ac
Parcel 3 Total Area*		31.431 ac

*Includes 0.304 ac LLA from Parcel 2
Parcel 3 includes five district planning areas.



Planning Areas

Back Bay Landing
Source: Templeton Planning Group, 2012.

The Back Bay Landing project site has two separate General Plan and CLUP land use designations north and south of East Coast Highway (from the centerline under the bridge). North of the East Coast Highway bridge centerline, the area is designated Recreational and Marine Commercial (CM 0.5) in the City's General Plan, while the area south of the bridge centerline is currently designated as Recreational and Marine Commercial (CM 0.3). The project site is zoned Planned Community (PC-9) north of the East Coast Highway centerline and Marine Commercial (CM) to the south. The total existing allowed nonresidential building square footage on the property is 139,680 square feet based on the current general plan designations (CM 0.3 and CM 0.5). Residential land uses are not currently permitted. Existing land use and zoning designations are illustrated below in **Figure 3, Existing and Proposed Land Use Designations and Requested Entitlements**.

5. DESCRIPTION OF THE PROPOSED PROJECT

a. Project Components

The proposed project consists of the requested legislative approvals (GPA, CLUP, PC Amendment) for the project site. Project-specific administrative approvals (Site Development Review, CDP) will be processed at a later date. In order to allow for future mixed-use development of the site, amendments to the General Plan and Coastal Land Use Plan are required to change the land use designations to a "Mixed-Use Horizontal" designation which allows the CM uses currently allowed on the site with limited residential. The Planned Community Development Plan (PCDP) included within the project applications is proposed to establish appropriate zoning regulations governing land use and development of the site consistent with the proposed General Plan and Coastal Land Use Plan designations.

Subsequent entitlements will involve a Site Development Review from the City of Newport Beach and a Coastal Development Permit from the California Coastal Commission for the specific project-level design of the future mixed-use development.

(1) Legislative Approvals (Current Requests)

(a) General Plan Amendment

The proposed General Plan Amendment will change the existing 6.332-acre Recreational and Marine Commercial (CM 0.5) designated project site consisting of Mixed-Use Area (PA 1), Private Marina Access and Beach (PA 3), and Storage Garages and Marina/Bayside Village Guest Parking (PA 4) as shown in Figure 2, above, to Mixed-Use Horizontal 1 (MU-H1) by reallocating unused residential density from Parcels 1 and 2 to Parcel 3 of Parcel Map 93 111. Refer to Figure 3 below for an illustration of existing and proposed General Plan Land Use designations.

(b) Coastal Land Use Plan Amendment

The Back Bay Landing project will require a change from the Coastal Land Use Plan Recreational and Marine Commercial (CM) designation to a Mixed-Use Horizontal (MU-H) designation. Refer to Figure 3 below for an illustration of existing and proposed CLUP designations for the project site.

(c) PC-9 Amendment (Zone Change)

Expand the existing boundaries of PC-9 to include the proposed Lot Line Adjustment area (see description below) and the portion of the project site located south of the East Coast Highway centerline, as illustrated above in Figure 3.

(d) Back Bay Landing Planned Community Development Plan (PC-9)

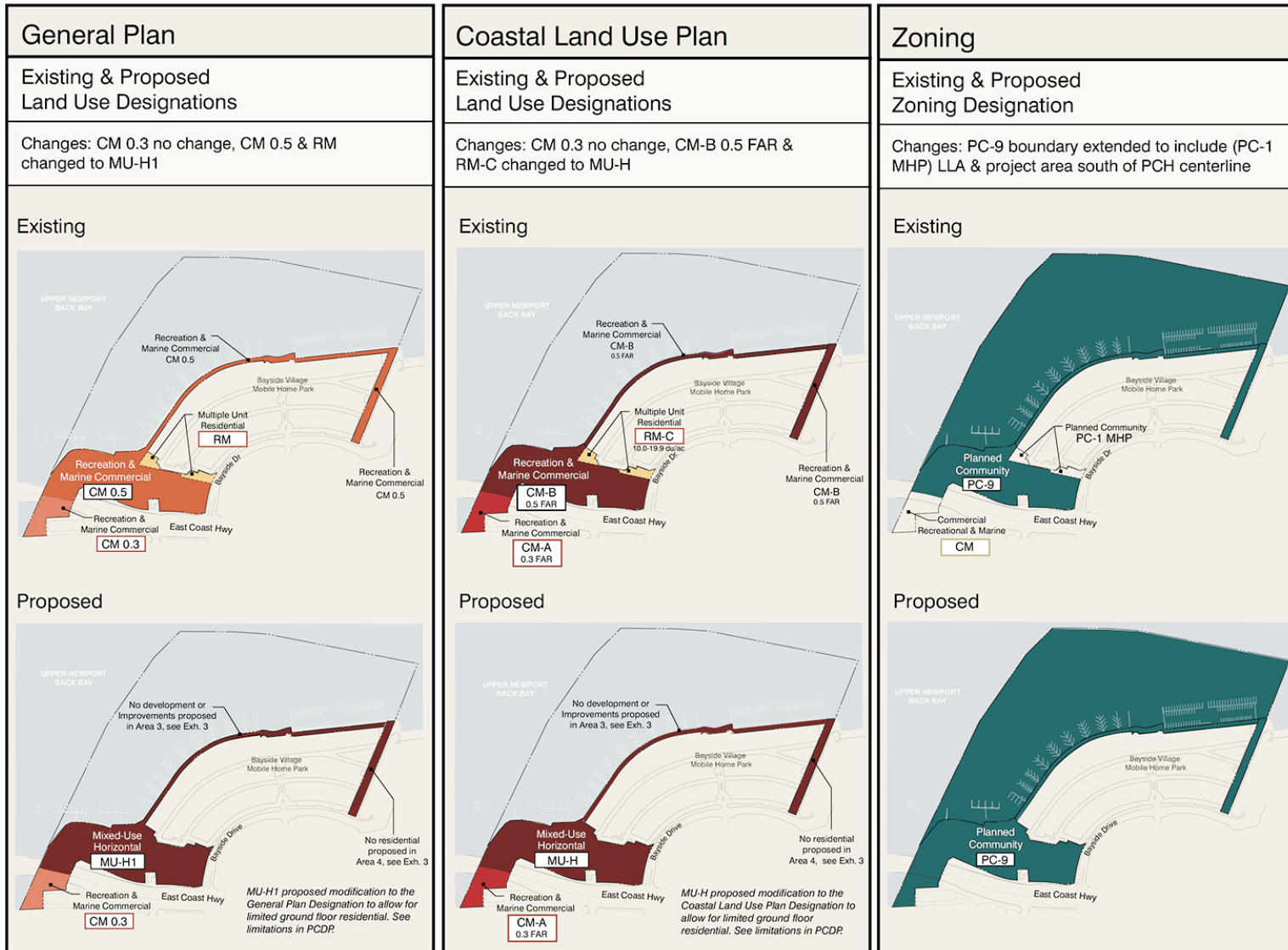
The purpose of the Planned Community Development Plan (PCDP) is to establish appropriate zoning regulations governing land use and development of the site consistent with the proposed General Plan and Coastal Land Use Plan designations. The PCDP provides a vision for the land uses on-site and sets the development standards and design guidelines that will guide the next level of approvals at the Site Development Review and Coastal Development Permit approval process, as well as the long-term operation of the developed site. The regulations will also guide the design team and community's expectations. The Back Bay Landing PCDP is intended to provide the framework for a future, integrated mixed-use waterfront project that would be designed and constructed to evoke the experience of a seaside village, while maintaining compatibility with the architecture and overall community character of Newport Beach, and bay- and harbor-oriented recreational and marine commercial and residential areas of Newport's Mariner's Mile, Bayside Drive, Lido Village, and Corona del Mar.

Subject to parking and other site constraints, the PCDP would allow for coastal-dependent and coastal-related uses, including up to 61,534 square feet of visitor-serving retail/restaurant/marine boat sales, rental and service repair and recreational commercial (kayak and stand up paddle board [SUP] rentals); a new 32,500-square-foot, full-service enclosed dry stack boat storage structure with racks or bays (up to a maximum of 140 boat spaces) and launching facilities; as well as a maximum of 49 residential units within a maximum of 85,644 square feet integrated in either two levels of residential over ground floor commercial uses, wrapped around a parking structure with three levels above ground and one semi-subterranean level, or in a three-level flat configuration adjacent to the northwest bayfront. Included within the 61,534 square feet of visitor-serving commercial retail is up to 4,000 square feet of replacement storage area (resident and boater lockers) and marina restrooms with laundry facilities would be sited on the eastern project boundary. Additionally, a gated entry with new parking spaces would provide parking for existing marina tenants and mobile home resident guests, along with significant new coastal access and "view" improvements.

The Back Bay Landing PCDP provides development standards and design guidelines that would require a village orientation of the project at Bayside Drive and East Coast Highway, designed not only to attract visitors to the mixed-use waterfront village, but also to encourage significant new public access to and along the bayfront, between Balboa Marina to the south and Newport Dunes and the regional trail system to the east.

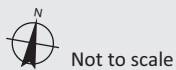
(e) Lot Line Adjustment

The Lot Line Adjustment (LLA) requires the current General Plan land use designation (RM) and Coastal Land Use Plan designation (RM-C) to be amended consistent with the Mixed-Use Horizontal 1 (MU-H1) designation requested on the balance of the project site. No land uses are proposed for the adjusted area other than entry road, public restrooms and storage lockers. The LLA is designed to achieve improved ingress and egress to the mixed-use project and facilitate parking for Bayside Village Mobile Home Park guests. Refer to Figure 2, above, for an illustration of the portion of the project site affected by the proposed LLA.



Requested Entitlements

- General Plan Amendment (GPA)
- Coastal Land Use Plan Amendment (CLUPA)
- PC-9 Amendment (Zone Change)
- Planned Community Development Plan (PCDP)
- Environmental Impact Report (EIR)
- Lot Line Adjustment (LLA)
- Affordable Housing Implementation Plan (AHIP)
- Development Agreement (DA) (optional)



Existing and Proposed Land Use Designations and Requested Entitlements

Back Bay Landing

Source: Templeton Planning Group, 2012.

FIGURE

3

This page is intentionally blank.

(f) Traffic Study

A project-specific Traffic Study will be prepared for the proposed future development pursuant to City’s Traffic Phasing Ordinance.

(g) Affordable Housing Implementation Plan (AHIP)

An Affordable Housing Implementation Plan (AHIP) proposing three alternatives for compliance with the City’s Inclusionary Requirements, including the following: 1) designation of seven low/very low income restricted mobile home units within Parcel 1 or 2 (the City-preferred option); 2) payment of the City’s inclusionary in-lieu fee; or 3) provision of all 49 residential units as rentals for a minimum of five years, pursuant to Newport Beach Municipal Code Section 19.54.030.

(h) Development Agreement

Although not required for projects proposing less than 50 residential units, the Applicant intends to preserve the option of processing a development agreement application in order to potentially vest the land use amendments that are the subject of the pending applications.

(2) Site Development Review (Future Requests)

Subsequent to the requested legislative approvals discussed above, future development on-site would be regulated by the development standards and design guidelines established in the PCDP, which would allow for a mixed-use development with the maximum development limits summarized below in **Table 1, Maximum Development Scenario**. A conceptual illustration of the maximum allowable development scenario summarized in Table 1 is provided below in **Figure 4, Conceptual Site Plan**.

Table 1

Maximum Development Scenario

North of East Coast Highway Centerline	
Retail/Marine Sales and Repair	32,859 square feet
Quality Restaurant	4,100 square feet
High-Turnover Restaurant	3,500 square feet
Office	8,685 square feet
Enclosed Dry-Stack Boat Storage	32,500 square feet (up to 140 spaces)
Storage Area (resident and boat lockers)	4,000 square feet
<i>Non-Residential Total North of East Coast Highway Centerline:</i>	<i>85,644 square feet</i>
<i>Residential Total North of East Coast Highway Centerline:</i>	<i>85,644 square feet (up to 49 units)</i>
South of East Coast Highway Centerline	
Non-residential (marine services, office)	8,390 square feet
Project Site Total	179,678 square feet
Marina (existing)	220 wet slips

Source: Bayside Village Marina, LLC, 2012

b. Site Access and Circulation

Primary vehicular and pedestrian access to the site would be from Bayside Drive approximately 200 feet north of the East Coast Highway intersection. This location would service both inbound and outbound movements, and would represent a northerly shift of approximately 40 feet from the existing marina and RV/dry boat storage entry, and improvement of the existing driveway connection servicing the site. In making this enhancement, the west curb of Bayside Drive along the project frontage would also be set back and improved. This improvement would add a southbound right turn lane on Bayside Drive at the East Coast Highway traffic signal, and further provide a formalized northbound left turn lane on North Bayside Drive at the project entry.

In addition to the site access configuration described above, a potential project alternative would add a dedicated westbound right turn-in only lane along a portion of the project's East Coast Highway frontage for direct public access to the project. This connection could be located approximately 450 feet west of the Bayside Drive intersection with East Coast Highway, and would allow for inbound right turn movements only. Outbound movements from the project at this connection point would be prohibited.

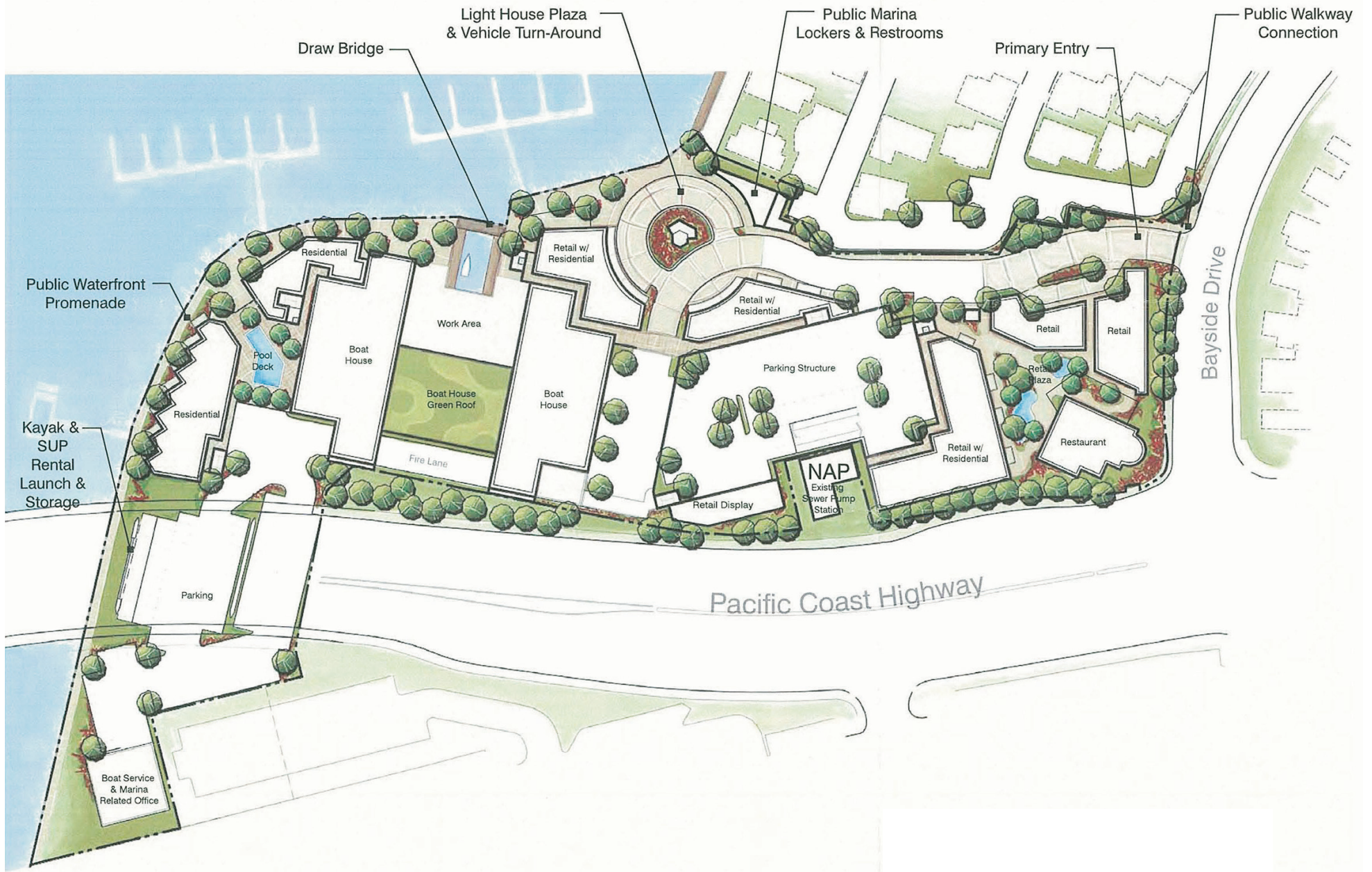
7. CONSTRUCTION SCHEDULE AND PHASING

The first stage of the proposed project, which involves legislative approvals to allow for future development of the site, is anticipated to be completed by the end of 2013. Following the legislative approval stage of the project, a project-level development design consistent with the proposed legislative framework for the site would be prepared. It is estimated that Site Development Review and Coastal Development Permit processes and approval of the future development project would be completed by 2015. Construction is expected to commence, therefore, in mid-2015 and completed in one phase lasting approximately 18 months, with occupancy by late 2016.

8. NECESSARY APPROVALS

The Applicant is seeking the following discretionary and/or legislative approvals for the Back Bay Landing project at this time:

- California Environmental Quality Act Clearance
- Traffic Study pursuant to City's Traffic Phasing Ordinance
- General Plan Amendment.
- Coastal Land Use Plan Amendment
- PC-9 Amendment (Zone Change)
- Planned Community Development Plan
- Lot Line Adjustment
- Affordable Housing Implementation Plan (AHIP)
- Development Agreement



Conceptual Site Plan

Back Bay Landing

Source: Stoutenborough, Inc. Architects & Planners, 2012.

FIGURE

4

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The Applicant will be seeking the following discretionary approvals for the Back Bay Landing project at a future date:

- Site Development Review (Future)
- Coastal Development Permit (Future)
- Harbor Permit (Future)

2. ENVIRONMENTAL CHECKLIST FORM

1. **Project title:** Back Bay Landing
2. **Lead agency name and address:** City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663
3. **Contact person and phone number:** Jaime Murillo, Associate Planner (949) 644-3209
4. **Project location:** Regionally, the project site is located near the Pacific Ocean in the west-central portion of Orange County, within the City of Newport Beach. The project site is generally bounded by the Upper Newport Bay Channel to the west and north, by Jamboree Road to the east, and by East Coast Highway to the south.
5. **Project sponsor's name and address:** Bayside Village Marina, LLC
300 East Coast Highway
Newport Beach, CA 92660
6. **General plan designation:** General Plan: Recreational and Marine Commercial CM 0.5 and CM 0.3
Coastal Land Use Plan: CM-B (north of PCH); CM-A (south of East Coast highway)
7. **Zoning:** PC-9 (north of East Coast Highway and proposed to be expanded south of East Coast Highway [currently CM])
8. **Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**

The proposed project involves various legislative approvals for the future development of the Back Bay Landing Project (the "proposed project"), which is proposed to be an integrated, mixed-use waterfront village on 6.974 acres in the City of Newport Beach. Refer to Section 1, *Project Description*, of this Initial Study for a detailed description of the proposed project.

9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**

North: Existing mobile homes within the adjacent Bayside Village Mobile Home Park, the Bayside Marina, and Newport Back Bay.

East: Existing mobile homes located across Bayside Drive and the Newport Dunes Waterfront Resort.

West: Castaways Park located across Newport Back Bay Channel with single-family residential uses on the bluffs further west.

South: Restaurant and marina across East Coast Highway, as well as waterfront single-family residential uses within Newport Harbor further south. Additionally, a sewer pump station owned and operated by the Orange County Sanitation District (OCSD) is located along the project site's southern boundary adjacent to and north of East Coast Highway.

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**
 - Orange County Sanitation District;
 - Orange County Airport Land Use Commission;
 - California Department of Transportation; and
 - California Coastal Commission.

PURPOSE OF THE INITIAL STUDY

The Project is analyzed in this Initial Study, in accordance with the California Environmental Quality Act (CEQA), to determine if approval of the Project would have a significant impact on the environment. This Initial Study has been prepared pursuant to the requirements of CEQA, under Public Resources Code 21000-21177, of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387) and under the guidance of the City of Newport Beach. The City of Newport Beach is the Lead Agency under CEQA and is responsible for preparing the Initial Study for the proposed Project.

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" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities and Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

I find that proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact 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. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Jaime Murillo

Printed Name

9-27-12

Date

Associate Planner

Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 2) A list of “Supporting Information Sources” should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 3) Impact Columns Heading Definitions:
 - “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
 - “Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The mitigation measures must be described, along with a brief explanation of how they reduce the effect to a less than significant level.
 - “Less Than Significant Impact” applies where the project creates no significant impacts, only Less Than Significant impacts.
 - “No Impact” applies where a project does not create an impact in that category. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one proposed (e.g., the project falls outside of a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 4) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - Earlier Analysis Used. Identify and state where they are available for review.
 - Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 5) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 6) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>I. AESTHETICS</u> – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>II. AGRICULTURE AND FORESTRY RESOURCES</u> – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire protection regarding the state’s inventory of forest land, including the Forest and Range Assessment of and the Forest Legacy Assessment Project; and forest carbon measurements methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project::				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VI. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>VII. GREENHOUSE GAS EMISSIONS</u> – Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>VIII. HAZARDS AND HAZARDOUS MATERIALS</u> – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 for people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>IX. HYDROLOGY AND WATER QUALITY</u> – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alternation of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

X. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise level in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII. POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, 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:

Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XV. RECREATION

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

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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XVI. TRANSPORTATION/TRAFFIC – Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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e) Result in inadequate emergency access?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities??	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. EXPLANATION OF CHECKLIST DETERMINATIONS

I. AESTHETICS

Would the project:

a. Have a substantial adverse effect on a scenic vista?

Potentially Significant Impact. A scenic vista is generally defined as an area that is deemed aesthetically pleasing when viewed from a certain vantage point. Aesthetic components of a scenic vista include: (1) scenic quality; (2) sensitivity level; and (3) view access. The City has designated Coast Highway adjacent to the site as a Coastal View Road in the General Plan and Coastal Land Use Plan (CLUP). The project site is located along the Upper Newport Bay waterfront and is therefore visible from the adjacent East Coast Highway right-of-way, as well as from surrounding sites across the bay that include public parks and trails designated as public view points; as such, the proposed project site may be considered part of a scenic vista. In addition, panoramic views of Upper Newport Bay (including adjacent bluffs to the east and west of the bay) are visible from portions of the project site, and therefore the project site may also be considered a vantage point for a scenic vista. Implementation of the proposed project would result in the ultimate construction of new buildings and the installation of additional landscaping and lighting that may obstruct or modify a scenic vista. The Environmental Impact Report (EIR) will include analysis of possible impacts related to scenic vistas, including publically accessible views on site. This topic will be addressed in the EIR, and mitigation will be included if necessary.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural feature within a state scenic highway?

Less Than Significant Impact. There are no rock outcroppings or any other scenic resources on-site. There are some ornamental trees in on-site landscaped areas and throughout the parking areas, but the trees are not considered scenic resources. The trees are typical of landscaped ornamental trees in urban areas of southern California, and the project landscape plan includes additional ornamental trees. Therefore, the removal of some of the trees on-site would not substantially damage scenic resources, and impacts would be less than significant.

The State of California Department of Transportation designates scenic highway corridors. The project site is not within a state scenic highway, nor is the project site visible from any (officially designated or eligible) scenic highway, and there are no state scenic highways adjacent to or near the project site. State Route 1 (SR-1), also known as Pacific Coast Highway (or as East or West Coast Highway within the City of Newport Beach), is located adjacent to and south of the project site. Although SR-1 is deemed eligible for state scenic highway designation, it is currently not officially designated.¹ It should be noted that although East Coast Highway is not a designated state scenic highway, the City of Newport Beach General Plan and CLUP designate it as a Coastal View Road. Nonetheless, the project would not damage scenic resources in a state

¹ California Department of Transportation. "Officially Designated Scenic Highways and Historic Parkways." http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm. Accessed September 2012.

scenic highway, and therefore impacts would be less than significant. This topic will not be addressed in the EIR.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Potentially Significant Impact. Development of a future mixed-use project on-site would substantially alter the visual character of the site by introducing several two- to three-story buildings with structures up to 35 feet high (40 feet with architectural features), a new circulation system, landscaped areas, and waterfront improvements (the project would also include one feature, an observation tower, that would be a maximum of 55 feet high). Development would be subject to the development standards and design guidelines set forth in the project's Planned Community Development Plan. The design guidelines will address vehicle and pedestrian circulation, parking, building setbacks, architectural guidelines, and landscaping. Subsequent to approval of the proposed land use approvals, future developer/builders would provide more detailed site plans subject to compliance with the design regulations. The EIR will describe the character of existing development and provide a detailed description, including graphics, to disclose the potential project impacts to visual resources. The analysis will include a description of the design regulations, landscape plan, and lighting guidelines for the project.

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

Potentially Significant Impact. The proposed project would introduce several two- to three-story buildings and related lighting that could increase existing sources of light and glare on-site. The EIR will analyze the potential impacts and provide applicable information regarding architectural treatments and lighting plans.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire protection regarding the state's inventory of forest land, including the Forest and Range Assessment of and the Forest Legacy Assessment Project; and forest carbon measurements methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, 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. The project site is mapped as Urban and Built-Up Land on the Orange County Important Farmland 2010 map issued by the Division of Land Resource Protection. The site is in an urbanized area of the City and is developed with a vehicle storage lot and marine-related recreation uses. The project would not convert farmland to nonagricultural use, and no impact would occur.

b. Conflict with the existing zoning for agricultural use, or a Williamson Act Contract?

No Impact. The project site and surrounding development are not zoned for agricultural purposes. The project site is currently zoned PC-9 and CM. Under Williamson Act contracts, private landowners voluntarily restrict their land to agricultural land and compatible open-space uses; in return, their land is taxed based on actual use rather than potential market value. There are no Williamson Act contracts in effect on or adjacent to the site, and the project would not conflict with such a contract. No impact would occur.

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 1220(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. Forest land is defined as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits” (California Public Resources Code Section 12220[g]). Timberland is defined as “land...which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees” (California Public Resources Code Section 4526). The site is zoned Planned Community (PC-9) and Marine Commercial (CM), and there is no zoning on the site for forest land, timberland, or timberland production. Further, no forest land exists within or near the project boundaries. No impact would occur and further analysis of this issue in an EIR is not necessary.

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

No Impact. The site is developed with asphalt-paved parking lots, storage garages, and recreational vehicle, boat, and marine equipment storage areas. There is no forest land located on-site. The project would not convert forest land to non-forest use, and no impact would occur.

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. There is no agricultural production on or adjacent to the project site. Future development on-site would not indirectly result in conversion of farmland to non-agricultural use or forest land to non-forest use, and no impact would occur.

III. AIR QUALITY

Where available, the significance criteria established by the South Coast Air Quality Management District (SCAQMD) or air quality management plan may be relied upon to make the following determinations.

Would the project:

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

Potentially Significant Impact. The project site is in the South Coast Air Basin (SoCAB) and is subject to the Air Quality Management Plan (AQMP) prepared by the South Coast Air Quality Management District (SCAQMD). Future construction of allowable uses on-site would generate exhaust from construction equipment and vehicle trips, fugitive dust from demolition and ground disturbing activities, and off-gas

emissions from architectural coatings and paving. The EIR will evaluate the proposed project for consistency with regional growth forecasts and any impacts the planning program may have on the attainment of regional air quality objectives. Mitigation measures will be recommended as needed.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Potentially Significant Impact. Construction and operation of the project would have the potential to generate fugitive dust, stationary-source emissions, and mobile-source emissions. Air pollutant emissions associated with the project could occur over the short-term for future site preparation and construction activities. In addition, emissions could result from the long-term operation of the completed project once constructed. An air quality analysis will be conducted for the project to determine if the resulting project's short- or long-term emissions would exceed the SCAQMD's regional significance thresholds. This topic will be addressed in the EIR, and mitigation measures will be recommended as needed.

c. 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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Potentially Significant Impact. The project site is in the SoCAB, which is designated under the California and National ambient air quality standards (AAQS) as nonattainment for ozone (O₃), coarse inhalable particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), nitrogen oxides (NO_x) (California standard only), and lead (Los Angeles County only).² Implementation of the proposed project may increase existing levels of criteria pollutants and contribute to the nonattainment status for these criteria pollutants in the SoCAB. As mentioned above, air pollutant emissions associated with the proposed project could occur over the short-term during future site preparation and construction activities associated with proposed land uses. In addition, emissions could result during long-term operation of the proposed project once constructed. An air quality analysis will be prepared to determine if the project would result in a cumulatively considerable net increase in any criteria air pollutant. This topic will be addressed in the EIR, and mitigation measures will be recommended, as appropriate.

d. Expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Impact. An air quality impact is considered potentially significant if emission levels exceed the state or federal ambient air quality standards, thereby exposing sensitive receptors to substantial pollutant concentrations. Sensitive receptors are locations where uses or activities result in increased exposure of persons more sensitive to the unhealthful effects of emissions (such as children and the elderly). The existing residential uses within the adjacent mobile home park are the closest sensitive receptors to the project site, which could be exposed to air pollutants associated with construction of proposed future development on-site. Further, the mobile home park residents and future on-site residents would be exposed to project-related operational emissions in the long-term as well. The EIR will evaluate the potential for construction and operation of the proposed project to exceed SCAQMD's localized significance

² California Air Resources Board. 2011 Area Designations. "Staff Report: Initial Statement of Reasons (ISOR), Attachment C: Maps and Tables of Area Designations for State and National Ambient Air Quality Standards." <http://www.arb.ca.gov/regact/2011/area11/area11.htm>. Accessed September 2012.

thresholds (LSTs) in accordance with SCAQMD's guidance methodology. Mitigation measures will be incorporated, as necessary.

e. Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Potential sources of odors during construction activities include the use of architectural coatings and solvents. The activities and materials associated with project construction would be typical of construction projects of similar type and size. Any odors that may be generated during construction or operation of the project would be localized and temporary in nature and would not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. As such, impacts with regard to odors would be less than significant.

According to the SCAQMD *Air Quality Analysis Guidance 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 project involves the future development of restaurant, retail, and residential uses (and associated parking) and would not introduce any major odor-producing uses that would have the potential to affect a substantial number of people. Only limited odors associated with project operations would be generated by on-site solid waste generation and storage, the use of certain cleaning agents, and/or restaurant uses, all of which would be consistent with existing conditions on-site and in the surrounding area. Odor impacts during project operations would be less than significant. Thus, further analysis of odor impacts in an EIR is not required.

IV. BIOLOGICAL RESOURCES

Would the project:

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

Potentially Significant Impact. The project site, while not known to contain substantial biological resources or habitats, is located adjacent to Upper Newport Bay, which contains various sensitive species and related habitats. Future development of allowable uses on-site could result in direct and indirect impacts to sensitive resources. As such, impacts are considered potentially significant and future analysis of this issue in an EIR is required.

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

Potentially Significant Impact. The project site is located adjacent to Upper Newport Bay, which contains a number of aquatic habitats and other sensitive natural communities. Future development of allowable uses on-site could result in direct and indirect impacts to riparian habitat. As such, impacts are considered potentially significant and future analysis of this issue in an EIR is required.

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Potentially Significant Impact. Future development on-site would involve the construction of new seawall bulkheads along the waterfront of Upper Newport Bay, which could have direct effects on jurisdictional waters. As such, impacts are considered potentially significant and future analysis of this issue in an EIR is 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?**

Potentially Significant Impact. A variety of biological resources are known to exist in portions of the project area. Future implementation of allowable improvements would occur on existing developed land; however, future development may have the potential to directly or indirectly impact sensitive species and habitats including wetlands and riparian lands. The project would not interfere with wildlife corridors or impede the use of native wildlife nursery sites as no such corridors or nursery sites are known to exist on the project site. The project site is almost entirely paved in its present condition, and except for the western/northwestern boundary which is adjacent to Upper Newport Bay, the local area is entirely developed with residential, commercial and transportation uses. Given the potential presence of sensitive biological resources on the western/northwestern edge of the site, potential impacts to biological resources will be evaluated in an EIR.

- e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)?**

Potentially Significant Impact. The City of Newport Beach does not have a tree preservation ordinance applicable to trees on private property. However, the City's General Plan and CLUP include a number of policies related to the protection of sensitive natural resources, including biological resources. Therefore, impacts would be considered potentially significant and further analysis of this issue in an EIR is 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?**

No Impact. The project site is located within the Coastal Subarea of the Orange County Central-Coastal Natural Communities Conservation Plan (NCCP). However, the site is designated as "Developed" in the NCCP, and is not within an area designated as a preserve under the NCCP. The closest designated NCCP preserve is Upper Newport Bay Ecological Reserve located approximately 1,000 feet northeast of the project site at the closest point. The project site is not located within the plan areas of any habitat conservation plans other than the NCCP. It should be noted that while the De Anza Bayside Marsh Peninsula (within Planning Area 5 of the project site) is designated as an Environmentally Sensitive Area (ESA) in the City's General Plan and CLUP, no physical changes to this portion of the site are contemplated under the proposed project. As such, no impact would occur in this regard and further analysis of this issue in an EIR is not required.

V. CULTURAL RESOURCES

Would the project:

a. Cause a substantial adverse change in significance of a historical resource as defined in State CEQA §15064.5?

Potentially Significant Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered to be “historically significant” if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important in our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- iv) Has yielded, or may be likely to yield, information important in prehistory or history.

The existing 50-year-old commercial storage garages on the eastern side of Parcel 3 were built in the 1960s. As such, a cultural resources assessment of the site regarding potential historic resources will be conducted. Findings of the assessment regarding historic resources will be discussed in the EIR. Mitigation measures will be recommended as needed.

b. Cause a substantial adverse change in significance of an archaeological resource pursuant to State CEQA §15064.5?

Potentially Significant Impact. Previous cultural resources research regarding the project site indicate that no known cultural resources sites exist within the project boundaries. However, despite the lack of known cultural resource sites on the property, there remains the potential for the presence of archaeological resources that could be adversely affected by the construction of the future improvements, particularly large excavations for subterranean parking. As such, impacts are considered potentially significant and this issue will be further analyzed in an EIR.

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Potentially Significant Impact. The project site is relatively flat and developed with urban uses. There are no unique geological features on-site, and no impact to such resources would occur. However, the proposed project would involve future grading and excavation to greater depths than were done for the existing development on-site. Proposed grading and excavation could damage fossils if buried in site soils. The updated cultural resources assessment to be prepared for the project will include a paleontological records overview by the Natural History Museum of Los Angeles County, and findings of the overview will be discussed in the EIR.

d. Disturb any human remains, including those interred outside of formal cemeteries?

Potentially Significant Impact. While no known traditional Native American sites exist within the project area or surrounding area, nor have any resources been identified, construction activities associated with the proposed project would have the potential to unearth undocumented resources and result in a significant impact. A Sacred Lands File review will be conducted to determine the need for monitoring the presence of human remains during project construction. A summary of the search results and a more detailed analysis of potential impacts to human remains will be included in the EIR.

VI. GEOLOGY AND SOILS

Would the project:

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

Less Than Significant Impact. Fault rupture is defined as the displacement that occurs along the surface of a fault during an earthquake. Based on criteria established by the California Geological Survey (CGS), faults can be classified as active, potentially active, or inactive.³ Active faults are those having historically produced earthquakes or shown evidence of movement within the past 11,000 years (during the Holocene Epoch).⁴ Potentially active faults have demonstrated displacement within the last 1.6 million years (during the Pleistocene Epoch), but do not displace Holocene Strata. Inactive faults do not exhibit displacement younger than 1.6 million years before the present. In addition, there are buried thrust faults, which are low angle reverse faults with no surface exposure. Due to their buried nature, the existence of buried thrust faults is usually not known until they produce an earthquake.

The seismically active Southern California region is crossed by numerous active and potentially active faults and is underlain by several blind thrust faults. Alquist-Priolo Earthquake Fault Zones (formerly Special Study Zones) have been established throughout California by CGS. These zones, which extend from 200 to 500 feet on each side of a known active fault, identify areas where potential surface rupture along an active fault could prove hazardous and identify where special studies are required to characterize hazards to habitable structures.

The project site is not located within an established Alquist-Priolo Fault zone. The nearest active faults to the project site are the Newport-Inglewood Fault Zone (L.A. Basin and Off-shore segments) located 2.5 and 2.8 miles from the site respectively, and the San Joaquin Hills Blind Thrust, located approximately 6.4 miles from the project site.⁵ Active faults with the potential for surface rupture are not known to be located

³ California Department of Conservation, California Geological Survey. "California Geological Survey - Alquist-Priolo Earthquake Fault Zoning Act," http://www.consrv.ca.gov/cgs/rghm/ap/Pages/main.aspx#what_is_fault. Accessed September 2012.

⁴ *Ibid.*

⁵ Leighton Consulting, Inc. "Preliminary Geotechnical Engineering Evaluation For The Proposed Back Bay Landing – Mixed-Use Waterfront Development Legislative Approvals (GPA, CLUPA, Etc.), Bayside Drive And Pacific Coast Highway, Newport Beach, California." March 2, 2012.

beneath the project site. Therefore, the potential to expose people to impacts from fault rupture resulting from seismic activity during the design life of the buildings is considered less than significant. Further evaluation of this issue in an EIR is not required.

ii. Strong seismic ground shaking?

Potentially Significant Impact. The United States is classified into four seismic zones, ranging from 1 (low earthquake danger) to 4 (high earthquake danger). All of California lies within Seismic Zones 3 or 4. Future on-site development allowable under the proposed legislative approvals would be required to comply with construction standards contained in the California Uniform Building Code (UBC) and the Newport Beach Building Code. Nonetheless, potential impacts associated with ground shaking will be further analyzed in an EIR.

iii. Seismic-related ground failure, including liquefaction?

Potentially Significant Impact. The City of Newport Beach General Plan Safety Element indicates that the project site is located within an area with relatively high susceptibility to liquefaction given the shallow depth to groundwater and sandy and silty nature of the alluvial soils under the site. Based on the high potential for liquefaction on-site, impacts in this regard are considered potentially significant and further evaluation of this issue in an EIR is required.

iv. Landslides?

Less Than Significant Impact. No slope areas considered susceptible to landslides or other slope failure exist on-site. Although the raised Coast Highway corridor bisecting the project site is sloped down to ground level on either side of the bridge approach, the roadway was engineered and constructed to industry standards, and therefore the potential for slope failure in this area is considered low. Given the distance of natural slope areas from the project site and relatively flat topography on-site, less than significant impacts related to landslides are anticipated to occur and therefore further evaluation of this issue in an EIR is not required.

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

Potentially Significant Impact. Future site grading and construction activities could result in soil erosion or loss of topsoil during windy conditions or from site runoff during storm events. As such, impacts are potentially significant and this issue will be further analyzed in an EIR.

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

Potentially Significant Impact. As noted above in Responses VI.a., the project site is located in an area susceptible to liquefaction, and therefore impacts in this regard would be considered potentially significant and further analysis of this issue in an EIR is required.

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

Less Than Significant Impact. Expansive soils are typically associated with fine-grained clayey soils that have the potential to shrink and swell with repeated cycles of wetting and drying. The project area is characterized by sandy granular soils that exhibit low clay content and very low expansion potential.⁶ Although not anticipated, expansive soils, if encountered within the project site, would be removed and/or replaced as part of standard construction practices pursuant to the City of Newport Beach and/or CBC building requirements. Therefore, project implementation would result in less than significant impacts associated with expansive soils and substantial risks to life or property would not occur. Further analysis of this issue in an EIR is not necessary.

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. The project site is located in an urbanized area served by existing wastewater infrastructure, and therefore no septic tanks or alternative wastewater disposal systems would be required. As such, the project would not result in impacts related to the ability of soils to support septic tanks or alternative wastewater disposal systems. No impacts would occur, and further evaluation of this issue in an EIR is not required.

VII. GREENHOUSE GAS EMISSIONS

Would the project:

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance?**
- b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

Potentially Significant Impact (a-b). Construction and operation of the proposed project would generate additional greenhouse gas emissions that could exceed established thresholds, and as such could conflict with applicable plans, policies, and regulations related to greenhouse gases. Therefore, impacts are considered potentially significant and this issue will be further analyzed in an EIR.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 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. Hazardous materials may be used during the construction phase of the project's development components. Hazardous materials that may be used include, but are not limited to, fuels (gasoline and diesel), paints and paint thinners and possibly herbicides and pesticides. Generally these

⁶ *Ibid.*

materials would be used in concentrations that would not pose significant threats during the transport, use and storage of such materials. Furthermore, it is assumed that potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations, including California Occupational Safety and Health Administration requirements, and Title 8 and 22 of the Code of California Regulations. Accordingly, risks associated with hazards to the public or environment posed by the transport, use or disposal of hazardous materials during construction are considered less than significant due to compliance with applicable standards and regulations.

Over the long-term, the project would not involve facilities that include the storage, use, disposal, or generation of substantial amounts of hazardous materials or wastes. While ongoing landscape and building maintenance activities may involve the occasional use of hazardous materials, potentially toxic or hazardous compounds associated with such maintenance activities typically consist of readily available solvents, cleaning compounds, paint, herbicides, and pesticides. These hazardous materials are regulated by stringent federal and state laws mandating the proper transport, use, and storage of hazardous materials in accordance with product labeling. Similarly, proposed dry-stack boat storage on-site may involve the use and storage of vehicle fuels such as gasoline and diesel fuel for boats, and possibly propane fuel for forklifts. However, the use and storage of these substances is not considered to present a health risk when used in accordance with manufacturer specifications and with compliance to applicable regulations.

Overall, construction and operation of the project would result in a less than significant impact with regard to routine transport, use, or disposal of hazardous materials relative to the safety of the public or the environment. Further analysis of this issue is not necessary in the EIR.

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?

Potentially Significant Impact. As discussed in Response No. VIII.a, the project would not involve facilities that include substantial storage, use, disposal, or generation of hazardous materials or wastes. However, there is the potential for unknown hazardous materials to be located on the project site, which could expose people to health risks is encountered during construction or operation of the proposed uses. Therefore, impacts are considered potentially significant and this issue will be further analyzed in an EIR.

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 schools within 0.25-mile of the project site. Newport Harbor High School is the closest school to the project site; however, it is ½-mile from the project site at the closest point. No impact would occur and further analysis of this issue in an EIR is not 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?

Potentially Significant Impact. The project area has been utilized for marine-related activities, including vehicle storage, for many years and database searches regarding hazardous materials conditions indicate that multiple underground petroleum storage tanks have been installed and removed from the site, which

could have resulted in residual contamination of site soils or groundwater.⁷ The project site is not on the GC 65962.5 list. Given the potential presence of listed hazardous materials in the project area, even though not on the Government Code list, and associated potential for existing contamination to affect the proposed uses, impacts in this regard are considered potentially significant and further analysis of this issue in an EIR is 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 for people residing or working in the project area?

Potentially Significant Impact. The project site is not located within the Clear Zone/Runway Protection Zones or the Accident Potential Zone for John Wayne Airport (JWA), as designated in the City's General Plan (and illustrated in Figure S5 of the General Plan Safety Element). A portion of the project site is located within the Airport Environs Land Use Plan (AELUP) for JWA. In 1975, the Airport Land Use Commission (ALUC) of Orange County adopted an AELUP that included JWA (formerly Orange County Airport). The AELUP is the authoritative planning document for the ALUC. The ALUC is an agency authorized under State law to assist local agencies in ensuring compatible land uses in the vicinity of airports. Primary areas of concern for ALUCs are noise, safety hazards, and airport operational integrity. ALUCs are not implementing agencies in the manner of local governments, nor do they issue permits for a project such as those required by local governments. The project site is located within the AELUP for JWA and could potentially result in a safety hazard for people residing or working in the project area. The AELUP for JWA contains policies governing the land uses within the JWA area. Specifically, these policies establish development criteria that protect sensitive receptors from airport noise, protect persons from risk of airport operations, and establish height guidelines to ensure aircraft safety. The proposed project would be required to implement the guidelines contained in the AELUP. The project's consistency with the AELUP for JWA will be analyzed in detail in the EIR, and mitigation will be included if necessary.

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for the people residing or working in the area?

No Impact. There are no private airstrips in the vicinity of the project area. Therefore, the project would not result in airport-related safety hazards for the people residing or working in the area. No impact would occur in this regard. Further analysis of this issue is not necessary in the EIR.

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Potentially Significant Impact. The City of Newport Beach has an adopted Emergency Response Plan, and the Newport Beach Fire Department is the lead department for coordinating all emergency management activity in the City. Storage of construction materials and construction equipment such as construction office trailers, cranes, storage containers, and trailers detached from vehicles is prohibited on City property, including City streets, without a permit from the City Public Works Department. Future construction and operation would comply with City requirements regarding storage on City property, including City streets.

⁷ Leighton Consulting, Inc. "Phase I Environmental Site Assessment Back Bay Landing Project, APN 440-132-60 Northwest Corner Of East Coast Highway And Bayside Drive Newport Beach, County Of Orange, California." October 19, 2009.

However, project-related traffic system improvements at the intersection of East Coast Highway and Bayside Drive, as well as future water pipeline relocation activities within the East Coast Highway or Bayside Drive right-of-ways, could temporarily restrict vehicular access to and from the project site while construction activities are occurring. As such, the proposed project could potentially interfere with emergency access to, or evacuation from, the project site and surrounding properties. Impacts would be potentially significant and further analysis of this issue in an EIR is required.

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. There is no native habitat or extensive vegetation susceptible to wildland fires on the site. As illustrated in Figure S4 of the City of Newport Beach General Plan Safety Element, the proposed project is located in an area designated as “low/none wildfire hazard.” Future development would not place buildings or structures at any risk from wildland fires, and therefore no impacts would occur and further analysis of this issue in an EIR is not required.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

a. Violate any water quality standards or waste discharge requirements?

Potentially Significant Impact. Construction and operation of proposed uses has the potential to introduce pollutants into stormwater flows in excess of allowable standards. As such, this issue will be evaluated further in an EIR.

b. Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned land uses for which permits have been granted)?

Less Than Significant Impact. Implementation of the project would not deplete groundwater supplies or interfere substantially with groundwater recharge. The proposed project would incrementally decrease (by 5%) the amount of impervious surfaces on-site.⁸ Therefore, the proposed project would not result in a net increase in impermeable surface area on-site and would not adversely affect groundwater recharge or increase runoff volumes conveyed from the site during storm events. Additionally, the lack of increase in impervious surfaces on-site would be consistent with Policy HB 8.20 (Impervious Surfaces) of the Newport Beach General Plan Harbor and Bay Element, which requires new development to minimize the creation of and increase of impervious surfaces. Furthermore, the project site is not in a designated groundwater recharge area and does not serve as a primary source of groundwater recharge. Impacts would be less than significant and this issue will not be evaluated further in an EIR.

⁸ Fuscoe Engineering, Inc. “Preliminary Water Quality Management Plan (P-WQMP) Back Bay Landing Redevelopment Project.” August 9, 2012.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

Potentially Significant Impact. Future development on-site would involve soil disturbance and earthmoving during construction activities, which could increase soil erosion and stormwater flow volumes generated on-site. Therefore, the proposed project would alter the existing drainage pattern of the project area, which could result in substantial erosion or sedimentation on- or off-site. As such, impacts are considered potentially significant and this issue will be further analyzed in an EIR.

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off site?**

Potentially Significant Impact. There are no streams or rivers present on the project site; however, the project site is located adjacent to Upper Newport Bay which serves to drain the San Diego Creek watershed. Future development of the site would potentially alter drainage patterns through the site due to physical site changes. As discussed above in Response VIII.b, the project is not anticipated to result in an increase in the amount of impervious surface area, or a corresponding increase in the amount of surface water runoff generated on-site, as the proposed project would incrementally decrease impervious surface area within the project boundaries. However, although the change in total runoff is not expected to be substantial, the project would result in a change in drainage patterns with future development of multiple structures on-site. Therefore, this issue will be further evaluated in an EIR.

- e. 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?**

Potentially Significant Impact. As discussed above in Response VIII.d, although the proposed project would not increase the overall impervious surface area on-site, changes to drainage features and infrastructure as part of future site development could have the potential to exceed the capacity of the stormwater drainage system serving the project area. Therefore, this impact is considered potentially significant and this issue will be further analyzed in an EIR.

- f. Otherwise substantially degrade water quality?**

Potentially Significant Impact. During future construction of allowable uses on-site, excavation and grading activities would have the potential to temporarily increase the amount of pollutants in surface water runoff. In addition, urban development under the proposed project compared to existing conditions could substantially increase pollutants generated on-site during project operation. Given the potential for future construction and operation of allowable land uses to degrade water quality on- and off-site, further analysis in an EIR is necessary to assess the project's potential impacts.

- g. Place housing within a 100-year flood plain as mapped on federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

No Impact. The Federal Emergency Management Agency (FEMA) maintains and updates the National Flood Insurance Program (NFIP) maps, which identify community flood hazard zone designations. The project site

has been designated as Zone X, meaning that it is outside of 100-year and 500-year flood zones. No impact would occur, and this issue will not be further analyzed in an EIR.

h. Place within a 100-year flood plain structures which would impede or redirect flood flows?

No Impact. As stated in Response No. IX.g, the project area is not located within a 100- or 500-year floodplain. Thus, no impacts would occur and further analysis of this issue in an EIR is not required.

i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Potentially Significant Impact. Although the project site is not located within the inundation areas of any dams and is not in an area designated on a flood insurance rate map as being protected from 100-year floods by levees, the site's location adjacent to Upper Newport Bay means that on-site flooding potential cannot be ruled out. As such, impacts in this regard are potentially significant and further analysis of this issue in an EIR is required.

j. Inundation by seiche, tsunami, or mudflow?

Potentially Significant Impact. A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. 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 the sea floor associated with large, shallow earthquakes. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity.

The project area is subject to tsunami hazards given the site's proximity to the Pacific Ocean and low elevation of the project area relative to sea level. While no open reservoirs or other large water bodies are located within or upstream of the project area, the site is adjacent to Upper Newport Bay. Therefore, the project could be subject to flooding hazards associated with seiches during large seismic events. Additionally, given the lack of steep hillsides near the project site, the potential for mudflows to affect the proposed uses would be negligible given the distance of significant hillsides from the project and amount of intervening development. Furthermore, the gently sloping topography of the project area is not conducive to sustaining mudflows.

Based on the above, potentially significant adverse impacts associated with inundation by seiche and tsunamis could occur with future project implementation. Further analysis of this issue in an EIR is necessary.

X. LAND USE AND PLANNING

Would the project:

a. Physically divide an established community?

No Impact. While there are several developed residential, commercial, and public facility uses within the project vicinity, no established communities are located within the affected portions of project site that could be physically divided by future development. Therefore, no impacts related to the physical division of an

established community would result from the proposed project. Further analysis of this issue is not necessary in the EIR.

- b. Conflict with applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

Potentially Significant Impact. The proposed project requires a General Plan Amendment, Coastal Land Use Plan Amendment, Zoning Code Amendment, Development Agreement, and other approvals. Based on the requisite changes to applicable plans, policies, and regulations affecting the project site, the proposed project could potentially result in conflicts. As such, impacts in this regard would be potentially significant and further analysis of this issue in an EIR is required.

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?**

No Impact. As stated in Response No. IV.f, the project would have no potential to conflict with a Habitat Conservation Plan or Natural Community Conservation Plan, since the project site is not located within or adjacent to a designated reserve area. As such, no impact would occur in this regard and further evaluation of this issue in an EIR is not required.

XI. MINERAL RESOURCES

Would the project:

- 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?**

No Impact (a-b). There are no known local mineral resources within the project area. No known State-designated mineral resource areas have been identified within the project area. The project does not incorporate heavy industrial uses of any type or propose mineral development activities. Further, implementation of the project would not impede the potential for direct use or future exploration of mineral resources. Therefore, the project would result in no impact regarding mineral resources. Further analysis of this issue in an EIR is not necessary.

XII. NOISE

Would the project result in:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Potentially Significant Impact. Construction of future improvements under the proposed land use approvals would increase noise levels in the project area, which could exceed established noise standards. The future project's facilities and maintenance activities could also increase long-term noise levels near sensitive noise receptors. Accordingly, potential increases in construction and operational noise are considered potentially significant, and an analysis of noise-related effects will be included in an EIR.

b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Potentially Significant Impact. Groundborne vibration or noise would primarily be associated with construction activities from future development of allowable uses on-site. These temporary increased levels of vibration could impact vibration-sensitive land uses surrounding the project site, which is considered a potentially significant impacts. This topic will be further evaluated in an EIR.

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact. The future development and operation of allowable uses on-site would result in new sources of noise at the project site, primarily from project-related traffic. Impacts would be considered potentially significant and therefore the EIR will evaluate the potential for noise generated by the project to substantially increase existing noise levels at adjacent land uses.

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact. Construction of future improvements under the proposed land use approvals would create periodic and short-term noise, which could exceed established noise standards. The future project's facilities and maintenance activities could also increase long-term noise levels near sensitive noise receptors. Accordingly, potential increases in construction and operational noise are considered potentially significant, and a noise analysis will be included in the EIR. The analysis will include discussion of both temporary construction and periodic operational noise increases and the potential for significant impacts on residents and other sensitive receptors near and within the project area.

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 expose people residing or working in the project area to excessive noise levels?

Potentially Significant Impact. Although John Wayne Airport is located approximately three miles to the north of the project site, the project site is located within the boundaries of the corresponding Airport Environs Land Use Plan (AELUP). Therefore, project implementation could expose people to excessive airport related noise levels associated with aircraft operations. Impacts in this regard would be potentially significant, and further analysis of this issue in an EIR is required.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project area is not located in the vicinity of a private airstrip. Therefore, the project would not expose people residing or working in the project area to excessive noise levels from such uses. No impact would occur in this regard and further analysis of this issue in an EIR is not necessary.

XIII. POPULATION AND HOUSING

Would the project:

- a. **Induce substantial 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)?**

Potentially Significant Impact. Future project implementation would increase the population, housing stock, and employment opportunities within the project area. Therefore, given the potential growth associated with future on-site development, impacts are considered potentially significant. Further analysis of this issue in an EIR is required.

- b. **Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?**
- c. **Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?**

Less Than Significant Impact (b-c). Although project implementation would result in the removal of existing residential units (i.e., three mobile homes within the proposed LLA area), it would not displace substantial numbers of existing housing or people, since such removal would be limited to three housing units that would be offset by the future provision of up to 49 dwelling units on-site. Therefore, despite the removal of three existing housing units as part of the proposed project, impacts to existing housing or local populations would be less than significant. Further analysis of this issue is not necessary in the EIR.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:

- a. **Fire protection.**
- b. **Police protection.**
- c. **Schools.**
- d. **Parks.**
- e. **Other public facilities.**

Potentially Significant Impact (a-e). Future development on-site would include new residential development that would directly increase the City's population, and commercial and marine-related uses that would indirectly increase population in the area both on- and off-site. Thus, the associated increase in demand generated by the project for public services, including fire and police protection, schools, parks, and other public facilities, will be addressed in an EIR.

XV. RECREATION

- 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?**

Potentially Significant Impact. The proposed project would involve the future construction of additional residential units, which would increase the permanent residential population within the project area. Thus, although the proposed project would include various waterfront access improvements as well as residential, restaurant, and other commercial uses, the associated increase in demand for parks services generated by the project will be addressed in an EIR.

- 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?**

Potentially Significant Impact. The proposed project would include waterfront access/trail improvements to serve on-site residents and the community at-large. As on-site facilities are a component of the project, impacts associated with construction of these facilities are addressed in this Initial Study and will be addressed, as appropriate, in the respective analyses within the EIR. While the availability of on-site recreational facilities to residents may reduce project-related demand for area parks and recreational facilities, the proposed project would nonetheless contribute to the demand for parks and other recreational facilities in the area through the introduction of a new residential population. Therefore, this issue will be further analyzed in an EIR.

XVI. TRANSPORTATION/TRAFFIC

Would the project:

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**
- b. Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Potentially Significant Impact (a-b). Trip generation on-site will increase with future project implementation. As such, a traffic evaluation is being prepared that will evaluate the project's potential to result in traffic impacts. The results of the traffic evaluation will be presented in the EIR.

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No Impact. The project does not allow for any future structures that would interfere with air traffic patterns, as the maximum height of future project components would be 55 feet above grade (i.e., the proposed observation tower); nor would the project increase use of any airport in more than a de minimus

way. Thus, no impact regarding air traffic patterns would occur with project implementation. Further analysis of this issue is not necessary in the EIR.

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

Potentially Significant Impact. The proposed project would involve the future construction of new roadways and intersections, including a roundabout. The new circulation system on-site could increase hazards if not properly designed and constructed. As such, impacts are considered potentially significant in this regard and further analysis of this issue in an EIR is required.

e. Result in inadequate emergency access?

Potentially Significant Impact. Immediate access to the project vicinity is provided via a single access point off East Coast Highway at Bayside Drive. Emergency evacuation plans and procedures would be incorporated into the project, and building design plans and emergency access and circulation would be subject to future review and approval by the Newport Beach Fire Department. While it is expected that the majority of future construction activities for the project would be confined on-site, short-term construction activities associated with intersection/access improvements and utility relocation may temporarily affect access on portions of the adjacent street rights-of-way. Given the potential disruption of traffic patterns during future construction and potential access limitations during project operation, emergency access will be addressed in an EIR.

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Potentially Significant Impact. The introduction of future uses and associated population, vehicles, and new and expanded roadways could potentially conflict with existing/adopted policies, plans, or programs regarding alternative transportation. Therefore, impacts are considered potentially significant and further analysis of this issue in an EIR is required.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Potentially Significant Impact. Given the increase in development intensity relative to existing conditions at the project site, it is anticipated that the proposed project would increase wastewater generation, and the associated demand for wastewater treatment could potentially exceed existing treatment capacity or the wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board (SARWQCB) for the treatment facility serving the project area. Therefore, further analysis of wastewater treatment in an EIR is necessary.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Potentially Significant Impact. The proposed project would result in the development of the project site with new urban uses at a substantially higher intensity than existing on-site development. As such, given the associated increase in demand for water service and wastewater treatment, the potential exists for the project to require the construction or expansion of water and/or wastewater treatment facilities. Therefore, further analysis of this issue in an EIR is necessary.

c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Potentially Significant Impact. The proposed project would not substantially increase surface water runoff generated at the project site given the minimal change in impervious surface area on-site. However, future on-site improvements would change the development pattern of the site from a simple paved site to various urban uses, which would alter the rate and direction of runoff. Since the proposed project has the potential to alter the sheet flow pattern throughout the project site, impacts to stormwater drainage facilities will be addressed in an EIR.

d. Have sufficient water supplies available to serve the project from existing entitlements and resource, or are new or expanded entitlements needed?

Potentially Significant Impact. The project would consist of a mix of uses, including residential units and commercial and marine-related uses. As these uses would not generate a water demand greater than that of 500 dwelling units, the project would not be subject to Senate Bill (SB) 610 which requires that a water supply assessment be conducted by the water service provider to determine if there is sufficient water supply to serve the project during normal, single dry, and multiple dry water years. However, although a water supply assessment is not required for the proposed project, water supply will be analyzed further in an EIR.

e. 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?

Potentially Significant Impact. As noted above, the proposed project would result in the development of the project site with new urban uses at a higher intensity than under existing conditions. As such, given the associated increase in demand for wastewater treatment, the potential exists for the project to exceed the capacity of wastewater treatment facilities serving the project area. Therefore, further analysis of this issue in an EIR is necessary.

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Potentially Significant Impact. Future construction of allowable uses on-site would generate inert solid waste (e.g., export soils, construction and demolition debris) which would require disposal at an unclassified landfill. In addition, during future project operation, the project's commercial and residential uses would generate solid waste which would be disposed of at the landfill(s) serving the City. Although recycling would

extend the life of the landfill(s) serving the project area, implementation of the proposed project would increase demand for landfill services and potentially accelerate projected landfill closures. Therefore, the impact of the project with respect to solid waste disposal will be further analyzed in an EIR.

g. Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. The City of Newport Beach has achieved over 50-percent waste diversion since 2004 through recycling and other measures and is in compliance with the California Integrated Waste Management Act of 1989 (AB939).⁹ The proposed project would comply with applicable regulations related to solid waste, including those pertaining to waste reduction and recycling. As all solid waste collection from the project site would be managed by Waste Management, Inc., which is in compliance with federal, state, and local statutes and regulations, the proposed project would be consistent with respective regulatory measures. Further analysis of this issue in an EIR is not required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of 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?**

Potentially Significant Impact. As discussed above, the project could potentially result in significant impacts regarding biological resources and cultural resources. Impacts related to either of these issue areas would be considered to degrade the quality of the environment. This impact is considered potentially significant and will be further analyzed in the EIR.

- b. Does the project have impacts which are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of an individual 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.)**

Potentially Significant Impact. As discussed above, the project could potentially result in significant impacts regarding aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, traffic/transportation, and utilities and service systems-related impacts. The EIR will assess potential cumulative impacts associated with these issues.

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

Potentially Significant Impact. Due to the potentially significant impacts associated with implementation of the project, the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Thus, a potentially significant impact associated with this issue could occur, and as such further analysis will be provided in the relevant sections of the EIR.

⁹ CalRecycle. “Jurisdiction Diversion/Disposal Rate Summary (1995 - 2006)”. <http://www.calrecycle.ca.gov/LGCentral/reports/diversionprogram/JurisdictionDiversion.aspx>. Accessed September 2012.

REFERENCES

- California Air Resources Board. 2011 Area Designations. "Staff Report: Initial Statement of Reasons (ISOR), Attachment C: Maps and Tables of Area Designations for State and National Ambient Air Quality Standards." <http://www.arb.ca.gov/regact/2011/area11/area11.htm>. Accessed September 2012.
- California Department of Conservation, California Geological Survey. "California Geological Survey - Alquist-Priolo Earthquake Fault Zoning Act," http://www.consrv.ca.gov/cgs/rghm/ap/Pages/main.aspx#what_is_fault. Accessed September 10, 2012.
- California Department of Transportation. "Officially Designated Scenic Highways and Historic Parkways." http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm. Accessed September 2012.
- City of Newport Beach General Plan, Adopted July 25, 2006.
- City of Newport Beach Municipal Code, updated through June 26, 2012.
- Fusco Engineering, Inc. "Preliminary Water Quality Management Plan (P-WQMP) Back Bay Landing Redevelopment Project." August 9, 2012. Google Maps, 2012.
- Leighton Consulting, Inc. "Phase I Environmental Site Assessment Back Bay Landing Project, APN 440-132-60 Northwest Corner Of East Coast Highway And Bayside Drive Newport Beach, County Of Orange, California." October 19, 2009.
- Leighton Consulting, Inc. "Preliminary Geotechnical Engineering Evaluation For The Proposed Back Bay Landing – Mixed-Use Waterfront Development Legislative Approvals (GPA, CLUPA, Etc.), Bayside Drive And Pacific Coast Highway, Newport Beach, California." March 2, 2012.

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