

SECTION 1: INTRODUCTION

1.1 - Purpose and Authority of the EIR

1.1.1 - Purpose and Authority

This draft Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation and development of Marina Park. The City of Newport Beach is the lead agency for the preparation of this EIR. This document is prepared in conformance with CEQA (California Public Resources Code Section 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City of Newport Beach Implementation Procedures for CEQA.

This draft EIR is intended to serve as an informational document for the public agency decision-makers and the general public regarding the project's environmental impacts, project objectives, and components of the proposed project. This document addresses the potentially significant adverse environmental impacts that may be associated with the planning, construction, and operation of the project, as well as to identify appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts. CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements include:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Growth-Inducing Impacts
- Effects Found Not to be Significant
- Areas of Known Controversy

This draft EIR has been prepared by Michael Brandman Associates, a consultant, under contract to the City of Newport Beach. Prior to public review, it was reviewed and evaluated by the City of Newport Beach. This EIR reflects the independent judgment and analysis of the City of Newport Beach as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel are provided in Sections 8 and 9 of this EIR.

The Marina Park EIR is considered a project-level EIR. The intent of this document is to analyze the environmental effects of the proposed project to the degree of specificity required by Section 15161 of the State CEQA Guidelines. Hence, it is anticipated that upon certification of this EIR, no additional environmental review will be required for the implementation of the Marina Park project. This EIR also considers a series of actions that are needed to achieve the development of the project. Among the actions being requested are the approval of project components, a Coastal Development Permit, a Demolition Permit, and a Harbor permit. Additional City approvals (i.e., parcel map, building permit) will also be needed. The lead agency, as well as other responsible agencies, can approve subsequent actions without additional environmental documentation unless otherwise required by Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162, 15163 and 15164. The actions involved in the implementation of the proposed project are described in Section 3, Project Description, of this EIR. Other agencies that may have discretionary approval over the project, or components thereof, are also described in Section 3.

Environmental impacts may not always be mitigated to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with Section 15093(b) of the State CEQA Guidelines, if a public agency approves a project that has significant impacts that are not substantially avoided or lessened (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons to support its actions based on the Final EIR or other information in the record. The Statement of Overriding Considerations indicates the project was approved even though substantial impacts may remain and must be supported by substantial evidence in the record and should be included in the record of project approval. Additionally, the Statement of Overriding Considerations does not substitute for the Findings as required by Section 15091 of the CEQA Guidelines.

The development of the proposed project will not result in significant impacts after the implementation of the recommended mitigation measures.

1.1.2 - Lead Agency Determination

State CEQA Guidelines Section 15367 defines the lead agency as "... the public agency, which has the principal responsibility for carrying out or approving a project." Criteria considered in identifying the lead agency include whether the agency: 1) has the greatest responsibility for supervising or approving the project as a whole, 2) is an agency with general governmental powers, and 3) will act first on the project in question (refer to State CEQA Guidelines Section 15051). The lead agency for this EIR is the City of Newport Beach. As the lead agency, the City of Newport Beach has responsibility for review, adoption, and implementation of the project.

In addition to the discretionary actions required by City of Newport Beach, there are additional discretionary actions that will be required by other public agencies. These other public agencies are defined as Responsible Agencies in the CEQA Guidelines (Section 15381). Responsible Agencies for Marina Park are the California Coastal Commission, the Regional Water Quality Control Board,

and the California Department of Fish and Game. When the project applicant requests discretionary approval of components of the project, these agencies may consider the information in this EIR along with other information that may be presented during the CEQA process. Section 3.3 in this EIR provides a list of approvals required for the proposed project.

1.2 - Scope of the EIR

This EIR addresses the potential environmental effects of the proposed Marina Park. The scope of the EIR includes the environmental issues identified in the Initial Study (IS) and Notice of Preparation (NOP) issued by the City, comments obtained during a public scoping meeting, and issues raised by agencies and the public in response to the IS/NOP.

1.2.1 - Environmental Issues Determined Not To Be Significant

Based on comments received on the IS/NOP and information obtained from the public scoping meeting, a determination was made that an EIR is required to address the potentially significant environmental effects of the Marina Park project. The scope of the EIR includes issues identified by the City of Newport Beach during the preparation of the IS/NOP for the proposed project, as well as environmental issues raised by agencies and the general public in response to the IS/NOP.

Based on the comments received in the public review period of the IS/NOP, the environmental issues, which could result in potentially significant impacts that are addressed in this EIR, consist of the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation/Traffic
- Utilities/Service Systems

The environmental issues that are determined to be not significantly affected by the proposed project and that, therefore, do not require further analysis in this EIR pursuant to Section 15063(c) of the State CEQA Guidelines (as amended) are as follows:

Agricultural Resources. The project site is located within an urbanized area of Newport Beach. The project site contains no land that is considered to be suitable farmland. No agricultural activities occur on or adjacent to the site. Therefore, no significant agricultural resource impacts will occur from project development.

Mineral Resources. The project site is developed with urban uses and is not utilized for the extraction of mineral resources. According to the California Department of Conservation, Division of

Mines and Geology, the site is not located within a significant mineral resource zone. Therefore, no significant mineral resource impacts will result from project development.

Population and Housing. The proposed project will generate employment associated with the public facilities; however, this increase is expected to be nominal compared to the approximate 48,000-person labor force within the City of Newport Beach. Due to the minor amount of employees being generated by the proposed project, it is not anticipated that such employment will directly or indirectly induce substantial population growth in the project area, which would require new housing or extension of roads or other infrastructure. The proposed project will also result in the removal of 57 mobile homes, of which 15 are occupied full-time while 42 are occupied part-time. The removal of the existing mobile home units will not result in a substantial effect on the City's existing or future housing supply because the existing mobile home units are a non-conforming use. These units are not considered part of the City's future housing stock in the City's Housing Element because the site of the mobile homes is designated for Recreation and Environmental Open Space. Furthermore, the Housing Element does not identify the project site as a potential candidate to provide housing. Similar to projects throughout California that remove mobile home units, a Relocation Impact Study in compliance with the State's Mobile Home Residency law has been prepared. Implementation of the proposed project would result in less-than-significant impacts on population and housing.

Recreation. The proposed project will not result in an increase in the residential population in the project area; thus, it will not create a demand for recreational services or facilities. The proposed project will include new and expanded versions of all existing recreation facilities now found within the existing site. This includes expanded beach-area facilities, the Girl Scout House, play areas, and open grass areas. Also included is a public short-term visiting vessel marina, a public dock, and improved public launch areas. Furthermore, the proposed project will include the new Balboa/Sailing Center that provides space for the Sailing Center Boats and classrooms for boating and other related programs. Therefore, no significant recreation impacts will occur from project development.

1.3 - Organization of the EIR

The EIR is organized into the following main sections:

- **Section 2: Executive Summary.** This section includes a summary of the Marina Park project and alternatives to be addressed in the EIR. A brief description of the areas of controversy and issues to be resolved and an overview of the mitigation monitoring program, in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also presented.
- **Section 3: Project Description.** This section includes a detailed description of the proposed project, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the EIR, responsible agencies, and approvals needed for project implementation is also provided.

- **Section 5: Existing Conditions, Thresholds of Significance, Project Impacts, Cumulative Impacts, Mitigation Measures, and Level of Significance After Mitigation.** This section analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, significance criteria, project and cumulative impacts, mitigation measures, and level of significance after mitigation.
- **Section 6: Alternatives to the Proposed Project.** This section compares the impacts of the proposed project with three alternatives, including the No Project/No Development Alternative, the Reduced Marina Alternative, and the No Marina Alternative. Among these three alternatives, an environmentally superior alternative is identified.
- **Section 7: Other CEQA Considerations.** This section provides a summary of significant environmental impacts, including unavoidable, irreversible, and growth-inducing impacts.
- **Section 8: Organizations and Persons Consulted.** This section provides a list of the organizations and persons consulted while preparing this Draft Environmental Impact Report.
- **Section 9: List of Preparers.** This section provides a list of the various individuals who contributed to the preparation of this Draft EIR.
- **Section 10: References.** This section provides the list of documents cited in the body of this Draft EIR.

1.4 - Documents Incorporated by Reference

The Draft EIR uses information from various documents (reports, technical studies, etc.) that were not prepared specifically for the Marina Park project but that provide relevant information in describing environmental conditions and analyzing the potential environmental effects of the proposed project. As allowed by Section 15150 of the State CEQA Guidelines, all or portions of another document may be incorporated by reference into an EIR without the requirement of reproducing the entire source document. Information taken from these documents would be identified in the relevant environmental impact analysis sections of the Draft EIR. These documents are also listed in Section 10 of this document. As required by Section 15150(b) of the State CEQA Guidelines, documents incorporated by reference are available for public inspection at the address of the Lead Agency identified in Section 1.1.2. For purposes of clarification, documents identified as incorporated by reference are separate from the technical studies prepared specifically for the Marina Park project. The technical studies prepared specifically for the Marina Park project are identified in Section 1.5.

The following documents are hereby identified as being incorporated by reference:

- The Draft Environmental Impact Report for Marina Resort & Community Plan.
- The General Plan Environmental Impact Report for the City of Newport Beach.

1.5 - Technical Studies Prepared for the Project

Each of the following technical studies prepared specifically for the Marina Park Project are contained in the Technical Appendices of the Draft EIR.

- Visual Simulations
- Marine Biological Impact Assessment
- Terrestrial Biological Letter
- Cultural Resources Assessment
- Geotechnical Investigation
- Coastal Engineering Report
- Hazardous Materials Records Review
- Preliminary Water Quality Management Plan
- Traffic and Parking Study
- Parking Management Recommendations Study

1.6 - Review of the Draft EIR

This Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). The Notice of Completion of the Draft EIR has also been distributed as required by CEQA. During the 45-day public review period, the EIR, including the technical appendices, is available for review at the following locations:

- City of Newport Beach Planning Department
3300 Newport Boulevard
Newport Beach, CA 92663
- City of Newport Beach Libraries
 - Central Library
1000 Avocado Avenue
Newport Beach, CA 92660
 - Mariners Branch
1300 Irvine Avenue
Newport Beach, CA 92660
 - Balboa Branch

100 E. Balboa Blvd
Newport Beach, CA 92661

Written comments on the Draft EIR should be addressed to:

City of Newport Beach
Planning Department
Rosalinh Ung, Associate Planner
3300 Newport Beach Boulevard
Newport Beach, CA 92658-8915
Rung@city.newport-beach.ca.us
Fax: 949-644-3229

Upon completion of the 45-day public review period, written responses to all significant environmental issues raised will be prepared and made available for review at least 10 days prior to the public hearing before the City of Newport Beach City Council, at which the certification of the Final EIR will be considered. These environmental comments and their responses will be included as part of the environmental record for consideration by decision-makers for the project.

Authors: The table of contents below is for yours and editorial use. To refresh, place your cursor in the table of contents area and press F9.

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Table 1-1: IS-NOP Comment Letters**Error! Bookmark not defined.**

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References:

Please record your references as you draft your section.

Author's Name. Year. Report Title.

General Instruction for Citations and References

MBA uses the author date citation system within the narrative of the text. To make identifying the citation in the references clear, we use a similar format. Each format is described below. If you encounter items other than those listed below, refer to the most current edition of the Chicago Manual of Style (15th edition as of this writing).

Web resources

In the narrative:

(Delano Union School District 2007)

In the references/bibliography:

Website name. Year. The web address you visited. The date you accessed the site. For example:

Delano Union School District. 2008. Website <http://www.duesd.org/>. Accessed April 23, 2008.

Personal communications

In the narrative:

(Sayers, pers. comm.)

In the references/bibliography:

Contact's last name, first name. Title, firm or company. Personal communication: form of pers comm (e-mail, telephone, fax, etc.). Date of communication. For example:

Sayers, Dorothy. Managing Editor, Bloomsbury Industries. Personal communication: e-mail. April 23, 2007.

Reports

in the narrative:

(A J Environmental, Inc. 2008)

In the references/bibliography:

Firm's name as author; if person, last name, initials only. Year published. Title of Report. Month day published (if known.) For example:

A J Environmental, Inc. 2008. City of Bakersfield Phase I Environmental Site Assessment, Bakersfield OHV Park, Kern County, California, August 16.