2.0 ENVIRONMENTAL ANALYSIS

I. AESTHETICS.

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

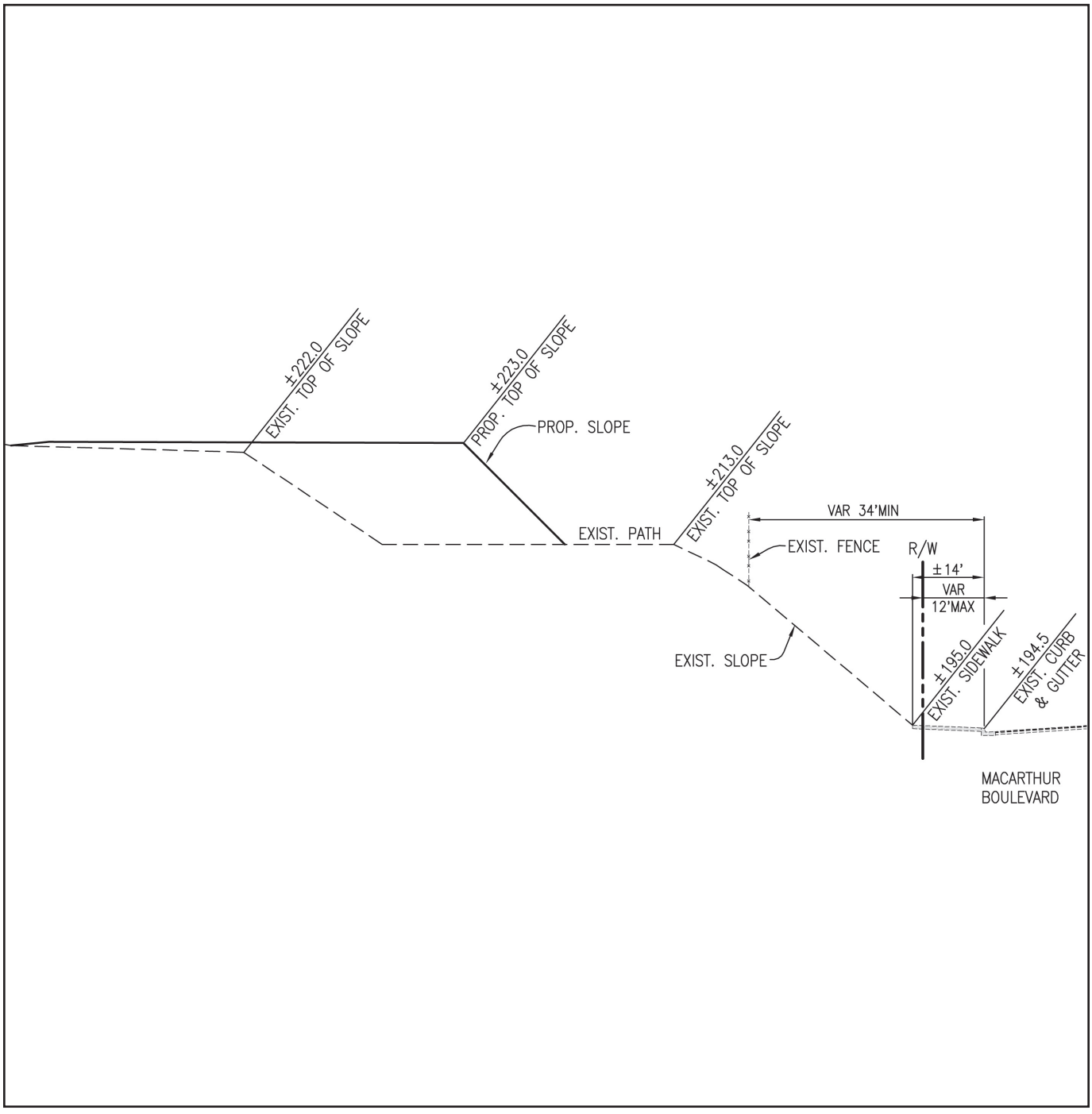
No Impact. The 1.9-acre site is located north of Big Canyon Drive in the Big Canyon Planned Community. The existing pad on the site is approximately 48 feet lower in elevation than the residential properties adjacent to the site on the east, south and west. The Big Canyon golf course is adjacent to and north of the project site and approximately 20 feet lower in elevation than the proposed residential pad. North of the golf course, are single-family detached homes that front the golf course.

The site is only visible to the residents immediately adjacent to the site. City policies do not protect private views and the view of the site from Big Canyon Drive is not designated as a scenic vista.

The project site consists of a graded pad surrounded by disturbed areas that are part of the Big Canyon golf course and Big Canyon residential development. A steep slope east of the site is vegetated primarily with mixed sage scrub, ruderal, and ornamental species. The project proposes to raise the existing residential pad 10 feet in height from the existing pad elevation. Because the residential pad is located in a small canyon and protected from most off-site adjacent views, increasing the pad height will not significantly increase its visibility from any of the adjacent surrounding residences. The height of the pad will remain approximately 45 feet lower than the existing residence to the east. Although the new pad will be 18 feet higher than the residence to the west the existing trees and vegetation along the west project boundary will partially block direct views of the site from the residences to the west.

The stockpile is approximately 20 feet higher in elevation than MacArthur Boulevard as shown in Figure 8, Stockpile Cross-Section. The slope between MacArthur Boulevard and the stockpile site is landscaped with a variety of trees and bushes that will obstruct some of the views of the stockpile by motorists on MacArthur Boulevard. Photographs of the landscaped slope between MacArthur Boulevard and the proposed stockpile are shown in Figure 9, Stockpile Photographs. Figure 10, Photo Orientation Map, shows the location of the photos in Figure 9. The vegetation will partially obstruct direct views of the stockpile from the residents that are approximately 400 feet east of the site, east of MacArthur Boulevard. There are no city designated scenic vistas or aesthetic features adjacent to or in the vicinity of the stockpile site that would be aesthetically impacted.

The project will not have a significant impact to a scenic vista since the site is not located within any designated scenic vista as shown in Figure NR3 *Coastal Views* of the General Plan (see Appendix A). The nearest coastal view designated by the General



Source: Walden & Associates

Figure 8
Stockpile Cross Section

1 – Looking at MacArthur Boulevard from near the stockpile.

2 – Looking at the landscaping on the slope adjacent to MacArthur Boulevard.

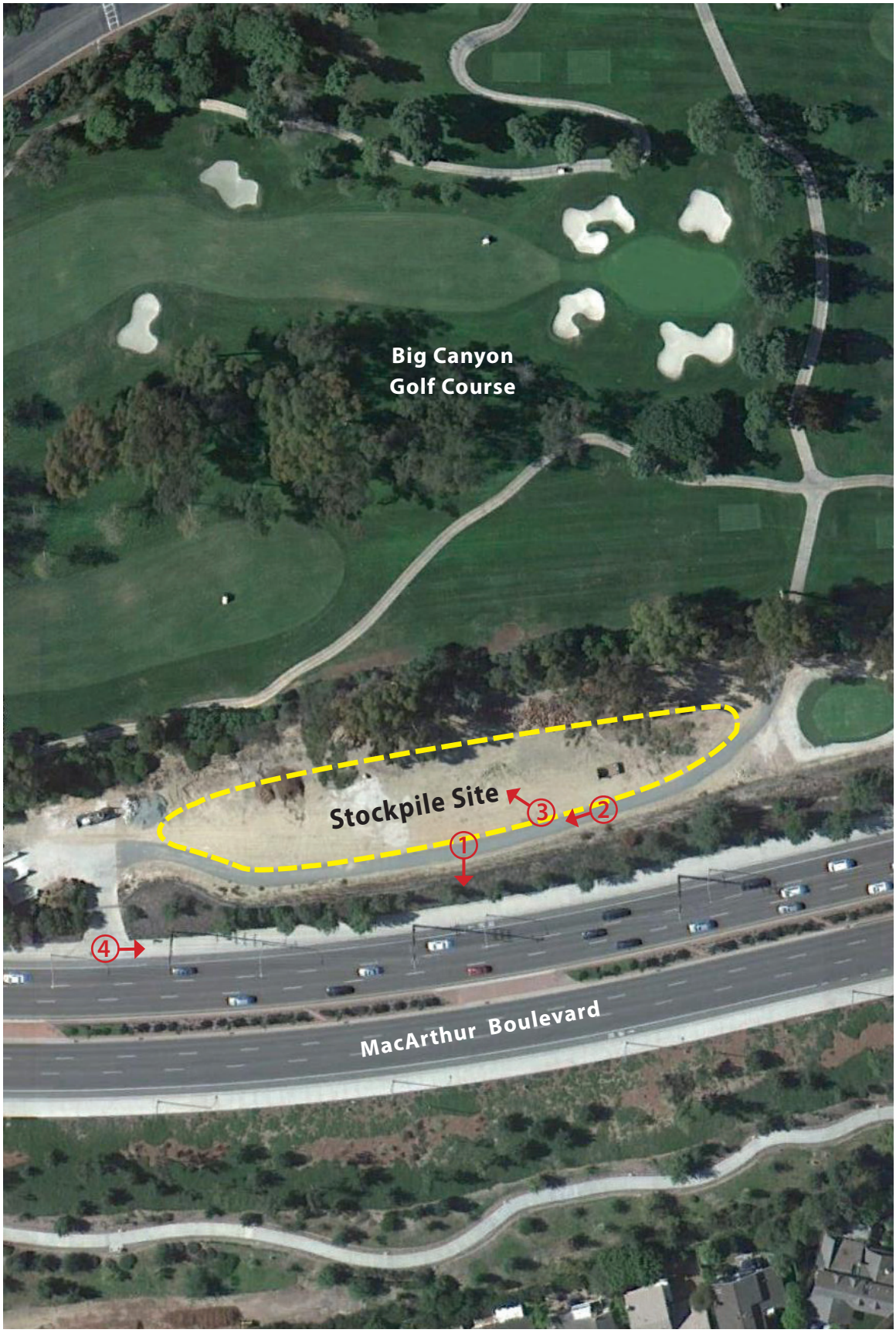
3 – Looking at the proposed stockpile site.

4 – Looking at the landscaping on the slope between the stockpile site and MacArthur Boulevard.

Source: Phil Martin & Assoc.

Figure 9

Stockpile Site Photos



Source: Google Maps, 2010

Figure 10
Stockpile Photo Orientation Map

Plan is located adjacent to Upper Newport Bay and more than a mile from the project site and the stockpile site. No scenic vista impacts would occur.

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

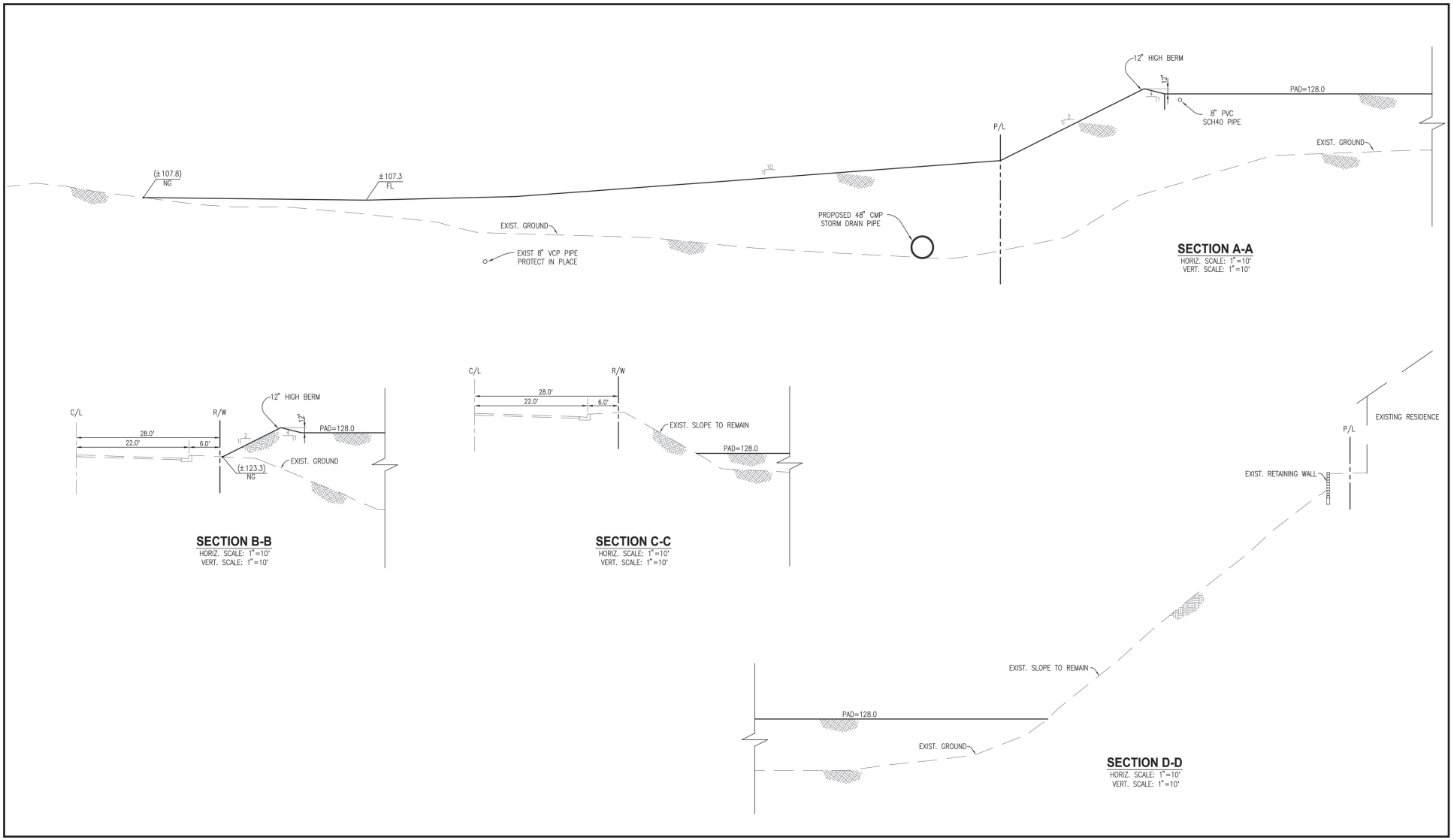
No Impact. According to the California Scenic Highway Mapping System of the California Department of Transportation, the project site and the stockpile site are not located within or near a major state-designated scenic highway. The closest officially designated state scenic highway is State Route 1 (SR-1), which is also known as Pacific Coast Highway and located approximately one mile south of the project. Due to the distance and topography difference the project site and the stockpile site are not visible from State Route 1. Moreover, neither the project site nor the stockpile site has any scenic resources, including, but not limited to rock outcroppings or historic buildings. While there are several willow trees on the project site that will be removed during grading, the removal of the willow trees will not result in any significant impact. No trees will be removed to place dirt for the stockpile site. No scenic resource impacts within a state scenic highway would occur.

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

Less Than Significant Impact. The existing visual character of the project site consists of a graded residential pad with native and non-native species both on and surrounding the pad. The character of the area surrounding the site is a suburban neighborhood with large single-family detached residences. The residential dwellings are one and two stories in height with well-maintained landscaping. The existing surface pad elevation is approximately 118 feet above sea level. The finish pad elevation upon completion of the grading operation would be 128 feet above sea level, an increase of 10 feet. The pad elevations of the residences adjacent to the site are approximately 176 feet above sea level to the east and 111 feet above sea level for the residence west of the site. The elevation of Big Canyon Drive adjacent to the site ranges from 145 feet above sea level at the intersection of the site driveway with Big Canyon Drive to approximately 115 feet west of the site.

Raising the height of the existing residential pad 10 feet would not have a significant impact on the existing visual character of the site or its surroundings because the site is relatively isolated from direct views by surrounding residences due to existing vegetation and topography differences. Cross-sections showing the proposed grading for the residential pad are shown in Figure 11, Site Plan Cross-Sections. The cross-sections refer to the proposed grading plan shown previously in Figure 5, Proposed Grading Plan.

The stockpile will be elevated and be approximately 22 feet to 31 feet above MacArthur Boulevard, which is east of the stockpile site. The stockpile is setback approximately



Source: Walden & Associates

Figure 11

Site Plan Cross-Section

30 feet from the fence line that extends along the east boundary of the golf course. The stockpile cross-section shows the elevation of the stockpile site in relation to MacArthur Boulevard. There is existing vegetation, including trees up to approximately twenty feet in height, on the slope between the east project boundary and MacArthur Boulevard. As shown previously in Figure 9 the existing landscape material on the slope between MacArthur Boulevard and the stockpile site would provide some screening and buffering of the stockpile to motorists on MacArthur Boulevard. The existing landscape materials would provide some buffering for the residents that are approximately 400 feet east of the stockpile site, east of MacArthur Boulevard. The Stockpile Cross-Section shows the relationship of the stockpile site in comparison to MacArthur Boulevard. Because the stockpile is elevated, setback from MacArthur Boulevard, and somewhat screened from motorists on MacArthur Boulevard and residents to the east by existing vegetation, the stockpile is not anticipated to significantly degrade and impact the visual character of the area. The visual quality impacts would be less than significant.

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

No Impact. Raising the height of the residential pad would not create any new sources of light or glare and therefore, would not affect day or nighttime views by existing residences adjacent to or in close proximity to the site. No light or glare impacts would occur.

II. AGRICULTURE & FOREST RESOURCES.

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

No Impact. The project site and the stockpile site are not designated as prime farmland or any other type of important farmland according to the California Resource Agency's Department of Conservation Important Farmland Map for Orange County (2006). Rather, the sites are designated "Urban and Built-Up" land by the Department of Conservation. The site is located in an urban area surrounded by a golf course and single-family detached dwellings. Similarly, the proposed stockpile site is not used for agricultural purposes and not designated as farmland. No farmland impacts would occur.

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

No Impact. The project and the stockpile sites are zoned PC-8 (Big Canyon Planned Community) and are located within the Low Density Residential and Golf Course sub-areas, respectively. The zoning designations do not allow agricultural use. The project

site, the land surrounding the site, and the stockpile site are not in a Williamson Act contract. No agriculture zoning or Williamson Act impacts would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The project and the stockpile sites are zoned PC-8 (Big Canyon Planned Community). The project does not propose to change the existing zoning designation. The City does not have any forest or timberland zoning. No forest land or timberland zoning impacts would occur.

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

No Impact. The project site and the stockpile site are located in an urban area with no forest land on or adjacent to either site. No forest land to non-forest land use impacts 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?

No Impact. The project site is vacant and zoned for single-family residential use. The project is located in an urban area and farmland and agricultural activities are not allowed. Because no farmland or agricultural activities exist on the site or within the Big Canyon development, the project would not convert any farmland to nonagricultural use. The stockpile site is vacant with the exception of a small amount of firewood and compost material. The proposed stockpile site would not convert any farmland to non-agricultural use and have no impacts. No conversion of farmland to non-agricultural use impacts would occur.

III. AIR QUALITY.

An air quality analysis was conducted by Mestre Greve Associates to evaluate the air emissions that would be generated by the project. A copy of the air quality report is included in Appendix B. Potential air quality emission impacts of the project are based on South Coast Air Quality Management District (SCAQMD) thresholds and included as Appendix C.

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

Less Than Significant With Mitigation Incorporated. An air quality analysis was prepared to determine if importing and exporting dirt to and from the site and the grading operations to raise the height of the pad would conflict with or obstruct the implementation of the SCAQMD Air Quality Management Plan (AQMP).

Short Term Construction Emissions Analysis

In its analysis, Mestre Greve Associates determined the project would emit short-term construction emissions that exceed the SCAQMD's air quality significance thresholds. The six criterion pollutants of concern are: reactive organic gases (ROG), oxides (NO_X), carbon monoxide (CO), sulfur dioxide (SO_2), and particulates smaller than 10 microns in size (PM_{10}), and particles smaller than or equal to 2.5 microns ($PM_{2.5}$). As shown in Table 1, Peak Construction Emissions – Pounds/Day, the project would exceed the SCAQMD daily NOx threshold due to the operation of grading equipment and haul trucks. Exceeding the SCAQMD NOx threshold for the project would interfere with the District's implementation of the AQMP.

Table 1
Peak Construction Emissions – Pounds/Day

	Daily Emissions (lbs/day)					
Activity	**CO**	**NO_x**	**VOC**	**PM_{10}**	**$PM_{2.5}$**	**SO_x**
Mass Grading	20.8	44.9	4.9	12.5	3.9	0.0
Haul Trucks	23.0	62.5	4.7	2.8	2.3	0.1
Combined:	*43.8*	*107.4*	*9.6*	*15.3*	*6.2*	*0.1*
Significance Threshold	**550**	**100**	**75**	**150**	**55**	**150**
Exceed Threshold?	No	Yes	No	No	No	No

Note: Underline data indicates exceedance. Construction emissions include standard mitigation as required by SCAQMD rules. Particulate (PM_{10} and $PM_{2.5}$) emissions include a 50% reduction from watering at least twice daily as required by SCAQMD Rules.

Because the project would exceed the significance threshold for NOx emissions the following measure is recommended to reduce project grading NOx emissions to less than the SCAQMD significant threshold.

Mitigation Measure No. 1 All diesel powered construction equipment shall use diesel oxidation catalyst.

Local Significance Thresholds Analysis

Local Significance Thresholds (LSTs) represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard. LSTs are developed based on the ambient concentrations of that pollutant for each source receptor area. The LST mass rate look-up tables determine if the daily emissions for proposed construction or operational activities could result in significant localized air quality impacts.

The LST methodology presents mass emission rates for each source/receptor area (SRA), project sizes of 1, 2, and 5 acres, and nearest receptor distances of 25, 50, 100, 200, and 500 meters. For project sizes between the values given, or with receptors at

distances between the given receptors, the methodology uses linear interpolation to determine the thresholds. If receptors are within 25 meters of the site, the methodology document says that the threshold for the 25-meter distance should be used.

The project is located in Source Receptor Area (SRA) 18. The nearest existing homes are located on Rue Biarritz, the cul-de-sac to the north. The distances to the nearest homes are located as close as 50 feet from the edge the project site to approximately 150 feet at the midpoint of the project site.

As shown in Table 2, On-Site Emissions by Construction Activity, the project would generate particulates during construction that exceed District LST thresholds for PM_{10} due to the operation of construction equipment and vehicles on the project site (within the project boundary).

Table 2
On-Site Emissions by Construction Activity

Activity	*Distance Feet*	Daily Emissions (lbs/day) CO	NO_x	PM_{10}	$PM_{2.5}$
Mass Grading	--	0.2	0.4	10.8	2.3
Haul Trucks	--	0.2	0.5	0.0	0.0
Combined:		0.4	0.9	10.8	2.3
Significance Threshold	*50*	**930.5**	**127.1**	**6.7**	**4.8**
Exceed LST?		No	No	Yes	No
Significance Threshold	*150*	**1,032.8**	**124.9**	**17.9**	**6.5**
Exceed LST?		No	No	No	No

The PM_{10} emissions would exceed adopted thresholds at a distance of 50 feet without mitigation measures. The following measures are recommended to reduce PM_{10} emissions to acceptable levels.

Mitigation Measure No. 2 To reduce daily PM_{10} emissions, the on-site cut/fill activities shall be limited to a maximum of 400 cubic yards per day, when grading activities are within 25 meters (82 feet) of the nearest homes. The grading in this area would involve approximately 5,000 cubic yards and take approximately 13 days. Once the grading activities are outside the 25 meter zone, the on-site cut/fill activities shall be operated at a maximum 1,422 cubic yards per day. The grading for the remaining project area (outside 25 meters) would total 14,000 cubic yards, and take approximately 10 days.

Mitigation Measure No. 3 Soil stabilizers shall be applied to inactive areas, and ground cover shall be replaced in disturbed areas that are inactive within five days.

Mitigation Measure No. 4 All exposed dirt surfaces shall be watered three times daily.

Mitigation Measure No. 5 Water shall be provided while loading and unloading dirt to reduce visible dust plumes.

Mitigation Measure No. 6 The speed of construction equipment on unpaved roads shall be less than 15 mph.

Mitigation Measure No. 7 Haul road dust shall be watered three times daily.

With the implementation of these mitigation measures, emissions would be reduced to a level that is less than significant and the proposed project would not interfere with the SCAQMD Air Quality Management Plan. The impacts to the air quality plan would be less than significant with mitigation incorporated.

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

Less Than Significant With Mitigation Incorporated. As discussed in "Section III a)" above, the project will generate short-term NO_x and PM_{10} air emissions that will exceed air emission thresholds. The emissions from the operation of diesel powered heavy construction equipment to remove and re-compact soil to grade the pad to its proposed height, generation of dust, and trucks importing and exporting dirt to and from the site would exceed District thresholds for NOx, and PM_{10} particulates. However, the implementation of the mitigation measures listed in "Section III a)" above would reduce project air emissions to a level that is below the District thresholds for NOx and PM_{10}. As a result, the project NOx, and PM_{10} emissions would be less than significant and no mitigation measures in addition to the measures listed in "Section III a)" above are required. The impacts to air quality standards would be less than significant with mitigation incorporated.

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)?

Less Than Significant With Mitigation Incorporated. In accordance with SCAQMD methodology, any project that does not exceed or can be mitigated to less than the daily threshold values does not add significantly to a cumulative impact. The South Coast Air Basin (SoCAB) is designated as a non-attainment area for ozone and particulates (PM10 and PM2.5) under the state and federal Ambient Air Quality Standards (AAQS).

As provided in the air quality assessment, the air pollutant modeling for construction emissions demonstrates that the short-term grading activities would exceed District NOx and PM10 thresholds. Mitigation Measures 1-7 would reduce short-term project generated NOx, and PM_{10} emissions and reduce emissions to a level that is below the District thresholds. The cumulatively considerable pollutant impacts would be less than significant with mitigation incorporated.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant With Mitigation Incorporated. There are sensitive receptors (i.e., residences) in close proximity to the site. The project is calculated to generate NOx, and PM_{10} emissions that exceed District particulate thresholds and could impact sensitive receptors in close proximity to the site. However, Mitigation Measures 1-7 are recommended to reduce LST particulate emissions to less than District thresholds. The incorporation of the mitigation measures would reduce particulate emissions to a level that is below the District thresholds. The impacts to sensitive receptors would be less than significant with mitigation incorporated. .

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

Less Than Significant Impact. According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Odors at the project site would be generated from the exhaust emissions of the grading equipment and trucks importing and exporting dirt. Any odors from the operation of construction equipment would be largely restricted to the project site. The closest residence to the site is approximately 60 feet to the east and 48 feet higher in elevation than the project site residential pad. Any odors from the grading equipment would be localized, generally confined to the project site, and are not anticipated to have any significant odor impacts to residents due to the distance and difference in elevation. Additionally, the odors would be temporary, occurring only when equipment is operating. By the time odors reach any off-site sensitive receptor they would be diluted to well below any level of air quality concern. The odors from trucks hauling dirt to and from the site would be dispersed during travel time and not significantly impact people.

Construction activities associated with the project would be required to comply with SCAQMD Rule 402 – Nuisance[1] Through mandatory compliance with SCAQMD rules, no construction activities are proposed that would create a significant level of objectionable odors. The objectionable odor impacts would be less than significant.

[1] Rule 402 – Nuisance - A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to

IV. BIOLOGICAL RESOURCES.

A biological survey of a relict drainage area on the site was prepared by Glenn Lukos Associates. A copy of the biological site survey and analysis is included as Appendix D.

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

Less Than Significant Impact. Based on the site survey, coyote brush scrub is present and occupies approximately 0.23 acre of the vacant site. The remainder of the pad is dominated by ruderal vegetation. Because of the disturbed character of the existing habitat, its proximity to non-native ornamental vegetation and the limited size of the existing on-site vegetation, the area does not exhibit the potential to support any special-status species. The habitat modification impacts would be less than significant.

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

Less Than Significant. A relict drainage feature that extends along the north end of the site is proposed to be disturbed by the project. The drainage feature was evaluated for characteristics consistent with the presence of waters of the United States, which are regulated by the U.S. Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act and waters of the State of California, which are regulated by the California Department of Fish and game (CDFG) pursuant to Section 1602 of the Fish and Game Code.

The relict drainage feature is located along the eastern edge of the golf course fairway between the fairway and the existing residential pad. The feature is not a natural drainage course, but rather was constructed to collect water from a storm-drain outlet and carry it between the golf course fairway and adjacent slope in a westerly direction to another storm drain inlet. In order to direct water to downstream areas that have been created as wetland mitigation, water from an existing 48-inch corrugated metal pipe and 12-inch plastic pipe, that previously discharged into the relict channel will now be captured in a 48-inch corrugated metal pipe and carried under the golf course fairway discharging to the existing wetland mitigation area.

The relict drainage feature is typically dry and exhibits no signs of recent flow. Where a channel is observable, it varies in width from 0.5 to 2 feet. The substrate consists primarily of coarse sands and gravels with areas of clay inclusions, consistent with the artificial character of the feature. The relict channel bottom is sparsely vegetated and the bank closest to the golf course fairway supports a predominance of native and non-native species typical of wetland or riparian areas. It is important to note however, that

the vegetation concentrated on the bank closest to the fairway is clearly supported by irrigation runoff as the adjacent turf area was saturated by irrigation and the turf area also supported many of the species on the banks of the drainage. Dominant species that are present include arroyo willow (*Salix lasiolepis*, FACW), mugwort (*Artemisia douglasiana*, FACW), tall umbrella sedge (*Cyperus eragrostis*, FACW), bristly ox-tongue (*Picris echioides*, FAC), and tall horseweed (*Conyza Canadensis*, FAC), none of which are rare, endangered, or threatened species.

California Department of Fish and Game

Pursuant to Division 2, Chapter 6, Sections 1600-1603 of the California Fish and Game Code, the CDFG regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFG defines a "stream" (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation CDFG jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife.

CDFG jurisdictional limits closely mirror those of the Corps. Exceptions are CDFG's exclusion of isolated wetlands (those not associated with a river, stream, or lake), the addition of artificial stock ponds and irrigation ditches constructed on uplands, and the addition of riparian habitat supported by a river, stream, or lake regardless of the riparian area's federal wetland status.

As part of its evaluation, Glenn Lukos Associates conducted a site visit with CDFG on October 4, 2010 to discuss the drainage feature. The relict drainage feature does exhibit characteristics consistent with the presence of a “bed and bank” albeit the indicators are weak at best. During their October 4, 2010 site visit, CDFG determined that the relict channel exhibited sufficient indicators to warrant a determination that it would be regulated under Section 1602 of the California Fish and Game Code.

While CDFG determined that the relict drainage would be eligible for regulation under Section 1602 of the Fish and Game Code, the preliminary determination from CDFG was that impacts were so small (0.004 acre [174 square feet] of ephemeral streambed with no wetlands present) that mitigation would not be required. See the CDFG letter and email in Appendix E.

Due to the determinations of the Corps and the California Department of Fish and Game, the habitat modification impacts would be less than significant.

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?

Less Than Significant Impact. Based on the Glenn Lukos Associates site visit and discussions with the resource agencies, the relict drainage area is not defined as wetland. While the project will remove approximately 0.004 acres of drainage, the relict drainage feature is not protected wetland as defined by Section 404 of the Clean Water Act. The wetland habitat impacts would be less than significant.

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

Less Than Significant Impact. The project site is located adjacent to a golf course and within an existing planned residential development. The site does not provide fish habitat. The coyote brush and ruderal vegetation on the property is not sufficient to support a migratory wildlife corridor or a wildlife nursery. The project would not significantly impact the movement of any native fish, wildlife species, wildlife corridors, or native wildlife nursery sites. The wildlife habitat and movement impacts would be less than significant.

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

No Impact. The proposed project does not contain any biological resources that are protected by local policies. There are no City of Newport Beach policies or ordinances that protect coyote brush and ruderal vegetation on the site. The proposed project site has several ornamental trees. According to the City of Newport Beach General Plan, Natural Resources Element, the proposed project site is not located in an area where sensitive and rare terrestrial and marine resources occur. While several willow trees (0.04 acre) currently grow on the project site, the project would not have conflicts with any biological or tree preservation policies or ordinances. No biological resource policies or ordinances impacts would occur.

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 is not located within or part of any Habitat Conservation Plan, Natural Community Conservation Plan, or any other approved habitat conservation plan. No Habitat Conservation Plan impacts would occur.

V. CULTURAL RESOURCES.

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No Impact. Section 10564.5 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 patterns of California's history and culture 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; or

iv) Has yielded, or may be likely to yield, information important in prehistory or history.

The project site is vacant and there are no structures on the property. Figure HR1, *Historic Resources*, of the Historic Resources Element of the City's General Plan update (See Appendix F) does not identify any historic resources listed on local, state, or federal historic resource lists or structures on or adjacent to the site that are eligible for such lists. Before the development of the Big Canyon Planned Community, the land was used as a ranch owned by the Irvine Company and did not contain any significant structures. The residential lot was graded in 2000 and no historical resources were discovered during the previous grading operations. The area to be graded at the project site and the spoils site were never included as part of the golf course design or construction. The project would not impact any historical resources since there are no historical resources either on or adjacent to the site. No historical impacts would occur.

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

Less Than Significant with Mitigation Incorporated. The project site was previously disturbed to grade the existing residential pad. Since the site has been disturbed it is unlikely that any significant archaeological resources would be discovered during the proposed grading operations. If any archaeological resources are discovered, CEQA Guidelines §15064.5 must be met, which requires all construction activity to cease until the resource is properly evaluated by a qualified archaeologist and a decision to the significance of the resource determined so that proper measures can be taken to protect the resource as applicable. The implementation of CEQA Guidelines §15064.5 as required would reduce any potential archaeological resource impacts to a less than significant level. In addition, a mitigation measure from Mitigated Negative Declaration 2008-003 will be carried forward to this project that will require an on-site archaeological monitor during grading activities to halt grading should archaeological, or suspected archaeological resources, be present. The archaeological resource impacts would be less than significant with mitigation incorporated.

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

Less Than Significant with Mitigation Incorporated. As stated in "Section V b)" above, the project site was previously disturbed and graded. No paleontological resources were discovered during the previous grading operations. Removing and replacing the soil and importing soil to increase the pad height as proposed is unlikely to destroy or impact any unique paleontological resources or unique geologic features since none were previously discovered. Although no significant paleontological resource impacts are anticipated, a mitigation measure from Mitigated Negative Declaration 2008-003 will be carried forward to this project that will require an on-site paleontological monitor during grading activities to halt grading should paleontological, or suspected paleontological resources, be present. The implementation of CEQA Guidelines §15064.5 and a required paleontological monitor during grading will reduce potential paleontological resource impacts to less than significant. Therefore, no mitigation measures in addition to the mitigation measure that is carried over from Mitigated Negative Declaration 2008-003 are required by CEQA. The paleontological resource impacts would be less than significant with mitigation incorporated.

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

No Impact. No human remains were uncovered during the previous grading operations on the site. The dirt that will be imported to the site will not be from any areas that are known or suspected of having human remains. In the rare event that unknown human remains are discovered, the contractor shall comply with the State Health and Safety Code 7050.5, which requires that all soil disturbance shall cease until the county coroner has been contacted and makes a determination of the origin and disposition of the remains pursuant to Public Resources Code 5097.98. No human remain or cemetery impacts would occur.

VI. GEOLOGY AND SOILS

A geotechnical report for the proposed rough grading of the site, dated June 25, 2010, was prepared by Associated Soils Engineering. A copy of the geotechnical report is included as Appendix G. This section is based on information contained in the geotechnical report and the City of Newport Beach General Plan.

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.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

Less Than Significant with Mitigation Incorporated. (i-iv) Less Than Significant Impact. All of Southern California, including the City of Newport Beach is located in a seismically active area and is subject to strong seismic ground shaking. The city of Newport Beach is located in the northern part of the Peninsular Ranges Province, an area that is exposed to risk from multiple earthquake fault zones. The highest risks originate from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and Elysian Park fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities.

Policies contained in the Newport Beach General Plan would ensure that adverse effects caused by seismic and geologic hazards such as strong seismic ground shaking are minimized. For example, Policy S4.1 requires regular updates to building and fire codes to provide for seismic safety and design and Policies S4.4 and S4.5 ensure that new development is not located in areas that would be affected by seismic hazards. Additionally, new development would be required to comply with the building design standards for the California Building Code, Chapter 33 for construction of new buildings and/or structures, and specific engineering design and construction measures would be implemented to anticipate and avoid the potential for adverse impacts.

All grading would occur in accordance with the building and safety standards of the City Building Division. All grading would be in compliance with the most up-to-date codes and plans and would be reviewed and approved in compliance with the latest earthquake-resistant design available prior to construction.

The site is not within an Earthquake Fault Zone as designated by the State of California in the Alquist-Priolo Earthquake Zoning Act. While several active and potentially active faults exist in the area, none of the faults are within three miles of the site. The project site is not considered to be at a greater seismic risk than any other site within the Big Canyon area.

Based on Figure S2, *Seismic Hazards, of the Safety Element* of the Newport Beach General Plan (See Appendix H), the potential for both liquefaction and landslides does exist. The slope adjacent to and west of the site is subject to landslide potential. The area east of the site is subject to liquefaction potential. In addition, the geotechnical report [2] states that a portion of the site lies within a State of

[2] Associated Soils Engineering, Inc. Geotechnical Review of Rough Grading Plan for Parcel 1of Parcel Map No. 2008-11, Big Canyon Country Club, Newport Beach, CA, June 25, 2010.

California Seismic Hazard Zone of required investigation for liquefaction. Thus, the site is subject to liquefaction. Because the site is subject to liquefaction, the following measure is recommended to reduce the potential for liquefaction. The seismic impacts would be less than significant with mitigation incorporated.

Mitigation Measure No. 8 The underlying soils shall be removed and compacted per the grading recommendations in the Associated Soils Engineering Geotechnical Plan dated June 25, 2010 and to the satisfaction of the City Engineer prior to the issuance of a grading permit.

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

Less Than Significant Impact. The grading activities for the project would leave soil exposed to wind and rainfall erosion. The City will require the project applicant to prepare an erosion control plan and drainage plan to reduce soil erosion. The project applicant has incorporated City approved Best Management Practices (BMPs) into the project grading plan. The BMPs incorporated into the project are listed in Appendix I and include gravel bag berms, silt fence, fiber rolls, as well as other soil erosion protection measures to reduce soil erosion and the loss of topsoil. The approval of the project grading plan with all City required BMPs to minimize soil erosion. The soil erosion impacts would be less than significant.

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?

Less Than Significant With Mitigation Incorporated. The geotechnical report[3] states that a portion of the site lies within the State of California Seismic Hazard Zone of required investigation for liquefaction potential. The implementation of Mitigation Measure No. 8 above is recommended to mitigate liquefaction potential to a level that is less than significant. The geologic impacts would be less than significant with mitigation incorporated.

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 With Mitigation Incorporated. The expansive tests that were conducted as part of the geotechnical report identified a “high” expansive soil classification. The geotechnical report provides recommendations that when implemented would reduce potential expansive soil impacts to less than significant. The implementation of Mitigation Measure 8 above would reduce potential expansive soil impacts to a level that is less than significant. The expansive soil impacts would be less than significant with mitigation incorporated.

[3] Ibid, page 3.

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?

No Impact. The project is restricted to grading activities only at this time. A portable toilet will be provided for the construction workers. The ultimate construction of a house on the site would require a connection to the existing wastewater line adjacent to the site. The City of Newport Beach would not allow the use of a septic tank or alternative wastewater disposal system. The project would not have any impact to soils for septic tanks or any other alternative waste water disposal system. No septic tank or alternative waste water disposal impacts would occur.

VII. GREENHOUSE GASES

A greenhouse gas (GHG) analysis was prepared by Mestre Greve Associates to evaluate the greenhouse gas emissions that would be generated by the project. A copy of the greenhouse gas report is included in Appendix J.

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

Less Than Significant Impact. Temporary greenhouse gas emission impacts will occur due to construction activities. The primary source of GHG emissions generated by construction activities is the use of diesel-powered construction equipment and other combustion sources (i.e., generators, worker vehicles, materials delivery, etc.). The GHG air pollutants emitted by construction equipment are primarily carbon dioxide.[4]

The typical emission rates for construction equipment were obtained from URBEMISv9.2.4 (Urban Emissions Model Version 9.2.4). URBEMIS is a computer program that is used to estimate emissions including operation (vehicle and area) sources, as well as construction activities associated with land development projects in California.

While the URBEMISv9.2.4 model does not include other GHG emissions that will be generated by the project (such as CH4, N_2O, and Fluorinated Gases) the CO_2 emissions comprise approximately 99.6 percent of the GHG emissions generated with the burning of diesel fuel. As a result, non-CO_2 GHG emissions represent a very small percentage (approximately 0.4 percent) of the total short-term construction GHG emissions and would not represent a significant source of the GHG emissions that will be generated by the project during construction. Therefore, the non-CO_2 GHG construction emissions have not been quantified in the analysis.

[4] When one gallon of diesel fuel is burned it produces 22.384 pounds of CO_2, 0.000534 pounds of CH_4, and 0.0001928 pounds N_2O. Based on the global warming potential of 21 for CH_4 and 310 for N_2O relative to CO_2, the total pounds of CO_2-equivalent (CO_2EQ) emissions from diesel fuel is 22.455 CO_2EQ/gallon, which is 99.6 percent of the total emissions. Bay Area Air Quality Management District (BAAQS), *Source Inventory of Bay Area Greenhouse Gas Emissions*, November 2006.

The primary source of project air quality emissions will be primarily from the grading, import and export of soil. The project grading activities include importing and exporting dirt. According to the City of Newport Beach, approximately 12,000 cubic yards of dirt will be moved to the golf course adjacent to the site, approximately 7,000 cubic yards of dirt will be exported to the east side of the golf course near MacArthur Boulevard and approximately 45,000 cubic yards of dirt will be imported from the Orange County Sanitary District in the City of Fountain Valley. Trucks with a capacity of 10 cubic yards will haul dirt to and from the site resulting in grading for a period of approximately 60 days.

According to the SCAQMD's CEQA Handbook (Greenhouse Gas CEQA Significance Threshold Stakeholder Working Group #5, August 27, 2008), construction emissions are amortized over the life of the project, defined by SCAQMD as 30 years. Thus, the project's annualized construction emission will be compared to the applicable GHG significance threshold. Table 3, Construction CO_2 Emissions, shows the results of the URBEMIS2007 model that estimates the annual CO_2 construction emissions generated by the project.

Table 3
Construction CO_2 Emissions

Activity	**MT CO_2**
Mass Grading	0
Haul Trucks (including worker trips)	561
Amortized 30 years (CO2MT/Year)	**19**

MT = metric tons

The construction amortized emissions are calculated to be below the SCAQMD screening threshold of 3,000 MTCO2EQ/year. The greenhouse gas emission impacts would be less than significant.

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

Less Than Significant Impact. Presently there are no adopted federal plans, policies, regulations or laws setting a mandatory limit on GHG emissions. The City of Newport Beach does not have any plans, policies, regulations, significance thresholds or laws addressing climate change at this time. As discussed in section "VII.a." above, the estimated CO_2 greenhouse gas emissions by the project will be below and not exceed SCAQMD screening threshold of 3,000 MTCO2EQ/year.

The project will not conflict with any adopted greenhouse gas plan, policy or regulation. The impacts with greenhouse gas policies and regulations would be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS.

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

No Impact. Grading the site as proposed will not require the use of any hazardous materials or the disposal of any hazardous materials of reportable quantities. The project will not have any hazardous material impacts. No disposal or use of hazardous material impacts would occur.

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

Less Than Significant Impact. The only hazardous materials that would be present during grading include diesel fuel, lubricants and grease to run and maintain the grading equipment. Their use and storage by the grading contractor must comply with all applicable state and federal laws. The potential for the upset or accidental release of any of these materials that would cause a significant hazard is less than significant due to the small scale of the project and the short construction period. The release of hazardous material impacts would be less than significant.

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

Less Than Significant Impact. There are no schools within one-quarter mile of the project. The nearest school is Our Lady Queen of Angels School, located at 750 Domingo Drive, Newport Beach, which is approximately one third of a mile from the site. The grading activities associated with the project would not emit any hazardous emissions or handle any hazardous materials that could impact the Our Lady Queen of Angeles School or any other school. The hazardous emissions to an existing or proposed school impacts would be less than significant.

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

No Impact. The project site is not listed in the Department of Toxic Substances Control's (DTSC) hazardous wastes and substances list, which includes the Federal Superfund sites (National Priority List), State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Permitted Sites, and Corrective Actions Sites. The proposed

grading activities would not create a significant hazard to the public or the environment. No hazardous materials site impacts would occur.

e) For a project 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?

Less Than Significant Impact. The project site is located approximately three miles south of the John Wayne Airport and within the limits of its Airport Environs Land Use Plan (AELUP) as established by the Orange County Airport Land Use Commission (ALUC). The John Wayne Airport AELUP has established various zones surrounding the airport including the Noise Impact Zone and Runway Protection Zone.

The Noise Impact Zone establishes land uses that are "normally acceptable", "conditionally acceptable", and normally unacceptable" within each noise impact zone delineated by the respective Community Noise Equivalent Level (CNEL) noise contour derived from studies of aircraft flight operations into and out of the John Wayne Airport. The project site is not within the Noise Impact Zone. Noise from operations at John Wayne Airport would not significantly impact the grading activity proposed for the site.

The Runway Protection Zone (also known as the Clear Zone) as shown in Figure S5 of the General Plan (See Appendix K) identifies areas within the direct pathway of the runways that should remain relatively clear of development. The project site is not within the Runway Protection Zone as the project site is located approximately three miles south of the nearest runway. Although the project is within the AELUP of John Wayne Airport, the project will not have any project safety hazard impacts with regards to its location to the John Wayne Airport. The airport land use plan impacts would be less than significant.

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?

No Impact. The project is not located within the vicinity of a private airstrip. The nearest airstrip is John Wayne Airport, which is approximately three miles north of the site. The project will not expose construction workers to any safety hazards associated with airport operations at the John Wayne Airport. There is no private airstrip in the vicinity of the project area. No private airstrip impacts would occur.

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

No Impact. The project is located in the Big Canyon Country Club, which is a planned private development. Emergency access to the site is provided from San Joaquin Hills Road. Within Big Canyon Country Club, emergency access is provided directly to the site by Big Canyon Drive, which is adjacent to and south of the site. The project does

not propose to change or alter the existing access routes to the site. Thus, the project would not have any impact to the City's emergency response plan or evacuation plan of the site in the event of an emergency. No emergency response plan impacts would occur.

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. The project site is located in an area that is designated by the City of Newport Beach General Plan Safety Element, Figure S4, *Wildfire Hazards*, (See Appendix K) as "Low/None" in terms of fire susceptibility. The project would not expose people or structures to a wildland fire. No wildland fire impacts would occur.

IX. HYDROLOGY AND WATER QUALITY.

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

Less Than Significant Impact. Pursuant to Section 420 of the Clean Water Act, the Environmental Protection Agency (EPA) has regulations under the National Pollutant Discharge Elimination System (NPDES) program to control direct storm water discharges. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible to develop NPDES permit requirements. For Orange County, the Santa Ana Regional Control Board is responsible to implement the NPDES requirements. The NPDES program regulates pollutant discharges, including, those from construction activities on sites larger than one acre. Because the site is 1.9 acres in area, all grading activities would be required to meet and comply with the NPDES program. As part of its NPDES compliance, the grading contractor will be required to install and maintain throughout the grading period all Best Management Practices (BMP's) necessary to reduce soil erosion and subsequent siltation to the local storm water system. The implementation of all applicable BMPs required by the City will reduce potential water quality impacts due to soil erosion to less than significant. The proposed project BMPs are shown in Appendix I. The water quality standards impacts would be less than significant.

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)?

Less Than Significant Impact. The project proposes to raise the existing residential pad approximately 10 feet in height, which will not affect or impact groundwater supplies. The project would use water for dust control during excavation and grading. No other water usage would be required. Raising the site 10 feet would not impact groundwater supplies or interfere with current groundwater recharge. The project does

not propose any activities that would deplete or interfere substantially with current groundwater recharge by on-site percolation and lower the groundwater table. The groundwater supply impacts would be less than significant.

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?

Less Than Significant with Mitigation Incorporated. The project proposes to enclose and realign approximately 185 linear feet of an existing open relict drainage feature that extends along the north side of the existing pad. The existing relict drainage feature starts at the end of an existing 48-inch corrugated metal pipe (CMP) and a 12-inch plastic pipe near the northeast corner of the site and extends westerly along the toe of the north slope of the existing pad. The relict drainage feature would be enclosed into a single 48-inch CMP and realigned approximately sixty feet north of its present alignment and discharge water onto the golf course near its present discharge point. Once enclosed and realigned, the 48 inch CMP would be covered with 7 to 14 feet of dirt. Figure 12, Location of Artificial Drainage Feature shows the location of the realigned drainage feature. The water that is discharged from the realigned pipes will flow onto turf of the existing golf course within 40 feet of its current location. While the existing relict drainage feature will be realigned, the existing drainage pattern of the site and the immediate area of the site will mostly be retained and as a result, no substantial erosion or siltation is anticipated.

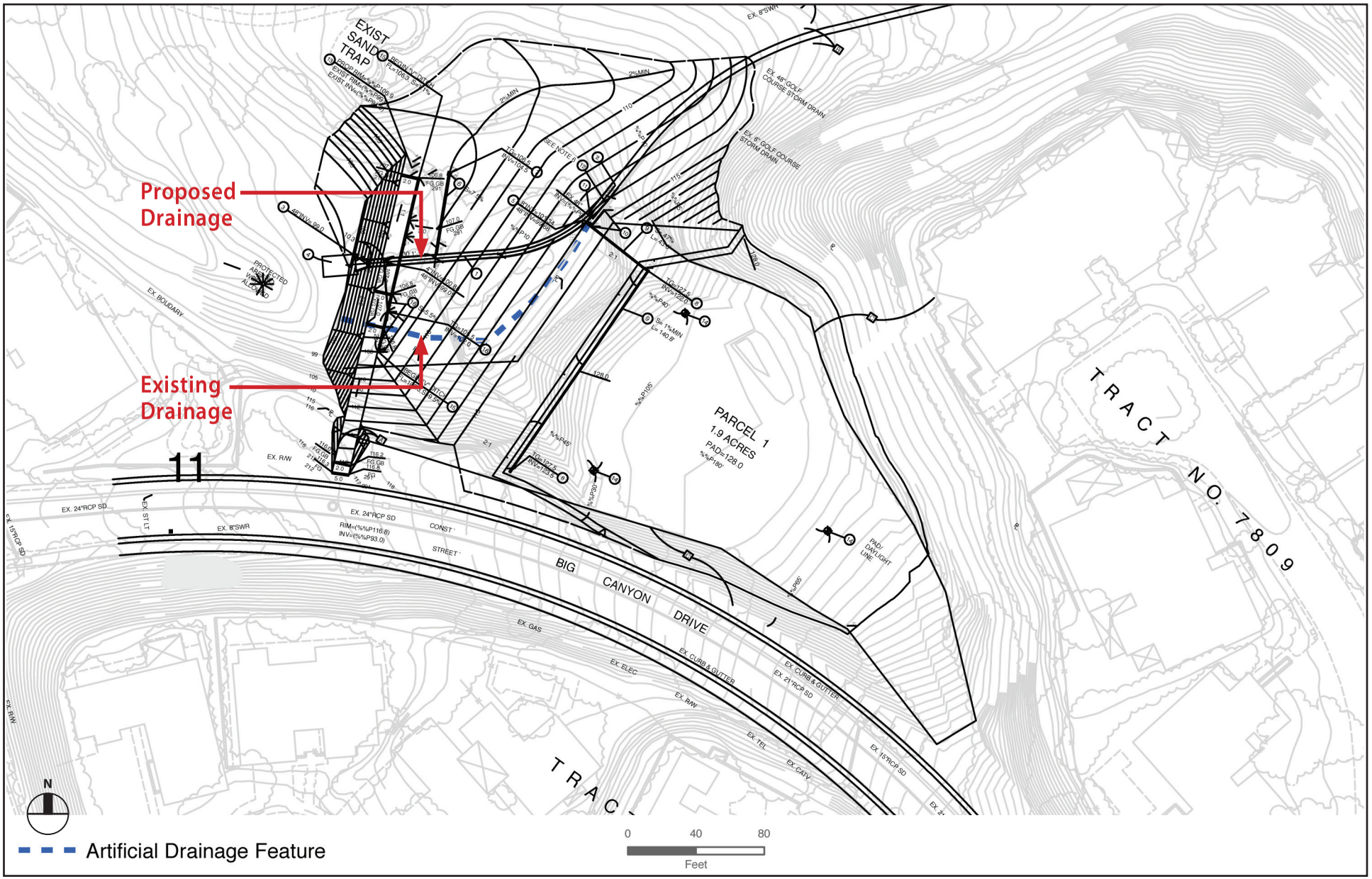
Once grading is completed, all slope areas will be landscaped or covered with soil erosion protection including burlap, straw, silt curtains, and other soil erosion protection measures acceptable to the City and required by law.

U.S. Army Corps of Engineers Jurisdiction

Pursuant to Section 404 of the Clean Water Act, the Corps regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined in Corps regulations at 33 CFR Part 328.3(a).[5] In the absence of wetlands, the limits of Corps jurisdiction in non-tidal waters, such as intermittent streams, extend to the Ordinary High Water Mark (OHWM) which is defined at 33 CFR 328.3(e) as: *...that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.*

As part of its evaluation, Glenn Lukos Associates conducted a site visit with the Corps on October 12, 2010 to discuss the drainage feature. The relict drainage feature does

[5] See Glenn Lukos Associates December 14, 2010 memorandum, page 2, U.S. Army Corps of Engineers Jurisdiction for "waters of the United States" definition.



Source: Glenn Lukos Assoc.

Figure 12

Artificial Drainage Feature

not meet the definition of waters of the United States. The only avenues by which the Corps could potentially assert jurisdiction over the relict channel would be by asserting that it is "tributary" to the Pacific Ocean. The feature does exhibit at least minimal characteristics for the presence of an OHWM including shelving. However, the presence of an OHWM is not sufficient to bring an ephemeral[6] channel under Corps jurisdiction.

While the Corps determined that the relict drainage would be eligible for regulation under Section 404 of the Clean Water Act, the preliminary determination from the Corps was that impacts were so small (0.004 acre [174 square feet] of ephemeral streambed with no wetlands present) that mitigation would not be required. Based on this determination, the impacts would not be considered significant pursuant to the California Environmental Quality Act and mitigation would not be required.

Regional Water Quality Control Board

In addition to the Corps and CDFG, GLA will submit an application to the Regional Water Quality Control Board (Santa Ana Regional Board). If any of the resource agencies determine that the impacts of the project to the relict drainage course are significant, mitigation would be required. The resource agencies will not make a final determination of potential impacts and recommend mitigation, if required, until receipt of the adopted Mitigated Negative Declaration. Should the resource agencies determine that the project would impact the 0.004 acres of relict drainage the City recommends the following mitigation measures.

Mitigation Measure No. 9 Should the resource agencies determine that the project would impact the 0.004 acres of relict drainage, the project applicant shall either provide 0.004 acres of on-site drainage adjacent to the existing CDFG wetland mitigation area on the golf course, acquire 0.004 acres of drainage area within an approved off-site CDFG mitigation bank or pay an in-lieu fee.

No other existing drainage patterns on the site or the surrounding properties are proposed to be altered or changed by the project that could result in substantial erosion or siltation either or off the site. In terms of streams or rivers, the project will not alter the course of a stream or river that would result in erosion or siltation on or off-site. The project will not result in any significant soil erosion or siltation impacts. The drainage and siltation impacts would be less than significant with mitigation incorporated.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a 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?

[6] Ephemeral – exist for a short period such as after rainfall.

Less Than Significant Impact. As discussed in "Section VIII c)" above, the project proposes to enclose and realign approximately 185 linear feet of an existing relict drainage feature that extends along the north side of the existing pad. The proposed changes to the relict drainage feature, including realignment and enclosure within a 48-inch CMP, would not substantially alter the existing drainage patterns and result in downstream flooding. The volume of water that would be discharged from the realigned pipes would be the same as is presently discharged and would not increase where it exits the site. The project would not substantially alter the existing drainage patterns on the site or propose any alterations to the existing or planned storm drain system in the Big Canyon Country Club. The project would not substantially alter the existing drainage patterns of the site or cause flooding impacts either on or off-site. The drainage pattern impacts would be less than significant.

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?

Less Than Significant Impact. Raising the height of the existing residential pad by 10 feet would not increase the quantity of storm water that is presently generated from the site. The 48-inch CMP that will enclose the existing relict drainage feature has more than sufficient capacity to handle the existing surface water upstream of the site along with the surface water that will be collected from the raised pad. The City will require the project applicant to submit for approval an erosion control plan, including BMPs.

Once approved, the project applicant will be required to install erosion control measures prior to the start of construction and maintain those erosion control measures during and after project construction to reduce polluted runoff. The project will not generate surface water that will exceed the capacity of the existing storm drain system downstream of the site or provide additional sources of polluted runoff. The drainage system capacity impacts would be less than significant.

f) Otherwise substantially degrade water quality?

Less Than Significant Impact. See response to section VIII. "a)" above. The project will comply with all federal and State requirements regarding water quality. The project will not substantially degrade water quality. The water quality impacts would be less than significant.

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?

No Impact. The project site is not located within a 100-year flood plain as shown in Figure S3: *Flood Hazards* of the General Plan (See Appendix L). Therefore, the project will not place housing in a 100-year flood hazard area. No flooding impacts would occur.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact. The project site is not located within a 100-year flood plain and as a result, will not impede or redirect flood flows. No flooding impacts would occur.

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?

No Impact. The project site is not located within a 100-year flood plain as shown in Figure S3: Flood Hazards of the General Plan (See Appendix L). The closest dam or levee to the site is the Big Canyon Dam. The failure of Big Canyon Dam will not impact the project because it is more than a mile southwest and downstream of the site. There are no other water bodies in the project area that could impact the site by flooding due to the failure or a levee or dam. No flooding due to the failure of a levee or dam impacts would occur.

j) Inundation by seiche, tsunami, or mudflow?

No Impact. The project site is not located in the immediate vicinity of a reservoir, harbor, lake, or storage tank that could impact the site due to a seiche. The closest body of water is Upper Newport Bay which is approximately one mile to the west. Due to the distance and the 128-foot elevation difference between the Upper Newport Bay and the project site, inundation of the project site by a seiche is highly unlikely.

As shown in *Tsunami Run-Up Areas* of the Newport Beach Emergency Management Plan (See Appendix M) identifies the City of Newport Beach evacuation routes in the event of a tsunami. The City also has a tsunami contingency plan and evacuation routes in place. The project site is located approximately two and one-half miles north of the Pacific Ocean and approximately 128 feet above sea level. The potential for inundation of the project site by a tsunami is highly unlikely due to the elevation difference and the distance from the ocean.

The existing slope adjacent to and northeast of the site is considered to be grossly stable[7]. While some erosion or surficial failure of the slope could occur, the City approved BMPs will be required to be installed prior to the start of grading to protect the project site from soil erosion and other material due to surficial slope failure. No seiche, tsunami or mudflow impacts would occur.

[7] Associated Soils Engineering, Inc. Geotechnical Review of Rough Grading Plan for Parcel 1of Parcel Map No. 2008-11, Big Canyon Country Club, Newport Beach, CA, June 25, 2010, page 4, 3.6 Slope Stability.

X. LAND USE AND PLANNING.

a) Physically divide an established community?

No Impact. The project site is located in a residential, golf course community. Increasing the height of the existing pad by 10 feet or the stockpiling of the export soil at the spoils location will not create a physical division of or between the established Big Canyon Residential Community and the Big Canyon Country Club. No established community impacts would occur.

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?

No Impact. The Land Use Element of the General Plan designates the main portion of the project site for Single-Unit Residential Detached (RS-D) and the golf course portion of the project site and the spoils site as Parks and Recreation (PR) land uses. The Zoning is PC-8 (Big Canyon Planned Community District). The project site is not located within the coastal zone. Raising the height of the existing residential lot is a permitted activity by the Big Canyon Planned Community District Regulations. The stockpiling of soil is an allowed permitted activity under the Big Canyon Planned Community District Regulations. The grading on the portion of the golf course (adjacent to 10 Big Canyon) and the spoils site, which are both designated Parks and Recreation (PR) by the General Plan, will not interfere with the operations of the existing golf course. The proposed grading activities to raise the height of the residential lot and stockpiling of soil will not conflict with land use plans, policies, or zoning of the City of Newport Beach. No land use policy or plan impacts would occur.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. As pointed out earlier in Section IV (Biological Resources) of this document, the project sites are not within a habitat conservation area that supports any specific species of flora or fauna on the property. The overall project will not conflict with any applicable habitat conservation plan or natural community conservation plan. No habitat conservation impacts would occur.

XI. MINERAL RESOURCES.

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

No Impact. According to the City of Newport Beach General Plan, Natural Resources Element, the Mineral Resource Zones (MRZ) in the City are either classified as containing no significant mineral deposits (MRZ-1), or the significance of mineral

deposits has not been determined (MRZ-3). The proposed project is located in an area designated as MRZ-3 by the California Department of Conservation as shown in Figure 4.5-4 *Mineral Resource Zones* of the General Plan EIR (See Appendix N).

The City of Newport Beach's General Plan does not identify any minerals on the project site or portions of Big Canyon surrounding the site. The project will not result in the loss of a known mineral resource that would be of state, regional, or local value. In addition, the proposed project site is surrounded by land uses that are not compatible with pit mining (residential and roads), all of which would preclude it from being developed as a mine, even if there is indeed an extractable mineral resource present. No mineral resource impacts would occur.

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. The project site is not delineated as a locally-important resource recovery site in the City's General Plan. The project will not have any locally important mineral resource impacts. No mineral resource recovery impacts would occur.

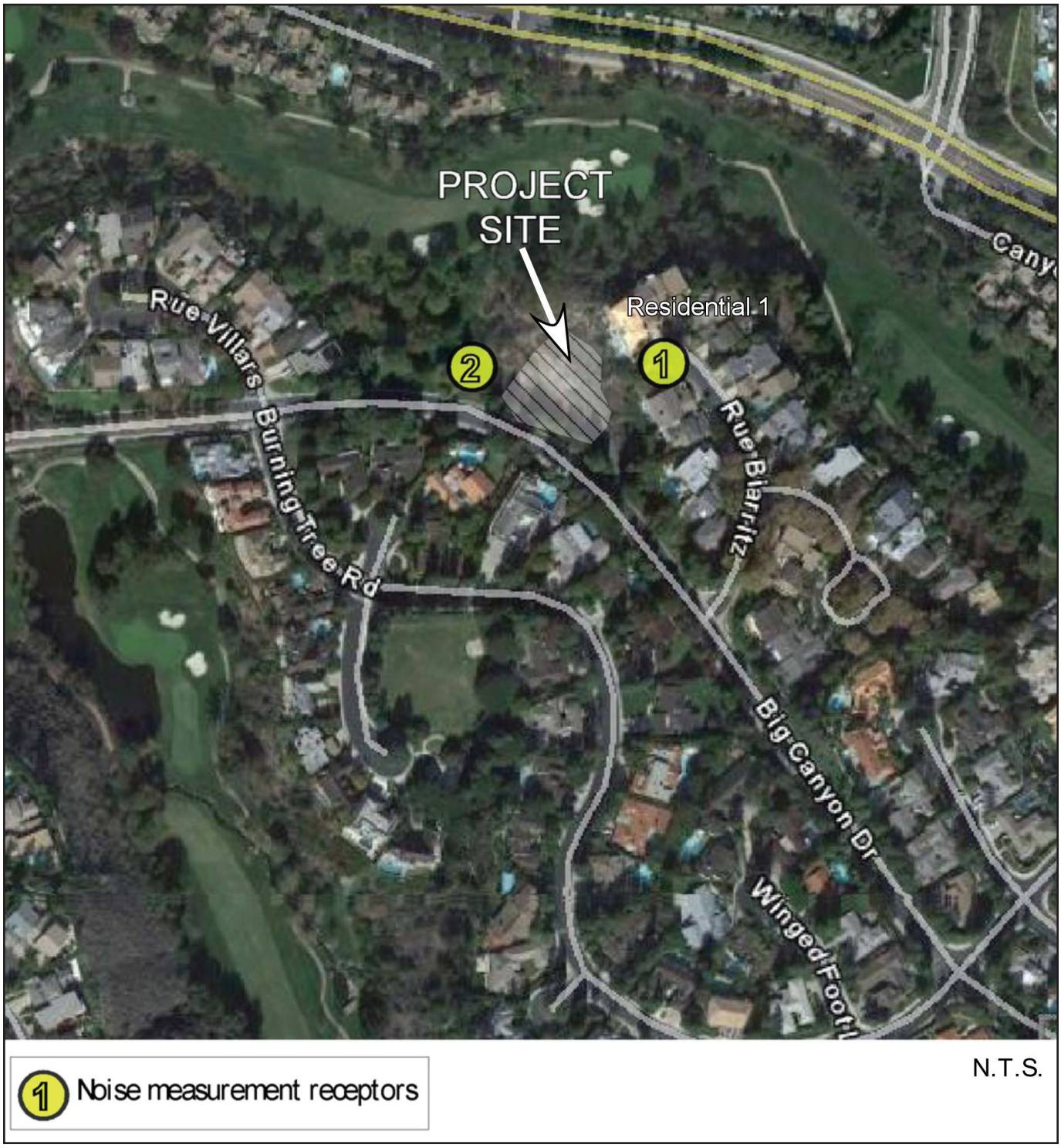
XII. NOISE.

A noise analysis was prepared by Mestre Greve Associates to determine if the project will have any potential noise impacts. A copy of the noise analysis is provided in Appendix O.

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?

Less Than Significant Impact. The project proposes to export 7,000 cubic yards of soil from the site to the spoils site within the Big Canyon Country Club. The project proposes to import 45,000 cubic yards of dirt from the Orange County Sanitation Districts in Fountain Valley to raise the height of the existing residential pad. The operation of grading equipment, trucks exporting and importing dirt, and workers commuting to and from the site would generate noise.

Existing noise measurements were taken on July 21, 2010 between 10:30 AM to 12:00 PM to determine the existing noise levels on and near the site. The existing measured noise levels were used as background noise levels to estimate the future noise levels that would be generated during grading and hauling dirt to and from the site. As shown in Figure 13, Noise Measurement Locations, Noise Measurement Location No. 1 was in the Rue Biarritz cul-de-sac, approximately 60 feet northeast of the site and noise measurement location 2 was approximately 50 feet southwest of the flat surface pad on the site. The noise levels at the two locations are shown in Table 4, Existing Noise Measurement Results.



Source: Mestre Greve Assoc.

N

Figure 13
Noise Measurement Location Map

Table 4
Existing Noise Measurement Results (dBA)

Site	Time	Leq	Lmax	Lmin	L1.7	L8.3	L25	L50	L90	L99
1	10:35 am	49.5	61.7	40.9	58.5	52.5	48.5	45.5	42.5	41.5
	10:47 am	50.3	64.3	40.2	58.5	54.5	49.0	45.5	42.0	41.0
2	11:02 am	49.4	61.4	36.6	57.0	55.0	48.0	44.0	40.0	38.0
	11:14 am	46.9	53.8	37.0	50.5	49.5	48.0	46.0	42.5	38.5

Site 1 is located on Rue Biarritz at the north end of the cul-de-sac overlooking the project site. Traffic on Big Canyon Road and Jamboree Road, which is approximately 1,700 feet to the west, was the main sources of noise. An occasional vehicle on the cul-de-sac also contributed secondary noise. Other contributing noise sources include air planes overhead from John Wayne Airport, the operation of landscape maintenance equipment, people and trash trucks.

Site 2 is located on the project site near Big Canyon Road adjacent to the property line between the site and the golf course. Big Canyon Road is approximately 3 to 5 feet higher than the noise monitor. Infrequent traffic on Big Canyon Road and the operation of landscape maintenance equipment on the golf course were the dominant noise sources. Traffic on Jamboree Road and golf carts on the golf course were secondary noise contributors. Air planes overhead and other urban noise also contributed to the ambient noise at this noise measurement location.

The closest residence is north of the site on Rue Biarritz and overlooks the project site. Construction activities from the project may occur approximately 50 feet from this home. At this distance the construction noise level is estimated to reach up to 90 dBA. The average noise level from construction equipment operating on the site could be in the range of 74 and 82 dBA at the nearest residence.

The peak noise levels generated by on-site construction activities could be in excess of the City's daytime noise standard of 75 dBA Lmax (Municipal Code Section 10.26.025). Section 10.26.035.D of the Newport Beach Municipal Code exempts construction equipment from the daytime noise standards and requires construction activity to comply with Section 10.28.040 of the Code that restricts the hours of construction to the hours of 7:00 a.m. to 6:30 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday. Noise generating construction activities are not allowed on Sundays or holidays. The project does not propose any construction activities outside of the hours of construction allowed by the Newport Beach Municipal Code. As a result, the project would not result in a significant noise impact to local residents.

The trucks that import and export dirt will generate truck noise along the selected haul routes. Within Big Canyon Country Club, trucks would only travel on and would be restricted to Big Canyon Road. The haul route to export dirt from the site to the stockpile area at the east side of Big Canyon Country Club was shown previously in Figure 1, Local Vicinity Map. As shown, trucks will travel on Big Canyon, San Joaquin Hills Road, Jamboree Road, Ford Road, and MacArthur Road to haul dirt to the

stockpile site at the east side of Big Canyon Country Club. Dirt that is imported from the Orange County Sanitation Districts in Fountain Valley would require trucks to travel on the San Diego Freeway, Jamboree Road, San Joaquin Hills Road, and Big Canyon Drive.

Project grading is anticipated to take approximately 60 days. During that time there would be a maximum of 142 one-way truck trips per day. The CNEL noise levels on Big Canyon Road due to a maximum of 142 truck trips a day would be approximately 61 dBA at the front of the typical home within Big Canyon (approximately 40 feet from the centerline). This noise level is below the City's 65 CNEL noise standard and would not be considered a significant noise impact. The truck traffic generated by the project would not have any significant noise impacts to the public roadways outside of Big Canyon due to the amount of existing traffic on those roadways.

Five workers would commute to the site daily during the 60 day construction period and generate 10 daily trips. The noise that would be generated by the workers commuting to the site would not exceed the City's 65 CNEL noise standard.

The project would not generate any short-term construction noise that would expose people to noise levels that exceed the City's Noise Ordinance and have significant noise impacts. The exposure of people to excess noise standards impacts would be less than significant.

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

Less Than Significant Impact. The noise that would be generated by the project is determined to be less than significant as discussed in "Section XII a)" above. Vibration intensive activities such as pile-driving or sheet piles are not proposed by the project. Compaction equipment such as bulldozers will be used to compact the soil as it is placed to raise the residential pad. Because the project will use compaction equipment that is typically associated with the type of grading proposed, no excessive ground borne noise or vibration impacts are anticipated. The exposure of people to excessive groundborne vibration impacts would be less than significant

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

No Impact. As noted in "Section XII a)" above, the project would increase short-term noise impacts during construction. Once the grading activities are completed, all construction noise on the site would cease. No permanent noise impacts would occur.

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

Less Than Significant Impact. As stated above in "Section XII a)", the proposed project would result in a temporary increase in noise levels during on-site construction activities. The CNEL noise levels on Big Canyon Road due to a maximum of 142 truck trips a day would be approximately 61 dBA at the front of the typical home within Big Canyon (approximately 40 feet from the centerline). However, the Newport Beach Municipal Code exempts construction equipment from the provision of the Noise Ordinance provided that it occurs only between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday and at no time on federal holidays or Sundays. The project does not propose any construction activities outside of the hours of construction allowed by the Municipal Code. The temporary ambient noise impacts would be less than significant.

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?

No Impact. The project site is located approximately three miles west of John Wayne Airport and outside of the 60 dBA CNEL Noise Contour of the John Wayne AELUP as established by the Orange County ALUC (See Figures N2 *Existing Noise Contours* and Figure N5 *Future Noise Contours* of the General Plan, Appendix P). Because the project is outside the 60 dBA CNEL Noise Contour of the John Wayne AELUP the project will not expose construction workers to excessive noise levels associated with the airport. No airport noise impacts would occur.

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. There are no private airstrips within at least five miles of the project site. As a result, the project will not expose construction workers to excessive noise levels from a private airstrip. No private airstrip noise impacts would occur.

XIII. POPULATION AND HOUSING.

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)?

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?

No Impact (a – c). The project proposes to raise the height of an existing vacant residential lot by 10 feet. No development is proposed that would induce or increase

the population growth in Newport Beach or surrounding areas. Because the site is vacant, the project will not displace any existing housing or people that would require the construction of replacement housing. No population or housing impacts would occur.

XIV. PUBLIC SERVICES

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

- **Fire protection?**
- **Police protection?**
- **Schools?**
- **Other public facilities?**

Less Than Significant Impact. The construction activities necessary to raise the height of the residential pad are not anticipated to have significant impacts to existing public services that serve the site. The public services that could be needed by the project during grading include emergency medical and/or fire protection services or police service calls for vandalism or theft of construction equipment. The need for emergency medical, fire or police protection services is not anticipated to significantly impact the current levels of service provided by the fire and police departments. The project would not generate any students directly or indirectly or impact any public facilities. The project is not anticipated to have any significant impacts to any public services during the project's 60 day construction period. The public service impacts would be less than significant.

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?

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

No Impact (a - b). There are no activities associated with the project that would impact recreational facilities nor require the construction or expansion of any recreational

facilities. The grading on the portion of the golf course (adjacent to 10 Big Canyon) and the soils site, which are both designated Parks and Recreation (PR) by the General Plan, will not interfere with the useability of the existing golf course. No recreation impacts would occur.

XVI. TRANSPORTATION/TRAFFIC

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?

Less Than Significant Impact. The project will not generate traffic that will exceed the capacity of any of the streets that will serve the project. During grading of the project site, importing of the 45,000 cubic yards of soil will result in a maximum of 142 one-way or 284 round-trip trips per day. Project traffic will not exceed the City's acceptable level of service (LOS D) of any area intersections or the carrying capacity of the streets. As a result, the project will not conflict with any ordinance or city policy that establishes a performance level of city roads. The circulation system, plan and policy impacts would be less than significant.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less Than Significant Impact. The project is estimated to generate approximately 5,200 one-way truck trips over 60 days to export and import dirt to and from the site. Of these, approximately 700 one-way trips will be required to haul 7,000 cubic yards of dirt from the project site to the stockpile site at the east side of the Big Canyon Golf Course. Due to air quality emission thresholds restrictions it will take approximately 15 days to haul the 7,000 cubic yards of dirt to the stockpile site, which includes 40 one-way truck trips per day for thirteen days and 142 one-way truck trips over two days. The truck trips to export dirt to the stockpile site would occur on Big Canyon Drive, San Joaquin Hills Road, Jamboree Road, and MacArthur Boulevard. Importing 45,000 cubic yards of dirt from the Orange County Sanitation District would result in approximately 142 one-way or 284 round-trip truck trips per day over a period of approximately 32 days based on 10 cubic yards/truck trip. In addition, there will be five workers at the site on a daily basis to operate the grading equipment. The five workers will generate 10 daily traffic trips to the area roadways.

The City of Newport Beach's Traffic Engineer has reviewed the proposed project's anticipated trip generation, and concluded the project will not result in any significant impacts to the traffic load and capacity of the local roadway system, levels of service, or

result in an increase in traffic levels that will result in a safety risk on the existing roads that serve the site during construction. The congestion management program impacts would be less than significant.

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 is approximately three miles south of John Wayne Airport, which is the closest airport to the site. While the project is located within the boundary of the John Wayne AELUP, there are no activities associated with the project that would cause or result in changes in the existing or planned air traffic patterns or increases in air traffic levels at John Wayne Airport. No air traffic impacts would occur.

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

Less Than Significant with Mitigation Incorporated. The single potential traffic safety impact would be if trucks or construction equipment back onto Big Canyon Drive from the project site. The following measure is recommended to mitigate potential impacts for trucks or construction equipment backing onto Big Canyon Drive from the site. The design feature impacts would be less than significant with mitigation incorporated.

Mitigation Measure No. 10 Prior to the issuance of a grading permit, an adequate vehicular turnaround area shall be provided on-site, suitable to the City Traffic Engineer. All trucks and construction equipment shall drive forward from the site onto Big Canyon Drive. Backing onto Big Canyon Drive from the site shall be prohibited.

e) Result in inadequate emergency access?

Less Than Significant Impact. The existing site access road provides adequate emergency access from Big Canyon Drive. Prior to the issuance of a grading permit the Newport Beach Police and Fire Departments will review the grading plan to ensure that adequate emergency site access is maintained during construction. The proposed grading activities will not change or alter the existing site access from Big Canyon Drive. The project will maintain adequate emergency site access throughout construction without any significant impacts. The emergency access impacts would be less than significant.

f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact. The proposed construction activities will not conflict with any City adopted policies, plans, or programs supporting alternative transportation because the City's

Transportation Demand Management (TDM) Ordinance does not apply to residential projects. No alternative transportation impacts would occur.

XVII. UTILITIES & SERVICE SYSTEMS

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

No Impact. Wastewater would not be generated directly from the site during the grading project. A portable toilet would be provided for the workers during the grading period. The toilet would be serviced by the company that provides the toilet, and all wastewater generated by the toilet would be transported to a public wastewater treatment plant for treatment. The wastewater indirectly generated by the project would not exceed any wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board. No wastewater treatment requirement impacts would occur.

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?

No Impact. Water would be required for dust control both on the site and along Big Canyon Drive. However, new water facilities would not be required because the small volume of water required by the project for dust control could be provided by existing water facilities and supplies. As discussed in "Section XVI a)" above, the project would not generate wastewater that would impact wastewater treatment facilities. No water or wastewater facility expansion impacts would occur.

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?

Less Than Significant Impact. The project proposes to extend an existing 48-inch corrugated metal pipe (CMP) and a 12-inch plastic pipe to enclose an existing open relict drainage feature that extends along the north end of the residential pad so the height of the pad can be raised 10 feet. The existing relict feature would be enclosed into a single 48-inch corrugated metal pipe and connected to the existing 48-inch CMP and 12-inch plastic pipe upstream of the site. Surface water collection facilities are proposed for the north slope of the pad to collect surface water runoff. The surface water from the slope would be discharged into the new 48-inch CMP. The construction of the 48-inch CMP and the storm drain collection facilities on the pad slope would not cause or result in any significant environmental effects. The storm drain facilities impacts would be less than significant.

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

Less Than Significant Impact. Water will be required to control dust and provide suitable moisture content of the soil for compaction as directed by the soils engineer. The volume of water that will be required to control dust and provide proper soil moisture content for soil compaction will not be significant and can be provided by existing water supplies (without requiring new water supplies or expanded entitlements). The water supply impacts would be less than significant.

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?

No Impact. The construction workers that will be working at the site would generate wastewater during the 60 day grading period. A portable toilet will be provided for the workers during the grading period. The toilet would be serviced by a private company and the wastewater transported to a public wastewater treatment plant for treatment. The wastewater that would be generated by the five construction workers at the site would not significantly impact the capacity of a wastewater treatment plant. No wastewater treatment capacity impacts would occur.

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

Less Than Significant Impact. The majority of residential solid waste generated in the City of Newport Beach is collected by the City's Refuse Division. Remaining solid waste is collected by waste haulers and transported to a City-owned transfer station. Refuse is consolidated and transported to a materials recovery facility where recyclable materials are sorted from refuse by machines and other methods. Currently, only the Frank R. Bowerman Sanitary Landfill serves the City of Newport Beach.

Construction waste generated by the proposed project would result in a temporary increase in construction and demolition waste. The Frank R. Bowerman landfill currently has a remaining capacity of 44,560,000 tons and is expected to be able to accommodate the increase in solid waste generated by construction and operation of the project. The landfill impacts would be less than significant.

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

No Impact. Solid waste produced by the proposed grading project would be picked up by either the City of Newport Beach or a commercial provider licensed by the City of Newport Beach. The proposed project would comply with all federal, state, and local statutes and regulations related to solid waste, such as the California Integrated Waste Management Act and city recycling programs. No federal, state or local solid waste regulation impacts would occur.

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 period of California history or prehistory?

Less Than Significant with Mitigation Incorporated. The project proposes to enclose approximately 185 linear feet of an open relict drainage feature that according to the U.S. Army Corps of Engineers is eligible for regulation under Section 404 of the Clean Water Act. The relict drainage is also determined by the California Department of Fish and Game to be eligible for regulation under Section 1602 of the Fish and Game code. Mitigation Measures No. 9 is recommended to mitigate the impact of covering 175 square feet of relict drainage on the site should any of the resource agencies determine that it is necessary.

Due to the disturbed character of the site, the proximity of non-native ornamental vegetation, and the limited patch size of Coyote Sage Scrub on-site, the project site does not exhibit potential for supporting any special-status species. No rare, endangered, or threatened fish or wildlife populations or habitat will be disturbed or impacted by the project. The site was disturbed in the past for the placement of dirt as a stockpile site. Other than the disturbance of the relict drainage feature, which can be mitigated, the project will not have any significant biological impacts. The biological and cultural resource impacts would be less than significant with mitigation incorporated.

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

Less Than Significant with Mitigation Incorporated. The analysis of cumulative projects addresses only those environmental issues that have the potential to be affected by combined cumulative projects. A list of the cumulative projects considered for this environmental analysis is included as Appendix Q. Only project impacts that are deemed cumulatively considerable are considered potentially significant impacts in the context of this analysis.

The city is divided into Statistical Areas that specify land use categories, types of uses, and for certain categories, the densities/intensities to be permitted with each statistical area. The project site is located in Statistical Area L2, which encompasses the area bounded by Ford Road on the north, MacArthur Boulevard

on the east, San Joaquin Hills Road on the south and Jamboree Boulevard on the west.

None of the cumulative projects listed in Appendix Q are located within Statistical Area L2. The North Newport Center Planned Community that is located in Statistical Area L1 is south of and the closest cumulative project to Statistical Area L2. Presently there are no proposed development or construction projects in Statistical Area L1 and as a result it is unlikely there would be any construction of projects in L1 concurrently with the proposed project. As a result, there would not be any cumulative impacts with the proposed project and development in Statistical Area L1.

Since none of the other cumulative projects that are listed in Appendix Q are adjacent to Statistical Area L2, the one potentially significant cumulative impact that could occur is air quality because it can extend beyond the boundary of Statistical Area L2. As provided in the project air quality assessment, the air pollutant modeling for construction emissions demonstrates that the short-term grading activities would exceed District NOx and PM10 thresholds. Mitigation Measures 1-7 would reduce short-term project generated NOx, and PM_{10} emissions and reduce air quality emissions to a level below the District thresholds. As a result, the cumulatively considerable pollutant impacts by the project would be less than significant and no additional mitigation measures are required.

The project will not have any significant cumulative impacts. All identified project impacts are less that significant or can be mitigated to a level of insignificance with implementation of the recommended mitigation measures. The cumulative impacts would be less than significant with mitigation incorporated.

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

Less Than Significant with Mitigation Incorporated. While project impacts have been identified, no significant adverse impacts have been identified. Although construction of the proposed project is expected to create temporary adverse effects related to construction noise and air quality, Mitigation Measures No. 1-10 and the mitigation measures that are carried over from MND 2008-003 are recommended to reduce the impacts to less than significant levels. The environmental effects to human impacts would be less than significant with mitigation incorporated.