

2.0 INTRODUCTION

This Environmental Impact Report (EIR) has been prepared to evaluate environmental impacts associated with the proposed City Hall and Park Development Plan Project (proposed project) in the City of Newport Beach (City). The City is the “public agency which has the principal responsibility for carrying out or approving the project” and as such is the “Lead Agency” for this project under the California Environmental Quality Act of 1970 (CEQA) (CEQA Guidelines Section 15367). CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This EIR is intended to serve as an informational document to be considered by the City and the Responsible Agencies during deliberations on the proposed project. The project approvals associated with the proposed project are described in Section 3.0, Project Description.

An Initial Study (IS) prepared by the City indicated that the proposed project may have a significant effect on the environment and that an EIR would be required to more fully evaluate potential adverse environmental impacts that may result from development of the project. As a result, this EIR has been prepared in accordance with CEQA, as amended (Public Resources Code [PRC] Section 21000, et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Section 15000 et seq.). This EIR also complies with the procedures established by the City for the implementation of CEQA.

Questions regarding the preparation of this document and City review of the proposed project should be referred to the following person:

City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, California 92658-8915
Contact: Jaime Murillo, Associate Planner
(949) 644-3209

2.1 PURPOSE AND TYPE OF EIR/INTENDED USES OF THE EIR

This EIR has been prepared to evaluate environmental impacts that may result from implementation of the proposed project. As the Lead Agency, the City has the authority for preparation of this EIR and, after the comment/response process, certification of the Final EIR (FEIR) and approval of the proposed project as described in this EIR.

The City and Responsible Agencies have the authority to make decisions on discretionary actions relating to development of the proposed project. As stated previously, this EIR is intended to serve as an informational document to be considered by the City and Responsible Agencies during deliberations on the proposed project. This EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the proposed project.

This EIR will serve as a Project EIR pursuant to the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Chapter 3, Sections 15000–15387), Sections 15161. According to Section 15161 of the State CEQA Guidelines, a Project EIR is appropriate for specific development projects in which information is available for all phases of the project, including planning, construction, and operation.

As previously mentioned, the City is the Lead Agency for this project under CEQA (CEQA Guidelines Section 15367). CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This EIR provides information to the Lead Agency and other public agencies, the general public, and decision makers regarding the potential environmental impacts from the construction and operation of the proposed project. The purpose of the public review of the EIR is to evaluate the adequacy of the environmental analysis in terms of compliance with CEQA. Section 15151 of the CEQA Guidelines states the following regarding standards from which adequacy is judged:

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

Under CEQA (PRC Section 21002.1[a]):

“The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the proposed project, and to indicate the manner in which those significant effects can be mitigated or avoided.”

As previously discussed in Chapter 1.0, Executive Summary, an EIR is the most comprehensive form of environmental documentation identified in CEQA and the CEQA Guidelines and provides the information needed to assess the environmental consequences of a proposed project. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts.

2.2 PUBLIC REVIEW PROCESS

In compliance with the CEQA Guidelines, the City has taken steps to maximize opportunities for the public and other public agencies to participate in the environmental review process. The City conducted the scoping process, issued a Notice of Preparation (NOP) and IS for the proposed project, and determined that an EIR was required to evaluate the potentially significant environmental effects of the proposed project and related actions. Additionally, a public scoping session was conducted, as discussed below.

2.2.1 Notice of Preparation

On April 1, 2009, an NOP for the proposed project was distributed by the City via the State of California Clearinghouse. The State Clearinghouse (SCH) issued a project number for the EIR (SCH No. 2009041010). In accordance with State CEQA Guidelines, Section 15082, the NOP was circulated to the agencies and individuals listed in Appendix A for a period of 30 days, during which time written comments were solicited pertaining to environmental issues/topics that the EIR should evaluate. Responses to the NOP were received from the following agencies:

- California Native American Heritage Commission (NAHC)
- California Department of Toxic Substances Control (DTSC)
- California Department of Transportation (Caltrans)
- Santa Ana Regional Water Quality Control Board (RWQCB)
- Airport Land Use Commission (ALUC)
- Orange County Transportation Authority (OCTA)
- South Coast Air Quality Management District (SCAQMD)
- Metropolitan Water District of Southern California (MWD)
- Southern California Gas Company
- Gabrielino-Tongva Tribe
- California Cultural Resources Preservation Alliance (CCRPA)
- Newport Beach Environmental Quality Affairs Citizens Advisory Committee (EQAC)

In addition, the following individuals submitted written comments on the NOP:

- Ernest J. Bastien
- Jay Baker
- Anne and Gary Carlsen
- Karen H. Clark
- Mary Lou Furnas
- Tracy Hanna
- Karima Hunter
- George Jeffries
- Mark Kopaskie
- Philip Lugar
- Tom Moulson
- Michele O'Brien
- Mary Ann Soden
- Debbie and Ed Stevens
- Karen Tringali
- Jan Vandersloot

2.2.2 Scoping Meeting and Areas of Controversy

The City held a public scoping meeting on April 22, 2009, to present the proposed project and to solicit input from interested individuals regarding environmental issues that should be addressed in this EIR. Key environmental issues and concerns raised at the scoping meeting included: (1) changes

to public and private visual resources and the Sight Plane and potential impacts to designated coastal view roads; (2) light and glare impacts to surrounding residential neighborhoods; (3) potential noise impacts on surrounding residential neighborhoods; (4) landform alteration/grading; (5) potential impacts to biological resources, including on-site wetlands; (6) air quality concerns related to increased traffic and construction activities, and (7) potential for increased traffic and parking concerns.

Please note that this is not an exhaustive list of areas of controversy, but rather key issues that were raised during the scoping process. The EIR addresses each of these areas of concern or controversy in detail, examines project-related and cumulative environmental impacts, identifies significant adverse environmental impacts, and proposes mitigation measures designed to reduce or eliminate potentially significant impacts. Appendix A includes the NOP, a summary of the verbal comments at the scoping meeting, and copies of written comments received.

2.2.3 Public Review Period

This EIR is being distributed to numerous public agencies and other interested parties for review and comment. The EIR is also available at the following locations throughout the City and on the City's website.¹

City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Central Library
1000 Avocado Avenue
Newport Beach, CA 92660
For hours of operation, call (949) 717-3800

Mariner's Branch
1300 Irvine Avenue
Newport Beach, CA 92660
For hours of operation, call (949) 717-3838

Balboa Branch
100 East Balboa Boulevard
Balboa, CA 92661
For hours of operation, call (949) 644-3076

Corona del Mar Branch
420 Marigold Avenue
Corona del Mar, CA 92625
For hours of operation, call (949) 644-3075

¹ <http://www.newportbeachca.gov/>

All comments received from agencies and individuals on the EIR will be accepted during the public review period, which will not be less than 45 days in compliance with CEQA. All comments on the EIR should be sent to the following City contact person:

Jaime Murillo, Associate Planner
City of Newport Beach Planning Department
3300 Newport Boulevard
Newport Beach, California 92658-8915

Fax: (949) 644-3229
Email: jmurillo@newportbeachca.gov

Following the close of the review period, the City will prepare responses to all comments and will compile these comments and responses into an FEIR. All responses to comments submitted on the EIR by agencies will be provided to those agencies at least 10 days prior to final action on the project. The City Council will make findings regarding the extent and nature of the impacts as presented in the FEIR. The FEIR will need to be certified as complete by the City prior to making a decision to approve or deny the project. Public input is encouraged at all public hearings before the City.

2.3 SCOPE OF THIS EIR

As required by State CEQA Guidelines Section 15128, this EIR must identify the effects of the proposed project determined to be significant. The scoping process for this EIR included the preparation of an IS. Per State CEQA Guidelines Section 15063, the City conducted an initial study to determine whether the project could have a significant effect on the environment. The City determined that the proposed project may have a significant impact on the environment and, as explained in Section 2.2.1 of this EIR, issued an NOP soliciting comments from Responsible and Trustee Agencies and other interested parties, including members of the public. In addition to identifying potentially significant impacts of the project that required additional study, the IS also identified effects determined not to be significant consistent with State CEQA Guidelines Section 15063(c)(3)(B). Impacts that were determined to be less than significant were discussed and evaluated in this EIR in Appendix A, which includes the IS. The analysis determined that the proposed project would result in no impact to agricultural resources and mineral resources.

For this reason, potential impacts related to agricultural resources and mineral resources are discussed solely in Appendix A of this EIR. The City's IS and Environmental Checklist Form are discussed in Chapter 4.0 of this document, and a copy of the IS and Environmental Checklist for the proposed project is included in Appendix A of this EIR.

2.4 FORMAT OF THE EIR

Pursuant to State CEQA Guidelines, Section 15120(c), this EIR contains the information and analysis required by Sections 15122 through 15131. Each of the required elements is covered in one of the EIR chapters described below.

Chapter 1.0: Executive Summary

Chapter 1.0 contains the Executive Summary of the EIR document, listing all significant project impacts, mitigation measures that have been recommended to reduce any significant impacts of the proposed project, and the level of significance of each impact following mitigation. The summary is presented in a matrix (tabular) format.

Chapter 2.0: Introduction

Chapter 2.0 contains a discussion of the purpose and intended use of the EIR, background on project initiation and the NOP, and areas of controversy known to the Lead Agency, including issues raised by the public.

Chapter 3.0: Project Description

Chapter 3.0 includes discussion of the project's geographical setting; the site's previous use as agricultural land; and the project's goals, objectives, characteristics, components, and phasing.

Chapter 4.0: Existing Environmental Setting, Environmental Analysis, Impacts, and Mitigation Measures

Chapter 4.0 includes an analysis of the project's environmental impacts. It is organized into topical sections, including land use, traffic, aesthetics, air quality, biological resources, cultural resources, geology and soils, global climate change and greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services and utilities, and recreation. The environmental setting discussions describe the "existing conditions" of the environment on the project site and in the vicinity of the site as they pertain to the environmental issues being analyzed (Section 15125 of the State CEQA Guidelines).

The project impact discussions identify and focus on the significant environmental effects of the proposed project. The direct and indirect significant effects of the project on the environment are identified and described, giving due consideration to both the short-term and long-term effects, as necessary (Section 15126.2[a] of the State CEQA Guidelines).

Chapter 4.0 also includes within each environmental impact analyzed a discussion of the cumulative effects of the project when considered in combination with other projects, causing related impacts as required by Section 15130 of the CEQA Guidelines. Cumulative impacts are based on the build out of the project and the surrounding area, including all other known proposed projects in the surrounding area.

The discussions of mitigation measures identify and describe feasible measures that could minimize or lessen significant adverse impacts for each significant environmental effect identified in the EIR (Section 15126[c] of the State CEQA Guidelines). The level of significance before and after mitigation is reported in each section. Unavoidable adverse effects are identified where mitigation is not expected to reduce the effects to less than significant levels.

Chapter 5.0: Alternatives to the Proposed Project

In accordance with CEQA, the alternatives discussion in Chapter 5.0 describes a reasonable range of alternatives that could feasibly attain the basic objectives of the project and are capable of eliminating any significant adverse environmental effects or reducing them to a less than significant level. The alternatives analyzed in Chapter 5.0 include: (1) No Project/No Development; (2) Development pursuant to Existing Zoning (all Park and new City Hall on existing City Hall site); (3) Alternative Location at Vacant Land/Corporate Plaza West Site; (4) Reduced Grading; and (5) Modified Construction Schedule. As specified in the State CEQA Guidelines Section 15126.6(f)(2), this chapter identifies and assesses potential alternative project sites within the City that could accommodate the proposed project.

Chapter 6.0: Long-Term Implications of the Project

Chapter 6.0 includes CEQA-mandated discussions on the following topics as required by Section 15126 of the State CEQA Guidelines: (1) significant irreversible environmental changes that would result from implementation of the proposed project; (2) significant adverse environmental impacts for which either no mitigation or only partial mitigation is feasible, and (3) growth-inducing impacts of the proposed project.

Chapter 7.0: Mitigation Monitoring and Reporting Program

PRC Section 21081.6 requires that agencies adopt a mitigation monitoring and reporting program for any project for which it had made findings pursuant to PRC Section 21081. Chapter 8.0 provides a list of all proposed project mitigation measures, defines the parties responsible for implementation and review/approval, and identifies the timing for implementation of each control measure.

Chapters 8.0, 9.0, and 10.0:

Chapters 8.0, 9.0, and 10.0 provide the organizations and persons contacted during preparation of the EIR, the EIR preparers and technical report authors and other experts included in preparation of the EIR, and the references used in this EIR.

2.5 INCORPORATION BY REFERENCE

As permitted in Section 15150 of the State CEQA Guidelines, an EIR may reference all or portions of another document that is a matter of public record or is generally available to the public. Information from the documents that have been incorporated by reference has been briefly summarized in the appropriate sections of this EIR, along with a description of how the public may obtain and review these documents. These documents include:

- City of Newport Beach General Plan Elements (as amended)
- City of Newport Beach Municipal Code and other titles referenced herein
- Newport village Planned Community Development Plan (PC-27)

Documents that are incorporated by reference are available for review at the City of Newport Beach, Department of Planning, located at the address provided above.