

CHAPTER 5.0 IMPACTS FOUND NOT TO BE SIGNIFICANT

The environmental process requires the Lead Agency for a proposed project, in this case the City of Newport Beach, to prepare a Notice of Preparation (NOP) which describes the proposed project and summarizes the potential environmental impacts which could result from the implementation of a proposed project. An Environmental Impact Report has been prepared to assess certain potential impacts associated with this project. The Notice of Preparation (NOP) and the supporting documentation for the proposed Megonigal Residence are provided in Appendix A of this EIR. This section summarizes those potential impacts of the proposed Aerie project that were determined to be below a level of significance.

5.1 Agriculture

No Prime Farmland, Farmland of State or Local Importance, or Unique Farmland occurs within or in the vicinity of the site. The site and adjacent areas are designated as “Urban and Built-up Land” and “Other Land” on the Orange County Important Farmland Map. Further, neither the site nor the adjacent areas are designated as prime, unique or important farmlands by the State Resources Agency or by the Newport Beach General Plan. The Newport Beach General Plan, Land Use Element designates the site as “Single-Unit Residential – Detached (RS-D)”; the zone designation for the site is “R-1 (Single-Family Residential.” Therefore, there is no conflict with zoning for agricultural use, and the property and surrounding properties are not under a Williamson Act contract. The site is not being used for agricultural purposes and, as indicated previously, is not designated as agricultural land. Although the subject property is undeveloped, the areas surrounding the site are developed with residential uses. Therefore, no agricultural uses on the site or within the site’s vicinity would be converted to non-agricultural use. No significant impacts to agricultural resources are anticipated and no mitigation measures are required.

5.2 Air Quality

Project implementation would result in temporary construction emissions that may affect local and regional air quality. Temporary construction activity emissions will occur during the construction stage of the proposed single-family residential dwelling unit, including the on-site generation of dust and equipment exhaust, and off-site emissions from construction workers commuting to the site and trucks hauling excavated earth materials from the site and delivering building materials to the subject property. The short-term construction emission levels would be below the South Coast Air Quality Management District (SCAQMD) significance thresholds for each type of pollutant, with or without best available control measures (refer to Table 5-1). Construction-phase emissions would not, therefore, violate any air quality standard or contribute substantially to an existing or projected air quality violation. Given the limited size of the project (i.e., one single-family residential dwelling unit), construction emissions for carbon monoxide (CO), reactive organic gases (ROG), nitrous oxide (NO_x), sulfur oxides (SO_x) and particulate matter (PM_{2.5} and PM₁₀) from equipment use and truck trips would be below SCAQMD thresholds. In addition, volatile organic compound (VOC) emissions from paints and coatings would create ROG emissions during construction. Dust emissions on site would be generated by excavation and initial construction activities. However, as indicated previously, such emissions would be less than the current thresholds as indicated below and would, therefore, not be significant.

**Table 5-1
 Project-Related Pollutant Emissions**

	ROG (lbs/day)	NOx (lbs/day)	CO (lbs/day)	SO₂ (lbs/day)	PM₁₀ (lbs/day)	PM_{2.5} (lbs/day)	CO₂ (lbs/day)
Construction Emissions	1.64	12.99	7.12	0.00	0.82	0.55	1,335.23
Significance Thresholds	75	100	550	150	150	55	-- ¹
Exceeds Threshold	No	No	No	No	No	No	No
Operational Emissions	0.11	0.05	0.82	0.00	0.11	0.00	97.92
Significance Thresholds	55	55	550	150	150	55	-- ¹
Exceeds Threshold	No	No	No	No	No	No	No

¹City employs a threshold of 6,000 tonnes/year.

SOURCE: City of Newport Beach (August 2009)
 Keeton Kreitzer Consulting

Long-term emission sources associated with the proposed single-family residence include vehicular exhaust from daily traffic (i.e., based on about 10 vehicle trips per day), energy consumption, site and landscape maintenance, and incidental emissions from use of a variety of household cleaning and hair care products. Estimated long-term project-related emissions would not exceed the SCAQMD daily thresholds for all categories of pollutants. The project's long-term emissions would not violate any air quality standard established by the AQMD or contribute to an existing or projected air quality violation. Although the project would increase the resident population on the project site, the proposed project includes only one single-family residence. The incremental increase in potential greenhouse gases associated with the proposed single-family residence would not be significant in the context of the contribution of worldwide GHG impacts. Construction activities would result in the generation of approximately 250 tonnes/year of CO₂e; operational CO₂e emissions are estimated to be less than 20 tonnes/year. These emissions are below the City's threshold of 6,000 tonnes/year.

5.3 Cultural Resources

The project site is currently undeveloped. No historic resources are identified either on the site or in the immediate vicinity of the subject property. The site is not identified by the City as possessing potentially important historic resources. Therefore, project implementation will not result in potentially significant impacts to historic resources and no mitigation measures are required.

Project implementation includes excavation of the property to accommodate the proposed single-family residence. It is unlikely that the disturbance of the subsurface soils would result in significant impacts to cultural resources due to the site alteration associated with the existing development in the area and the nature of the bedrock materials that underlie the site (i.e., marine). Although no significant impacts to cultural resources are anticipated, the City of Newport Beach requires that an archaeological monitor be present during grading to ensure that if any cultural materials are encountered, appropriate measures will be implemented in accordance with existing City policies. Therefore, no significant impacts to archaeological resources are anticipated and no mitigation measures are recommended.

The site contains the Monterey Formation deposits, which are known to contain abundant fossilized marine invertebrates and vertebrates. The presence of recorded fossils in the vicinity of the project area exists. Like other sites in the City that are underlain by the Monterey Formation, the site should be considered to have a high paleontological sensitivity and fossils may be encountered during grading and

excavation. A mitigation measure has been included in accordance with existing City policy to ensure that such resources can be avoided during grading/excavation activities and no significant impacts will occur.

- MM-1 A qualified archaeological/paleontological monitor shall be retained by the project applicant who will be present during the grading and landform alteration phase. In the event that cultural resources and/or fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. Any artifacts and/or fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discovery, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collections shall be the responsibility of the project applicant.

5.4 Geology and Soils

The subject property is located in the seismically active southern California region; several active faults are responsible for generating moderate to strong earthquakes throughout the region. Due to the proximity of the site to the Newport-Inglewood Fault zone, the subject property has a moderate to high probability to be subjected to seismic and associated hazards. The maximum credible earthquake on the NIFZ is estimated to be 7.6 with a probable magnitude of 6.6 on the Richter scale. Estimated peak ground acceleration for the subject site from an earthquake with a 10 percent probability of exceedance in a 50-year period is 0.39g. Similarly, the maximum credible earthquake on the Elsinore-Whittier Fault is 8.0, with a probable (Richter) magnitude of 7.2. Other faults capable of producing seismic activity that could affect the subject property include the San Jacinto and San Andreas Faults and the Whittier Fault, which is a northern branch of the Elsinore Fault. In addition to these faults, the San Joaquin Hills Blind Thrust Fault is located less than 1.5 to 2.5 miles below the area. This fault and the Newport Inglewood fault (concealed segment), located approximately 750 to 1,000 feet from the subject site, are considered the potential causative faults in the area. Even though the project site and surrounding areas could be subject to strong ground movements, incorporation of the recommendations included in the preliminary geotechnical report and adherence to current building standards of the City of Newport Beach would reduce the potential adverse effects of ground movement hazards to a less than significant level.

Based on the geologic exploration undertaken on the subject property, the site is underlain by sedimentary rocks of the Monterey Formation. These rocks do not have the potential for liquefaction. Furthermore, no groundwater is present to the depths and no loose sands or coarse silt is present. Therefore, the potential for liquefaction is less than significant. Proper design of the proposed residence will ensure that ground failure, including that associated with liquefaction, will not pose a significant hazard to the development. The initial study prepared for the proposed project included mitigation measures to address the site's geologic and seismic characteristics, including:

- MM-2 Prior to issuance of the grading or building permit, an erosion control plan shall be submitted to and approved by the City's Chief Building Official.
- MM-3 Prior to issuance of a grading permit, the applicant shall submit a soils engineering report and final geotechnical report to the City's Building Department for approval. The project shall be designed to incorporate the recommendations included in those reports that which address site grading, site clearing, compaction, caissons, bearing capacity and settlement, lateral pressures, footing design, seismic design, slabs on grade, retaining wall design, subdrain design, concrete, surface drainage, setback distance, excavations, cut-fill transitional zones, planters and slope maintenance, and driveways.

5.5 Hazards and Hazardous Materials

A search of various databases concerning hazardous wastes and substances sites was conducted through Environmental Data Resources, Inc. (EDR) as part of the environmental analysis. The results of the search, which is on file with the City of Newport Beach, determined that the subject property is not included on any lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, project implementation will not create a significant hazard either to the public or the environment. No significant impacts are anticipated and no mitigation measures are required.

Project implementation is the construction of one single-family residence on the 4,400 square foot lot. As indicated above, the proposed project does not involve any activities and/or uses that would utilize hazardous materials or other substances that would, if released into the environment, create a safety or health hazard. There is no indication that the subject site has been contaminated that would adversely affect site development. Although grading and site preparation activities will expose subsurface soils and result in the generation of fugitive dust, no hazardous emissions will occur as a result of project implementation. Therefore, no significant impacts will occur.

5.6 Hydrology and Water Quality

No stream or river exists on site. Existing surface runoff generated on the subject property occurs as sheet flow and drains in a southerly direction over the bluff where it enters the City's storm drain system before discharging into Newport Bay, which has been identified as containing "environmentally sensitive areas" as defined by the 2003 Orange County Drainage Area Management Plan (DAMP) and the Water Quality Control Plans for the Santa Ana Basin. The actual amount of stormwater runoff generated from the building footprint and paved areas (totaling approximately 2,300 square feet) would be insignificant. Compliance with applicable building, grading and water quality codes and policies, which are performed during the plan check stage, will ensure that surface flows can be accommodate and water quality protected. As a result, no significant impacts are anticipated and no mitigation measures are required.

This small-scale project would not result in a significant increase in water demand and all of the project's potable and non-potable water needs will be met through a connection to the City's domestic water system. The proposed single-family residence represents an insignificant increase in the demand for domestic water, which has been anticipated by the City in its long-range plans. No water wells are proposed or required to meet the water demands of this project. There are no water wells located on or near the site, and since this project would not affect any existing or require any new water wells, the project will not result in the lowering of the water table. No significant impacts are anticipated and no mitigation measures are required.

Newport Bay is listed as an "impaired" water body under Section 303(d) of the Clean Water Act, with respect to metals, pesticides and priority organics. Changes in surface runoff are anticipated as a result of the development of the subject property with one residence that could result in potential impacts to water quality. However, the project will be designed to comply with all relevant building, grading and water quality codes and policies to ensure that there will not be an adverse effect on water quality, either during construction or during the operational life of the project. Final plan check includes the preparation of an adequate drainage and erosion control plan that must be found to meet applicable standards. Therefore, no significant impacts are anticipated and no mitigation measures are required.

5.7 Mineral Resources

The project site is vacant. However, neither the Newport Beach General Plan (Recreation and Open Space Element) nor the State of California has identified the project site or environs as a potential mineral resource of Statewide or regional significance. No mineral resources are known to exist and, therefore, project implementation will not result in any significant impacts to regional or statewide resources. Furthermore, the Newport Beach General Plan does not identify the project environs as having potential value as a locally important mineral resource site. Project implementation (i.e., construction of a single-family residence) as proposed will not result in the loss of any locally important mineral resource site and, therefore, no significant impacts will occur and no mitigation measures are required.

5.8 Noise

A variety of noise sources and noise levels would occur on and in the immediate vicinity of the project site over the site preparation and construction phase anticipated for the proposed project. Noise levels would vary, depending upon the type and number of construction machinery and vehicles in use and their location within the project site. Not all equipment is generally operated continuously or used simultaneously. The number, type, distribution, and usage of construction equipment will differ from phase to phase. The noise generated is both temporary in nature and limited in hours by the City's Noise Ordinance (Section 10.28.040). Compliance with the existing noise control ordinance and hours of construction prescribed in the ordinance will minimize the potential noise impacts associated with project implementation. Other measures have been identified to ensure that construction noise is minimized. Typically, construction of single-family residential dwelling units on an individual basis in the City of Newport Beach, including on bluffs in the City, does not result in significant noise impacts because of their small size and the duration of construction is not anticipated to occur over a long period of time e.g., less than two years for custom home construction. Furthermore, the highest noise levels occur from excavation and caisson drilling associated with bluff development, which take place during the initial stage of development and do not last more than 2 to 3 months. Therefore, because the project encompasses only one single-family residence, which would employ typical construction techniques and be constructed in approximately 20 months like most single-family residential construction in the City, potential construction noise impacts will be less than significant with the incorporation of the prescribed mitigation measures identified below.

- MM-4 All construction equipment, stationary and mobile, shall be equipped with properly operating and maintained muffling devices. All construction equipment shall be located or operated as far as possible away from nearby residential units.
- MM-5 A construction schedule shall be developed that minimizes the duration of potential project-related and cumulative construction noise levels.
- MM-6 The construction contractor shall notify the residents of the construction schedule for the proposed project, and shall keep them informed on any changes to the schedule. The notification shall also identify the name and phone number of a contact person in case of complaints. The contact person shall take all reasonable steps to resolve the complaint.

5.9 Population and Housing

The project will result in a small increase in the number of residents in the City; however, this increase in population is consistent with the City's long-range projections and, furthermore, would not result in a

substantial increase in population based on the population per household recognized by the City of Newport Beach. Therefore, project implementation would not result in a loss of housing and/or impacts to existing or project population. No replacement housing would be required as a result of project implementation.

5. 10 Public Services

Fire Protection

Fire protection facilities and service to the subject property are provided by the Newport Beach Fire Department (NBFD). In addition to the City's resources, the NBFD also maintains a formal mutual automatic aid agreement with the Orange County Fire Authority (OCFA) and all neighboring municipal fire departments to facilitate fire protection in the City should the need arise. The project will result in an increase of one residential dwelling unit in the City. There will not be a significant increase in structures and persons requiring emergency services. The project will be required to include all necessary fire protection devices as determined by the Newport Beach Fire Department. The project must comply with the current Building and Fire Codes adopted by the City. A code compliance analysis will be conducted by City staff to ensure that the project complies with the requirements established by the City. A final compliance determination will be made prior to the issuance of a building permit. The project will be designed to facilitate and enhance the provision of adequate fire protection. Adequate water supplies and infrastructure, including fire hydrants, exist in the vicinity of the project, and there is no requirement for other new facilities or emergency services.

Police Protection

The Newport Beach Police Department (NBPD) is responsible for providing police and law enforcement services within the corporate limits of the City. The Police Department headquarters is located at 870 Santa Barbara Drive, at the intersection of Jamboree Road and Santa Barbara, approximately two miles northeast of the subject property. The NBPD currently has a ratio of 1.91 sworn officers for each 1,000 residents in the City. This ratio is adequate for the current population. Police and law enforcement service in the City is provided by patrols with designated "beats." Project implementation will result in the construction of one single-family residence consistent with existing City plans and programs and, therefore, would not require an expansion to local law enforcement resources. Project implementation would not result in any environmental impacts involving construction of new law enforcement facilities. No significant impacts are anticipated and no mitigation measures are required.

Schools

The provision of educational facilities and services in the City of Newport Beach is the responsibility of the Newport-Mesa Unified School District. Residential and non-residential development is subject to the imposition of school fees. Payment of the State-mandated statutory school fees is the manner by which potential impacts to the District's educational facilities are mitigated. At the present time, the subject property has no impact on the Newport Mesa Unified School District. When this project is completed, the development and occupancy of the single-family residence might result in the generation of school age children. It is estimated that only one school-age student would be generated by the proposed project. New or expanded school facilities would not be required to provide classroom and support space for such a low number of children. However, as indicated below, the project applicant must pay the applicable school fee to the school district, pursuant to Section 65995 of the California Government Code, in order to offset the incremental cost impact of expanding school resources to accommodate the increased student enrollment associated with new residential development. With the payment of the mandatory school fee, no significant impact would occur as a result of project implementation.

Other Public Facilities

Due to the minor increase in residential density in the area associated with the construction of a single residential dwelling unit, no significant increased demand for other public services is anticipated and there would be no need to construct any new public facilities. No significant impacts are anticipated and no mitigation measures are required.

5.11 Recreation

The project will result in the development of one single-family home on the subject site. Although residents of the proposed home would occasionally visit local and regional parks and beaches, use of those public facilities by the future residents would not represent a substantial change in the intensity of usage and the impact would not result in substantial physical deterioration of those park areas.

5.12 Traffic and Circulation

Short-term traffic impacts are those resulting from site preparation (i.e., grading and site preparation) and construction activities. With the exception of heavy trucks traveling to and from the site in the morning and afternoon to be used during site preparation and construction that occurs on-site, the proposed project would not generate a significant number of vehicular trips on a daily basis. The proposed single-family dwelling unit would generate approximately 10 trips per day that would be added to the local street system when the single-family home is occupied. The addition of those trips would not significantly affect circulation within the neighborhood or along arterials in the City of Newport Beach. However, during the construction phase, there will be periods of time when heavy trucks associated with hauling and equipment and material transport would travel to and from the site that could result in congestion on Pacific Drive and nearby local/residential street system. It is estimated that a total of 52 heavy trucks would be generated as a result of the grading that would be necessary to haul the estimated 630 cubic yards of soil export that must be hauled from the site (based on based on a haul truck capacity of 12 cubic yards). It is anticipated that the dirt hauling would last less than one week and would contribute about 15 heavy truck trips per day during the site grading phase. However, once grading has been completed, the number of heavy trucks entering and leaving the project area would be limited to those transporting equipment and materials to the site. Other construction-related traffic impacts are associated with vehicles carrying workers to and from the site and medium and heavy trucks carrying construction materials to the project site, which may result in some minor traffic delays; however, potential traffic interference caused by construction vehicles would create a temporary/short-term impact to vehicles using neighboring streets in the morning and afternoon hours. Therefore, aside from potentially minor impacts resulting from the increase in traffic that will occur as a result of construction-related traffic (e.g., construction materials, construction workers, etc.), no significant short-term impacts are anticipated to occur as a result of project implementation. Nonetheless, the construction traffic impacts would be adequately addressed through the implementation of a Construction Traffic Control Plan as indicated below.

- MM-7 Prior to commencement of each major phase of construction, the Contractor shall submit a construction staging, parking and traffic control plan for approval by the Public Works Department, which shall address issues pertaining to potential traffic conflicts during peak traffic periods, potential displacement of on-street parking, and safety.
- This plan shall identify the proposed construction staging area(s), construction crew parking area(s), estimated number and types of vehicles that will occur during that phase, the proposed arrival/departure routes and operational

safeguards (e.g. flagmen, barricades, shuttle services, etc.) and hourly restrictions, if necessary, to avoid traffic conflicts during peak traffic periods, displacement of on-street parking and to ensure safety.

- If necessary, the construction staging, parking and traffic control plan shall provide for an off-site parking lot for construction crews which will be shuttled to and from the project site at the beginning and end of each day until such time that the project site can accommodate off-street construction vehicle parking. Until that time, construction crews shall be prohibited from parking in the adjacent residential neighborhood.
- The plan shall identify all construction traffic routes, which shall avoid narrow residential streets unless there is no alternative, and the plan shall not include any streets where some form of construction is underway within or adjacent to the street that would impact the efficacy of the proposed route.
- Dirt hauling shall not be scheduled during weekday peak hour traffic periods or during the summer season (Memorial Day holiday weekend through and including the Labor Day holiday weekend).
- The approved construction staging, parking traffic control plan shall be implemented throughout each major construction phase.

Long-term traffic impacts would not occur as a result of project implementation. The trip generation associated with one home is less than 10 trips per day. The addition of 10 trips on the City's circulation system would not result in potentially significant impacts to either roadway segments or intersections. Adequate emergency access is available and no parking impacts will occur as a result of project implementation. No mitigation measures are required.

5.13 Utilities

Wastewater generated by the proposed new residence would be disposed into the existing sewer system and would not exceed wastewater treatment standards of the Regional Water Quality Control Board.

Water demand and wastewater generation will not increase significantly over existing uses due to the increase in the number of occupants who will reside on the site. The project will connect to existing water and wastewater facilities that currently serve existing development in the area. No expansion of these facilities is necessary due to availability of existing capacity and adequate infrastructure. Future water demand based on the General Plan projections would not be increased significantly by one home.

The project will not result in a significant increase in solid waste production due to the limited size of the project (i.e., one single-family home). Existing landfills are expected to have adequate capacity to service the site and use. Solid waste production will be picked up by either the City of Newport Beach or a commercial provider licensed by the City of Newport Beach. All federal, state and local regulations related to solid waste will be adhered to through this process.