



# California Regional Water Quality Control Board

## Santa Ana Region



3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
www.waterboards.ca.gov/santaana

Linda S. Adams  
Secretary for  
Environmental Protection

RECEIVED BY Arnold Schwarzenegger  
Governor

PLANNING DEPARTMENT

December 29, 2009

JAN 04 2010

Janet Johnson Brown, Associate Planner  
City of Newport Beach Planning Department  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915

**CITY OF NEWPORT BEACH**

### **DRAFT ENVIRONMENTAL IMPACT REPORT, SUNSET RIDGE PARK, CITY OF NEWPORT BEACH, SCH# 2009051036**

Dear Ms. Brown:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Sunset Ridge Park (Project). This public park, including two soccer fields and a baseball diamond, would be constructed among coastal terraces northwest of the corner of Pacific Coast Highway (West Coast Highway) and Superior Avenue in the southwestern portion of the City of Newport Beach (City). Although the comment period has ended for the Project, Regional Board staff wish to convey the following permitting considerations for the final EIR, in order for the Project to best protect water quality standards (water quality objectives and beneficial uses) contained in the Water Quality Control Plan for the Santa Ana River Basin (Region 8 Basin Plan, 1995, as amended):

#### **Stockpiles and Stormwater Runoff Best Management Practices**

1. Grading will occur on much of the 18.9-acre Project area, of which the eastern 13.7 acres are in the City. The remainder is in unincorporated Orange County contiguous to the northwest, on the Newport Banning Ranch (Ranch), an operating oil field. We understand that graded soil will be exported from City property by truck, along existing oil field roads leading north of the site to at least three stockpile locations on the Ranch (Executive Summary Exhibit 2; Biological Resources Exhibit 4.6-3). The stockpile sites are located immediately adjacent to, or partially within, swales that are tributary to a riparian remnant. This riparian remnant appears to drain southwesterly across the Ranch to a slough that defines the Ranch's western boundary. Stormwater runoff from the stockpiles could carry sediment and other contaminants into these drainages. Therefore, the EIR should state why these stockpile locations were chosen and could not be moved to other available locations away from the drainages.
2. We note the intent general discussion of Best Management Practices (BMPs) and compliance with the State Water Resources Control Board and Regional Board

stormwater<sup>1</sup> permits on Table 1-1, Summary of Significant Impacts and Mitigation Program, including all mitigation measures of Table 1-1, Section 4.10 (Hydrology), and Mitigation Measure (MM) 4.9-2 for Section 4.9 (Hazardous Materials). However, the EIR should specifically identify BMPs to be implemented around these stockpiles to prevent this soil, as well as any earthen material disturbed within the Ranch that contains oilfield-related contaminants, from being carried into the riparian segment and slough by stormwater runoff or dry-weather flows. The potential of such impacts on the water quality standards of all receiving waters should be examined in the EIR.

3. The finished park may be a source of sediment, nitrates, and organochlorine pesticides, and BMPs would be necessary to intercept and treat pollutants that may likely be transported to storm drains<sup>2</sup>. The EIR must establish whether the flood control channel currently crossing the City park site terminates in Lower Newport Bay, and if so, the Project must meet the Total Maximum Daily Loads (TMDL) for Lower Newport Bay listed on our website at:  
[http://www.waterboards.ca.gov/santaana/water\\_issues/programs/tmdl](http://www.waterboards.ca.gov/santaana/water_issues/programs/tmdl)
4. As a follow-up to MM 4.9-2, the oversight of "contaminated soil mitigation efforts" (p.1-28), Regional Board staff welcome the opportunity to work with the City and the Orange County Health Care Agency. Table 1-1 refers to the potential need for dewatering according to the Regional Board's *deminimus*<sup>3</sup> permit, which has been recently revised and appears applicable to any such planned discharges from the Project.

#### **Probable Clean Water Act Section 401 Water Quality Standards Certification**

5. Table 1-1, MM 4.6-5 indicates that the Project would result in the loss of 0.06 acre of riparian habitat, which would be mitigated at a minimum 1:1 ratio to ensure no net loss. The DEIR does not specify whether this mitigation will occur onsite or in a suitable off-site location. Further, Table 1-1, Threshold 4.6-3 indicates that "a total of 0.44 acre of streambed" would be impacted by the Project and under the jurisdiction of the California Department of Fish and Game (CDFG), but this entire acreage (0.50 acre?) is difficult to correlate with Exhibit 4.6-3 (CDFG Jurisdictional Resources).

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<sup>1</sup> The "NPDES MS4 Permit" referred to in Table 1-1 for Orange County (also known as "Orange County MS4 Permit") was revised and adopted by the Regional Board on May 22, 2009. For reference, the Regional Board website now provides Order No. R8-2009-0030, NPDES No. CAS618030, "Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and the Incorporated Cities of Orange County within the Santa Ana Region, Areawide Urban Storm Water Runoff."

<sup>2</sup> In conformance with 1) the Orange County Drainage Area Management Plan (DAMP) and Water Quality Management Plan (WQMP) required by the Regional Board's Orange County MS4 Permit (Footnote 1), and 2) the State Water Resources Control Board's Water Quality Order No. 99-08-DWQ, "General Permit for Storm Water Discharges Associated with Construction Activity."

<sup>3</sup> If dewatering activities and some extent of groundwater cleanup (any seep cleanup, development water, etc.) is anticipated for the Project, or will be proactively incorporated within Project activities, then the EIR should reflect the need for Project coverage under Order No. RB8-2009-0045, adopted by the Regional Board on July 20, 2009. Order No. RB8-2009-0045 amends previous permits as "General Waste Discharge Requirements for Groundwater Discharges to Surface Waters, San Diego Creek/Newport Bay Watershed."

Exhibit 4.6-3 shows the riparian remnant mentioned in 1., above, to be outside of the Project and does not appear to recognize potential impacts to this drainage and its water quality standards. The jurisdictional delineation and riparian restoration plan is not part of this DEIR but will be submitted later, and they should clarify these points in the EIR.

6. Pg. 4.6-21 contains the inaccurate statement that "no resources under the jurisdiction of the RWQCB occur on the Project site." The Regional Board may write waste discharge requirements on isolated wetland or riparian segments, such as those mentioned above, that do not fall under the jurisdiction of the U.S. Army Corps of Engineers (USACOE). Table 4.6-1 refers to 0.49 acre of vegetation in the "Flood Control Channel" for the channel discussed in 2., above; impacts to this channel may require a Clean Water Act Section 404 permit from USACOE and a prerequisite Section 401 Water Quality Standards Certification from the Regional Board. We look forward to the "Pre-Application Field Meeting" proposed in MM 4.6-6 for the CDFG, USACOE and Regional Board staff.

If you have any questions, please contact Glenn Robertson at (951) 782-3259, [grobertson@waterboards.ca.gov](mailto:grobertson@waterboards.ca.gov), or me at (951) 782-3234, or [madelson@waterboards.ca.gov](mailto:madelson@waterboards.ca.gov)

Sincerely,



Mark G. Adelson, Chief  
Regional Planning Programs Section

cc: State Clearinghouse  
U.S. Army Corps of Engineers, Los Angeles -Stephanie Hall  
California Department of Fish and Game, Los Alamitos – Erinn Wilson  
U.S. Fish and Wildlife Service, Carlsbad – Jonathan Snyder  
Orange County RDMD, Flood Control, Santa Ana - Andy Ngo

X:Groberts on Magnolia/Data/CEQA/CEQA Responses/ DEIR-City of Newport Beach-Sunset Ridge Park.doc



STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER  
GOVERNOR

December 14, 2009

CYNTHIA BRYANT  
DIRECTOR

RECEIVED BY  
PLANNING DEPARTMENT

JAN 04 2010

Janet Johnson Brown  
City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92685-8915

Subject: Sunset Ridge Park  
SCH#: 2009051036

CITY OF NEWPORT BEACH

Dear Janet Johnson Brown:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 10, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2009051036  
**Project Title** Sunset Ridge Park  
**Lead Agency** Newport Beach, City of

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**Type** EIR Draft EIR

**Description** The Project would allow for a public park with active and passive recreational uses. The park would include one baseball field and two youth soccer fields, a playground and picnic area, a memorial garden, an overlook with seating and a shade structure, pedestrian paths, restroom facilities, and parking. The Project includes 97 parking spaces: 75 spaces in an on-site lot with a designated drop-off area and up to 22 parallel parking spaces along with the park access road near the parking lot. The park would include pedestrian access via two entries from the sidewalk along Superior Boulevard and one entry from the sidewalk along West Coast Highway. Vehicle Ingress and egress would be provided via an access road to the park extending from West Coast Highway through the Newport Banning Ranch property. No nighttime lighting other than for public safety would be provided.

Grading would result in excess cut material to be exported from the City. The City proposes that all of the exported soil would go to identified locations on the adjacent Newport Banning Ranch property. Existing oil field roads on the Newport Banning Ranch. The City proposes to widen a portion of the northern side of West Coast Highway from Superior Avenue to a point west of the park access road. A signal is proposed on West Coast highway at the park access road. Because West Coast Highway is a State Highway, Caltrans approvals would be required.

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**Lead Agency Contact**

**Name** Janet Johnson Brown  
**Agency** City of Newport Beach  
**Phone** (949) 644-3236  
**email**  
**Address** 3300 Newport Boulevard  
**City** Newport Beach  
**State** CA **Zip** 92685-8915  
**Fax**

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**Project Location**

**County** Orange  
**City** Newport Beach  
**Region**  
**Lat / Long** 33° 37' 28" N / 117° 56' 18" W  
**Cross Streets** northwest corner of West Coast Highway and Superior Avenue  
**Parcel No.**  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways** Hwy 1  
**Airports**  
**Railways**  
**Waterways** Pacific Ocean; Santa Ana River  
**Schools** ~10 (public & private)  
**Land Use** Vacant  
Z: Newport Beach: Open Space Active (OS-A) (13.7 acres); Orange County: Z: Local Business with an Oil Production Overlay [C1 (O)] (5.2 acres)  
GPD: Newport Beach: Parks and Recreation (PR) (13.7 acres); Open Space/Residential Village (OS/RV) (5.2 acres)

**RECEIVED BY  
PLANNING DEPARTMENT**

**JAN 04 2010**

**CITY OF NEWPORT BEACH**

**Document Details Report  
State Clearinghouse Data Base**

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**Project Issues** Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Minerals; Noise; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects; Geologic/Seismic; Aesthetic/Visual

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**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Caltrans, Division of Transportation Planning; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

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**Date Received** 10/27/2009      **Start of Review** 10/27/2009      **End of Review** 12/10/2009



STATE OF CALIFORNIA  
 GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER  
 GOVERNOR

CYNTHIA BRYANT  
 DIRECTOR

December 15, 2009

RECEIVED BY  
 PLANNING DEPARTMENT

JAN 04 2010

Janet Johnson Brown  
 City of Newport Beach  
 3300 Newport Boulevard  
 Newport Beach, CA 92685-8915

CITY OF NEWPORT BEACH

Subject: Sunset Ridge Park  
 SCH#: 2009051036

Dear Janet Johnson Brown:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on December 10, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2009051036) when contacting this office.

Sincerely,

Scott Morgan  
 Acting Director, State Clearinghouse

Enclosures  
 cc: Resources Agency

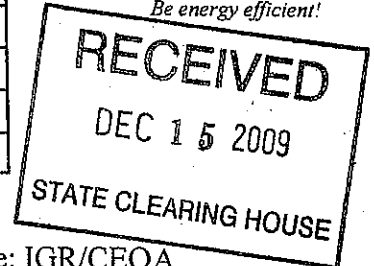
## DEPARTMENT OF TRANSPORTATION

District 12  
3337 Michelson Drive, Suite 380  
Irvine, CA 92612-8894  
Tel: (949) 724-2267  
Fax: (949) 724-2592



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To	PATRICK ALFORD	From	D. DAVIS		
Co./Dept.	PLANNING	Co.	CALTRANS		
Phone #	9) 644-3235	Phone #	9) 440-3487		
Fax #	9) 644-3229	Fax #			

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June 8, 2009

Patrick Alford  
City of Newport Beach  
3300 Newport Blvd.  
Newport Beach, CA 92685-8915

File: IGR/CEQA  
SCH#: 2009051036  
Log #: 2285  
SR-1

Clear  
12.10.09  
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**Subject: Sunset Ridge Park**

Dear Mr. Alford,

Thank you for the opportunity to review and comment on the **Notice of Preparation for the Sunset Ridge Park Project**. The project proposes construction of a City park with active and passive recreational uses and an access road to the park through the contiguous private property to the west (Newport Banning Ranch, SCH #2009031061). No nighttime lighting, other than for public safety, is proposed. No nighttime park uses are proposed. The project would include the following uses and facilities: 1 baseball field; 2 soccer fields; playground/picnic area; memorial garden; overlook area with shade structure; pedestrian pathways and bike rack; restroom facilities; up to 119 parking spaces. Off-site widening of and signalization on West Coast Highway. The nearest State route to the project site is SR-1.

**The California Department of Transportation (Department), District 12 is a responsible agency on this project and has the following comment:**

1. The proposed signal on West Coast Highway will have potentially significant impacts to the Department's right-of-way; therefore, special attention shall be given to the traffic analysis section in the DEIR.

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Damon Davis at (949) 440-3487.

Sincerely,

Christopher Herre, Branch Chief

Local Development/Intergovernmental Review

RECEIVED BY  
PLANNING DEPARTMENT

JAN 04 2010

C: Terry Roberts, Office of Planning and Research

CITY OF NEWPORT BEACH



**June 8, 2009**

Patrick Alford  
City of Newport Beach  
3300 Newport Blvd.  
Newport Beach, CA 92685-8915

File: IGR/CEQA  
SCH#: 2009051036  
Log #: 2285  
SR-1

**Subject: Sunset Ridge Park**

BC: Ryan Chamberlain, Deputy District Director

TRANSMISSION VERIFICATION REPORT

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

District 12  
 3337 Michelson Drive, Suite 380  
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Fax #	9) 644-3229	Fax #			

June 8, 2009

Patrick Alford  
 City of Newport Beach  
 3300 Newport Blvd.  
 Newport Beach, CA 92685-8915

File: IGR/CEQA  
 SCH#: 2009051036  
 Log #: 2285  
 SR-1

**Subject: Sunset Ridge Park**

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