



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

AGENDA

DATE/TIME: Tuesday, January 20, 2004

LOCATION: City Hall Council Chambers
3300 Newport Boulevard

Roll Call

1. Minutes of December 15, 2003 (*draft minutes attached*)
2. City of Irvine Notice of Preparation (NOP) of Draft Supplemental EIR (DSEIR) for Irvine Business Complex (IBC) the Central Park Project (formerly Parker-Hannifin) Subcommittee Report (*draft form report attached*)
3. County of Orange Notice of Preparation (NOP) of DSEIR for Pelican Hills Resort Project Subcommittee Report (*draft form report attached*)
4. Set February Meeting Date
5. Report from Membership Subcommittee
6. Report from EQAC Representative to GPUC
7. Report from EQAC Members on GPAC
8. Report on LCP process
9. Council Member Reports
10. Report from staff on current projects
11. Public Comments
12. Future Agenda Items

NEXT MEETING DATE: February ?, 2003
LOCATION: City Council Chambers

*Draft attachments can be found on the City's website <http://www.city.newport-beach.ca.us>. Click on **City Council** and then click on **Agendas and Minutes**. The Attachments are also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2nd Floor



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DRAFT Minutes 12-15-03

Minutes of the Environmental Quality Affairs Citizens Advisory Committee held at the City of Newport Beach Police Department, 870 Santa Barbara Drive, December 15, 2003.

Members present

Robert Hawkins, Chairperson	Phillip Lugar
Cris Trapp, Vice Chairperson	Dolores Otting
Steven Bromberg, Council Member	Marge Pantzar
Brent Cooper	Nancy Raney
Laura Dietz	Richard Rivett
Thomas Eastmond	Louis Von Dyl
Carol Hoffman	Jennifer Winn
Elaine Linhoff	

Staff representatives

Sharon Wood, Assistant City Manager
Tamara Campbell, Senior Planner

Members not present

Richard Nichols, Council Member	Sandra Haskell
Allen Barry	Tom Hyans
Gus Chabre	Jim Miller
Maggie Fitzgerald	Christopher Welsh
Ray Halowski	

The meeting was called to order at 7:00 p.m.

Marge Pantzar described her move to Colorado to be closer to her young great grandchildren and said goodbye to EQAC.

1. Minutes of November 17, 2003

Chairman Hawkins added 7:25 p.m. for quorum present. The minutes to reflect that Jennifer Winn was present at the meeting.

Motion by Laura Dietz to approve the minutes with corrections. Seconded by Nancy Raney.

Motion passed unanimously.

2. Irvine Business Complex (IBC) Subcommittee Report

The committee reviewed the subcommittee report and made changes.

1

Motion by Elaine Linhoff to accept the report as amended:

Seconded by Cris Trapp

Motion: passed unanimously.

3. Discussion to change meeting dates for January 19 and February 16, 2004 (holidays)

The meeting date for January is Tuesday, January 20. February's meeting date to be decided at the January meeting.

4. Report from Membership Subcommittee

Dolores Otting reported on plans to work with Mayor Ridgeway on attracting new members.

5. Report from EQAC Representative to GPUC

Chairman Hawkins reported on the meeting of December 8.

6. Report from EQAC Members on GPAC

Phillip Lugar reported on the meeting of December 8.

7. Report on LCP Process

Council Member Bromberg reported on review of revisions.

8. Council Member Reports

Council Member Bromberg reported on the Governor's advisory task force on water policy.

9. Report from Staff on Current Projects

Sharon Wood reported that Newport Technology Center traffic study has started.

10. Public Comments

None

11. Future Agenda Items

- o January - IRWD presentation on Natural Treatment System (NTS) Draft Environmental Impact Report (DEIR).
- o February - Corona del Mar tide pool presentation.
- o Set February meeting date.

Chairman Hawkins adjourned the meeting to January 20, 2004.

MEMORANDUM

To: Environmental Quality Affairs Citizens Advisory Committee
City of Newport Beach

From: Irvine Business Complex, Central Park Subcommittee

Environmental Quality Affairs Citizens Advisory Committee
City of Newport Beach

Subject: Notice of Preparation (“NOP”) for the Draft Supplemental Environmental Impact Report (“DSEIR”) for the Irvine Business Complex, Central Park, Project (the “Project”)

Date: January 15, 2004

Thank you for the opportunity to comment on the NOP for the DSEIR for the captioned Project located south of Interstate 405, west of Jamboree Road, north of Michelson Road and easterly of Von Karman Ave. at the site formerly owned, operated and known as the Parker-Hannifin site. The proposed DSEIR proposes to supplement an EIR and on page 20, refers to “the IBC EIR.” However, although the Checklist purports to analyze impacts of the Project based upon “substantial change[s] in the Project requiring major EIR revisions, neither the Checklist nor anything in the NOP including the discussion identifies the “IBC EIR.” Moreover, the NOP lists “References” but fails to identify or refer to the “IBC EIR.” At the very least, the Supplemental Draft Environmental Impact Report must identify the EIR which it purports to supplement, e.g. the IBC EIR, and discuss any and all Project changes and inadequacies of the IBC EIR.

In addition and as further discussed below, we offer the following comments in the hopes of improving the DSEIR and the Project.

1. Project Description:

The NOP states that the Project consists of a General Plan Amendment, Zone Change and a Transfer of Development Rights “Master Plan” “to allow for a mixed use development, including **1,380 dwelling units, 90,000 square feet of office uses and 19,700 square feet of retail uses.**” NOP, page 1. Although the NOP never clearly identifies the Project site as the Parker-Hannifin site, the NOP helpfully states that the Project site is “occupied with surface parking areas, landscaping, drive aisles, and six structures.” It ambiguously continues “[t]he site was previously developed with approximately 74,774 square feet of office use and 240,970 square feet of industrial use (a total of 315,744 square feet) within six structures.”

The DSEIR should clearly identify the EIR for the Irvine Business Complex, discuss and explain "Transfer of Development Rights Master Plan" as well as any transfers of various rights including trips or parking, analyze the impacts of any such transfers, clearly, and precisely describe and discuss the full Project including all Project features such as a pedestrian bridge over Jamboree Road near Interstate 405.

Further, the NOP states that "[t]he sending site for [the transfer of development rights] has not yet been determined." NOP, page 26. In order to assess and understand the Project fully, the DEIR should discuss the location of the transfer site or sites.

Although the NOP is unclear, the Project does not appear to be one discussed in the IBC EIR. The DSEIR should clearly identify, explain, discuss and analysis the earlier entitled project(s) and the proposed Project. The public should not guess as to the nature of the earlier project and the proposed Project.

2. Environmental Checklist and Discussion:

a. Aesthetics:

Subsection I a., b. and c. concludes that the Project will create no significant visual impacts because of the in-fill nature of the Project and development along Interstate 405. However, the Project includes several features which may affect visual resources. First, the Project includes as an element a pedestrian bridge from the Project over Jamboree to adjacent commercial and retail centers. The DEIR should analyze, discuss and assess all such impacts, and propose necessary mitigation.

Second, the NOP recognizes that the City has designated Interstate 405 as a scenic highway. The dense Project as well as the pedestrian bridge feature may affect this scenic highway.

Third, the Project includes an extremely dense residential feature. Subsection c. concludes that the Project is compatible with "similar scale buildings within this urban pattern" However, the surrounding buildings are large commercial office buildings. The Project's dense residential buildings will visually conflict with the office buildings. The DEIR should address, discuss and analyze such impacts and propose necessary mitigation.

Subsection d. addresses light and glare. The NOP concludes that there are no sensitive receptors adjacent to the site but that the Project's dense residential feature may be a sensitive land use. The NOP promises that the Project will control light and glare to avoid off-site impacts. However, the DEIR must address on-site impacts of light and glare from off-site sources including the scenic Interstate 405 highway.

b. Air Quality:

Section III a., b., c. and d. concludes that the substantial changes in the Project require preparation of major EIR revisions. However, Section III e. concludes that the Project will not create objectionable odors which could affect a substantial number of people. Among other things, the NOP concludes that no sensitive receptors are located adjacent to the Project. However, the Project will bring sensitive receptors, people living in the 1,380 residential units, adjacent to the scenic I-405 which may also create odors which affect the Project's residents. The DEIR should discuss, analyze and assess the nature and extent of any such impacts, and propose necessary mitigation.

c. Biological Resources:

The NOP concludes that the Project with its dense residential structures and uses will have no impact on biological resources in the vicinity of the Project. However, the summary recognizes that the Project is in the vicinity of San Diego Creek, San Joaquin Marsh, and Upper Newport Bay. These areas including Upper Newport Bay is probably Newport Beach's single greatest biological resource area. Regardless of the conclusions in the NOP, the DSEIR should discuss analyze the impacts of this dense residential Project on biological resources in the area including San Diego Creek, San Joaquin Marsh and Upper Newport Bay. If necessary, the DSEIR should propose adequate mitigation.

Another potential problem is the possibility of migratory birds flying into high-rise buildings. The DSEIR should discuss such impacts on natural resources and propose adequate mitigation, if necessary, including the reduction of glare from such structures and other measures to prevent disoriented birds from injury.

Also, the Project with its dense residential development will likely create the danger and significant impact of unauthorized and possibly unlawful human activity in the San Joaquin Marsh and Upper Newport Bay. Such impacts could include unauthorized trampling of new pathways which could increase the sediment flow into San Diego Creek and Upper Newport Bay, pet walking and contamination therefrom, transient encampments with associated problems and other potentially significant impacts. The DSEIR should discuss, analyze and assess these and other impacts on natural and biological resources which could come from the dense residential Project.

Finally, the DSEIR should also discuss the impacts of urban runoff on such resources and, if necessary, propose adequate mitigation.

d. Geology and Soils, or Geophysical:

The Checklist indicates that Project site includes potentially highly expansive soils and yet notes that the Project site is not prone to liquefaction. The Discussion fails to address the character of the expansive soils not subject to liquefaction. Section VI d. indicates that the City of Irvine will prepare a "site geologic report." The DSEIR should fully discuss this report, and include and incorporate the site geologic report.

d. Hazards and Hazardous Materials:

Section VII a. and b. recognizes that Parker-Hannifin used hazardous chemicals at the site and that the Project may require removal of such hazards. Section VII g. concludes that the Project and the removal of such material will not interfere with responding emergency personnel and vehicles. The DEIR should analyze, discuss and assess the impacts of the Project's removal of such materials on such responding emergency personnel and vehicles.

e. Hydrology and Water Quality:

The Checklist and Discussion indicates no changes from previous environmental analysis. However, the Discussion for Hazards states:

“Parker-Hannifin used an stored several different chemicals as part of its operations on the project site and **may have the potential to cause a hazard to the public**. Further evaluation in the EIR is required to determine the level of significance and to identify mitigation measures which reduce impacts to below a level of significance, if possible.”

NOP, page 23 (emphasis added). It is possible that the release of such hazards may affect groundwater or surface water in the vicinity of the Project site. Surface water including San Diego Creek is located near the Project. According the NOP, groundwater lies within 15 feet of the ground surface. Any release of hazardous materials may create a significant impact on water resources, both surface and groundwater. CEQA requires that the DSEIR address, discuss and analyze any such impacts and, if necessary, propose adequate mitigation.

f. Land Use and Planning:

Section IX a. concludes that the Project will not physically divide an established community and therefore will not create significant impacts on land use for such non-division.

The NOP is incorrect: the Project may physically divide an established industrial, commercial and retail community by inserting a dense residential project in the middle of the industrial commercial community on and near the site. The DSEIR should discuss such impacts and propose necessary mitigation.

Section IX b. recognizes that the Project conflicts with existing zoning and General Plan requirements and includes amendments or changes to such requirements. However, the DSEIR should include further analysis. As the City knows, the original 1992 IBC Program FEIR divided the planning area into three districts: the multi-use district covered all areas south of Barranca Parkway; the industrial district included areas north of Barranca Parkway as well as areas already entitled or used for industrial purposes; and the “[r]esidential [d]istrict within IBC will be limited to the existing and previously approved projects.” Program EIR, Executive Summary III-9.

The Project includes such a residential component in an area which the IBC Program FEIR concluded was over built with residential. The DSEIR should discuss the Program FEIR's limitation and its rationale, address the impacts of a change from that limitation, and propose necessary mitigation.

g. Noise:

Sections XI a., b., c. and d. indicate that the Project results in substantial changes which require preparation of the DSEIR. The NOP recognizes that the Project may create both short term and long term noise impacts. The DSEIR should include a noise study to assess and discuss all such impacts and propose necessary mitigation.

Section XI e. addresses the Project's impacts on an airport land use plan within two miles of the Project. The Discussion balks at such a requirement: it "finds" that the Project is outside the CNEL 65 noise contour for John Wayne International Airport ("JWA") which is within two miles of the Project.

The DSEIR should provide the basis and analysis for the NOP's improper finding. The DSEIR should fully discuss any impacts from or on the Project as a result of its proximity to JWA and propose any necessary mitigation.

h. Population and Housing:

Sections XII a. and c. indicate that the Project with its 1,380 residential units will result in no changes requiring preparation of a new EIR. This is incorrect.

As indicated above, the IBC FEIR recognized that in the late 1980's IBC entitlements exceeded allowable limits and restricted residential development in IBC. The Project proposes to ignore such limits and significantly increase housing and population within IBC. The DSEIR should explain this departure from the IBC FEIR, analyze all impacts which flow therefrom and propose necessary mitigation.

i. Public Services:

Section XIII a. recognizes that the Project will increase demand on public services including police, fire, schools and other services. It notes that the City of Irvine will consult with various agencies including Orange County Fire Authority and the Irvine Police Department. However, given recent annexations in the City of Newport Beach and associated improvements in public services including fire services, the City of Irvine should also coordinate with the City of Newport Beach regarding service demands from the Project.

The DSEIR should fully discuss and explain all such impacts and propose necessary mitigation.

j. Recreation:

The NOP recognizes that “[d]evelopment and occupancy of 1,380 dwelling units would increase the demand for parks and recreational facilities, (sic) of various types.” NOP, page 25. Indeed, the NOP recognizes that the Project may create significant impacts on existing neighborhood and regional parks, and may include recreational facilities which may create significant impacts on the environment.

The Project is known as the “Central Park.” Although the Project promises to provide substantial on-site recreation including fitness facilities and pools, the Project will not provide park facilities. “The project is proposing to pay park fees in lieu of dedicating land for community parks.” Id. The Project may also create recreational facilities which may create significant impacts.

Indeed, the Project may become known as the “Central Park” and could be regarded as an improper attempt to funnel funds to the City’s cherished “Great Park.” The DSEIR should discuss all of this: the Project impacts on parks, the possibility of providing parks on site or near the site, Project alternatives including improvements to San Diego Creek, and other mitigation measures.

k. Transportation/Traffic:

Section XV a., b., and c. recognize that the Project may result in substantial changes requiring major revisions to the IBC FEIR including causing an increase in traffic in the area, causing a reduction in the levels of service for intersections in the area and related impacts. The Discussion indicates that the Project will require TDR of 379 a.m. peak-hour trips, 487 p.m. peak hour trips and 6,906 daily gross trips from some as yet unidentified sending site. The NOP fails to state the current trip budget for the site.

The SDEIR must do much better: It must explain the current trip budget, discuss the nature of the sending site(s) and any infrastructure improvements made in the area of the sending site to mitigate the sending sites trip budget, explain how mitigation of the sending sites trips will also be transferred to the Project site so that full and adequate mitigation of that trip budget occurs, fully analyze any other traffic impacts and propose mitigation for all traffic impacts whether transferred trips or trips resident on the site.

Also, Section X e. discusses access to public services including fire. As indicated above, the City of Irvine should coordinate with the City of Newport Beach in addition to the other jurisdictions mentioned in the NOP to insure that the City of Newport Beach’s equipment may access the site if necessary.

Also, the SDEIR should address the Project’s impacts on traffic within the City of Newport Beach. The traffic study and SDEIR should analyze all intersections possibly affected by the Project including all intersections adjacent to State Route 73 and all intersections south of State Route 73 along MacArthur Blvd. Jamboree Road, and Irvine Ave.

Also, we understand that the City of Irvine regards as intersections as acceptable which operate at Level of Service ("LOS") E whereas the City of Newport Beach regards the higher level, LOS D, as the minimum standard. The DSEIR and traffic study should address these differences, analyze all impacts associated with such differences and propose necessary mitigation.

1. Mandatory Findings of Significance:

Probably the most important discussion in the DSEIR will be its discussion of mandatory findings including cumulative impacts. As indicated in the City of Newport's January 14, 2004 Comment Letter on the Scholle Project Addendum to the IBC FEIR, the recently approved and/or constructed projects within IBC will certainly create cumulative impacts together with proposed projects including this Project.

Equally important and as noted in the City's Comments on Scholle and as noted above, the IBC FEIR noted that the IBC was way overbuilt in 1987 and the IBC FEIR restricted residential development in IBC. The Project proposes to ignore this restriction. The DSEIR should fully discuss these limitations and the cumulative impacts of the over ten projects recently approved in IBC as well as other projects in the Project vicinity, e.g. any planned expansion of the Conexant or Koll sites and any other projects in the area.

3. Conclusion:

Thank you again for the opportunity to comment on the NOP for the Project. We hope that these comments and others will assist the City in the preparation of the DEIR.

MEMORANDUM

To: Environmental Quality Affairs Citizens Advisory Committee
City of Newport Beach

From: Pelican Hill Resort Subcommittee
Environmental Quality Affairs Citizens Advisory Committee
City of Newport Beach

Subject: Notice of Preparation ("NOP") for the Draft Supplemental Environmental Impact Report ("DSEIR") for the Pelican Hill Resort Project (the "Project")

Date: January 15, 2004

Thank you for the opportunity to comment on the NOP for the DSEIR for the captioned Project "located in the coastal foothills of the Pacific Ocean between the easterly boundary of the City of Newport Beach and the western boundary of Crystal Cove State Park." The proposed DSEIR proposes to supplement FEIR 511, the environmental document for Irvine Coast Planned Community Phase I, and FEIR 524, the environmental document for the proposed Hyatt Resort at Pelican Hill. We offer the following comments in the hopes of improving the DSEIR and the Project.

1. Project Description:

The NOP states that the Project applicant, the Irvine Company, seeks four (4) Coastal Development Permits ("CDP") for four separate uses: (1) 204 bungalows or rooms, a spa, pool and grill, an event center which, though currently existing, will be renovated as part of the Project, hotel and parking structure; (2) 52 casitas (the "Upper Casitas"); (3) 76 villas (the "Lower Casitas") and recreation center for the Upper and Lower Casitas; and (4) a new golf clubhouse with associated improvements for the existing Pelican Hill Golf Course.

FEIR 511 addressed a project which included two 18-hole golf courses and "accommodations of 2,150 through hotel and casitas." FEIR 524 addressed a project which included "a 450- (sic) room hotel with up to 505,000 square feet in building area with parking for 747 cars and four tennis courts of palazzos and villas and a series of pools . . ."

Tables 1 and 2 are confusing and not informative: the DSEIR should include such tables with the relevant information from FEIR 511 and FEIR 524. The NOP repeatedly states that the modifications to the previously approved project are slight and that "the proposed project is at a significantly lower density." If so, then the DSEIR should include such a comparison of the projects.

The captioned Project covers approximately 117 acres with a total of **732,400** square feet with **1,412 parking spaces** with a 309,500 square feet hotel with 204 rooms and **718 total parking spaces**, the Upper Casitas (52 in number) with 117,000 square feet and 152 garages with 117 surface parking spaces, the Lower Casitas (76 in number) with 229,000 square feet and 57 garages with 58 surface parking spaces, and a 35,000 square feet golf course clubhouse with 315 parking spaces.

Although the NOP is unclear, the captioned Project appears to represent a substantial expansion over the earlier entitled project or projects. The DSEIR should clearly identify, explain, discuss and analysis the earlier entitled project(s) and the proposed Project. The public should not guess as to the nature of the earlier project and the proposed Project.

2. **Environmental Checklist and Discussion:**

a. **Introduction:**

The NOP is surprising: although the entire Checklist notes that the Project will have “No Substantial Change From Previous Analysis,” the Determination concludes that the Project includes “important new information and/or **substantial changes have occurred** requiring the preparation of an additional CEQA document . . .” NOP page 17. The DSEIR should discuss, analyze, address and resolve this apparent conflict. Moreover, the DSEIR should fully discuss, analyze, and address each and every piece of new information or substantial change which may have occurred which may require preparation of the DSEIR.

Also, the organization of the NOP is strange: the NOP’s Checklist departs from the usual alphabetical organization and adopts the bizarre and unusual random organization. Because of this deviance, the County should revise the NOP so that the Checklist is organized in some logical way and recirculate the NOP for comment.

In addition to its strange surprise, the NOP is woefully inadequate and conclusory. The NOP attempts to resolve environmental issues without any environmental analysis. As noted above, each and every item of the Checklist indicates that the Project has “No Substantial Change From Previous Analysis.” However, out of the **eighty-three (83) items** on the Checklist, **eighty-three (83) items** indicate that the Project will have no substantial change from the previous analysis. The Discussion on these items is equally mysterious: The NOP states without discussion or further analysis that the earlier environmental documents addressed the issues completely. The NOP concludes:

“As such, this topic will not be discussed in the [DSEIR].”

As for the items which the NOP promises to discuss in the DSEIR, the NOP routinely states that “a [insert topic, e.g. hydrology] study is being prepared for the proposed project and is expected to show that the project will not result in any substantial changes . . .”

The DSEIR must do better: expectations are insufficient for CEQA analysis. The DSEIR must fully discuss, analyze, explain and address each and every item in the Checklist.

More importantly, the DSEIR should set aside "expectations" and thoroughly discuss, analyze, and assess all such impacts, and propose any necessary mitigation.

b. Land Use and Planning:

The NOP discussion of the issues of land use and planning is positively mysterious: Each and every item on the Checklist concludes that "As such, this topic will not be discussed in the [DSEIR]." Huh?

If the NOP purports to address the potentially significant impacts of the Project so that it can exclude from the CEQA analysis any topics, e.g. Land Use and Planning, the NOP should contain substantially more information regarding the nature and extent of the Project, the configuration and size of the Project, and the requirements of the various jurisdictions including the City of Newport Beach. Either then NOP should be revised, include the request information, and be recirculated for comment, or the DSEIR should address and discuss all items in the Checklist under Land Use and Planning, analyze, discuss and assess any such impacts, and, if necessary, propose adequate mitigation.

c. Population and Housing:

The NOP concludes that the Project "would not induce substantial growth directly or indirectly in an undeveloped area . . ." Further, the NOP notes that the Project "does not propose a residential component." It concludes that "this topic will not be discussed in the [DSEIR]." Again, and as applicable throughout, the Project description is insufficient to support such conclusory and glib analysis.

We understand that a substantial portion of the Project, and a change from the earlier proposals, is a time share component in connection with the Project. If the Project includes such residential structures, then the DSEIR should discuss, analyze and assess the environmental impacts of the Project on population and housing, notwithstanding the NOP's "analysis." However, if the Project does not include such residential structures, then the DSEIR should fully discuss the nature, number and configuration of the transient occupancy units, discuss the housing demands for the staff of such units, and assess any environmental impacts on population and housing of the Project.

d. Geology and Soils, or Geophysical:

As indicated above, the Checklist is not inadequate: it indicates that the Project may have no significant changes from the previous analysis. The Checklist should be completed in good faith and by an educated planner or consultant. The Discussion of the Checklist entries of "No Significant Change" covers almost three and one-half pages single spaced. If the Checklist is correct, the extent of the Discussion is surprising: the DSEIR should include analysis instead of conclusions with expansive discussion.

The Discussion of each and every item, except section h) "Unique geologic . . . features," in connection with geology and soils, or "Geophysical" resources includes discussion

of a promised geotechnical study and a grading plan. These studies should be included in the DSEIR which should fully and adequately discuss all impacts and propose necessary mitigation.

e. Hydrology and Drainage:

Although the Checklist indicates no changes from previous environmental analysis, the Discussion contains nothing regarding the previous environmental analysis. Moreover, the Project includes significant changes from the project earlier analyzed: the DSEIR should fully describe the Project: the Project's additional size requires full environmental analysis. The DSEIR should fully analyze, discuss, and assess any and all Project related impacts on hydrology and drainage, and propose necessary mitigation.

Further, the increased size of the Project including the increased parking areas may create significant environmental impacts on water runoff, drainage, and erosion in the Project area. Any such increases will affect waters within the jurisdiction of the City of Newport Beach. Hence, the DSEIR should fully discuss, analyze and assess all such impacts, and propose any necessary mitigation.

In connection with Section a) i), the Discussion states that "plans for sedimentation and erosion will respond to requirements for reseeding and replanting . . .," the DEIR should fully describe the Project including any responses for reseeding and replanting, and if necessary, propose necessary mitigation.

Further, in connection with Section a) ii), the Discussion notes that a hydrology study is being prepared and the NOP notes its expectations regarding such study. The DSEIR should fully discuss and analyze such impacts and, if necessary, propose adequate mitigation for any such impacts.

Likewise, Sections b) and d) should include a similar discussion in connection with the appropriate sections.

f. Water Quality:

Sections 5.6 a) addresses the Project's potential to violate water quality standards. It promises another study: a water quality study. Because of the Project's increased size and increased area of impervious surfaces, DSEIR should fully address, discuss and analyze such impacts and propose necessary mitigation which may include pervious pavement and appropriate swales to reduce runoff and promote percolation.

As to the Section 5.6 b), which addresses the Project's potential to deplete groundwater supplies, several issues arise. First, this subject does not address water quality but hydrology, or subsurface hydrology. The DSEIR, again, must do better: It should fully discuss the Project's impacts, and clearly assess and categorize such impacts.

Second, this subsection is confused: it concludes that the Project will not deplete groundwater supplies. However, it continues:

“This is reflected in the storm water treatment system that includes cisterns to capture runoff . . .”

This Project feature is admirable but not explanatory. Again, the DSEIR must do better. It must explain the relation between the small cisterns and the groundwater supplies. Further, the DSEIR should fully discuss the Project’s impacts on groundwater resources, the ability of these small cisterns to recharge any groundwater basins in the vicinity of the Project, and propose any necessary mitigation. Moreover, the hydrology study promised in the NOP should include discussion of the Project’s impacts on groundwater supplies.

g. Transportation/Circulation:

According to the NOP, the traffic studies conducted for FEIR 511 and FEIR 524 showed that all intersections studied would operate at a LOS C or better with the exception of AM peak hour ICUs at four intersections. “These intersections would operate at LOS D, which is considered acceptable by the County of Orange for new and established intersections.” The NOP states that “(t)he traffic study analyzed a post-2010 timeframe corresponding to build out of local (Newport Beach and Irvine) and County General Plans . . .”

Newport Coast has been annexed by the City of Newport Beach. According to the agreement entered into with the County of Orange on October 9, 2001, the City will have full planning authority at build out, the intersections should be analyzed using Newport Beach standards of acceptable levels of service. The DSEIR should include such standards, fully discuss all Project related impacts on transportation/circulation, and propose necessary mitigation.

In addition, according to the NOP, the former project analyzed in FEIR 524 included parking for 747 cars. Table 2 indicates that the number of cars to be parked has nearly doubled with the proposed project. The NOP states that a new on-site circulation study is being prepared for the proposed project, and it will address parking. However, the NOP states that, with the exception of the circulation study that will address parking, the Supplemental EIR will not address transportation issues because there is “No Substantial Change from Previous Analysis.” This additional number of cars associated with the proposed project should be addressed in a new traffic study for the DSEIR and, if necessary, propose adequate mitigation.

Finally, the NOP appears to contain a typographical error in the first paragraph of Transportation/Circulation Subsection e) of the NOP. The paragraph states that “FEIR 511 did not provide a traffic study.” However, Subsection a) refers to a traffic study conducted for FEIR 511. The reference is Subsection e) is most likely to a parking study. However, if this guess is incorrect, the DSEIR should fully explain such studies and ensure that the study address all Project related impacts and propose necessary mitigation.

h. Air Quality:

Sections 5.8 b) through e) discuss the earlier versions of the Project and conclude that the DSEIR will include an air quality study to determine whether the Project will,

e.g. exceed applicable standards. However, Section 5.8 a) which addresses the Project's consistency with applicable air quality plans makes no reference to the air quality study and concludes that the DSEIR will not address the issue. To the extent that the DSEIR and the air quality study will address, among other things, the Project's potential to exceed existing standards and propose any necessary mitigation, these documents should also address and propose any necessary mitigation for any Project related conflicts with applicable air quality plans.

i. Noise:

Sections 5.9 a), b), c) and e) indicate that the County will prepare a noise study for the Project. These sections repeat a familiar refrain: the study is not expected to show any change. This expectation is not environmental analysis: the DSEIR should incorporate the noise study and include it as an appendix, fully discuss all aspects of the study and any impacts recognized in the study, and propose necessary mitigation.

Further, according to the NOP, the size and extent of the Project's parking structure(s) are larger and are terraced into the hillside. This Project feature may result in additional short term noise impacts resulting from construction activities and possibly blasting. Among other things, the noise study and the DSEIR should discuss and analyze such short term construction impacts and propose necessary mitigation.

i. Biological Resources:

Section 5.10 concludes that the Project will result in "No Substantial Change from Previous Analysis" with respect to endangered, threatened or rare species or their habitat. However, the NOP does not clearly identify when the last biological surveys were completed for the proposed project area. It appears that surveys were conducted in 1986 and 1987. According to the NOP,

"(n)o subsequent studies were done at the time of EIR certification because conditions previously analyzed were felt not to have significantly changed except that the site had been disturbed by construction activities for adjacent development projects.

"Since certification of FEIRs 511 and 524, the NCCP has been adopted for the area. In addition, Coastal Sage Scrub (CSS) revegetation has occurred over parts of the project site within the Pelican Hill and Golf Course special linkages. **Some of the revegetated areas will be impacted by the development.** An updated biological assessment will be included in the EIR."

NOP, p. 36. Emphasis added. The NOP contains no reference to any biological studies that were conducted in connection with the adoption of the NCCP. However, the NOP's recognition that some of the revegetated areas will be impacted by the development of the proposed project indicates that the Project may create significant impacts on biological resources.

The biological study and the DSEIR should discuss any and all such potentially significant impacts and propose necessary mitigation.

k. Aesthetics:

Section 5.11 concludes that the Project will create no substantial changes from the previous analysis and for each analytical item concludes that the DSEIR will not discuss any aesthetic impacts.

As before, the NOP improperly attempts to conduct its own environmental analysis. For instance, Section 5.11 a) addresses the Project's impacts on scenic vistas or views open to the public. The NOP states that the earlier environmental documents found that the earlier versions of the Project may create significant impacts on such views, but that such impacts were reduced to insignificance as a result of the open space dedication program.

As to the Project, the NOP concludes:

“As a result of its location in the primary inland viewshed area and proximity to the existing golf club, its project design and construction will also contribute to the preservation of the dominant feature of the hillside, the lower knolls on the frontal slopes.”

This is welcome news. However, it is premature: the NOP contains nothing specific about the location of the Project, nothing at all about the Project design, and still less regarding construction of the Project. Clearly, these items require full explanation rather the conclusions in the NOP.

Notwithstanding the NOP's glib pronouncements on the Project's aesthetic impacts, the DSEIR should fully assess the Project's impacts on all aesthetic items including scenic vistas, scenic highways, the potential to degrade existing aesthetics, and the creation of light and glare impacts. If necessary, the DSEIR should propose adequate mitigation for all such impacts.

l. Recreation:

Section 5.13 a) and b) conclude that the Project will create no substantial changes from the previous analysis in connection with impacts on area recreational facilities and include or expand recreational facilities. As before, the NOP attempts to conduct a truncated analysis.

The Project increases the size of structures and attendant parking over earlier versions. The parking increase alone may create a significant impact on recreational facilities in the area because the Project will accommodate more cars and residents.

The DSEIR should fully discuss the Project's impacts on recreational facilities

and propose necessary mitigation.

m. Hazards:

Section 5.15 g) concludes that the Project will not result in a substantial change from previous analysis regarding the Project's potential to impair implementation of or interfere with an adopted emergency response plan. This section begins with the "finding" that the Project "would serve to enhance the implementation of such plans. However, it offers no explanation for this enhancement. Further, the NOP notes that the earlier environmental documents found no impacts on hazards or emergency response plans.

Much has changed since the certification of the earlier documents: September 11, 2001.

The DSEIR should fully analyze, discuss and address the Project's impacts on hazards and hazardous materials including its impacts, if any, on emergency response plans. If necessary, the DSEIR should propose adequate mitigation.

n. Public Services:

Section 5.16 a) and b) conclude that the Project will result in no significant changes from the earlier versions and earlier analysis in connection with the Project's potential to affect fire and police services.. Thus, the DSEIR will not address these issues.

Among other things, the NOP notes that the earlier analyses relied on the earlier project design to mitigate potential impacts to fire and police services. However, as the NOP recognizes, the Project design has changed and the NOP contains no specifics regarding the nature of the new design. The DSEIR should fully discuss such changes, their impacts on public services, if any, and propose necessary mitigation.

As indicated above, the NOP's blindness to changes regarding security and terrorism is surprising. Given the change in circumstances together with the changes in the Project, the DSEIR should analyze the Project potential to affect public services including fire and police services, and propose necessary mitigation.

o. Mandatory Findings:

Section 5.18 a) addresses the Project's potential to degrade the environment including its potential to "threaten to eliminate a plant or animal community." The NOP concludes that the Project will result in no substantial changes to the previous versions of the Project in its potential to degrade the environment.

However, as noted above, the Project will result in the destruction of some revegetated plant communities. As such, the DSEIR should include an analysis of the Project's

potential to degrade the environment.

Further, Section 5.18 d) surprisingly finds that the Project "will create regional job opportunities and facilitate the implementation of identified additional recreational needs in the area . . ." Such findings indicate that the Project may be growth enhancing which in itself would warrant analysis in the DSEIR.

Also, such findings seem to imply that the Project could have impacts which though individually limited but cumulatively considerable. Section 5.18 c) concludes that there are no such impacts but this section ignores the growth enhancing character of the Project. The DSEIR should address such cumulative impacts of the Project in relation to other projects in the area and, if necessary, propose adequate mitigation.

3. Conclusion:

Thank you again for the opportunity to comment on the NOP for the Project. We hope that these comments and others will assist the City in the preparation of the DSEIR.

December 20, 2003

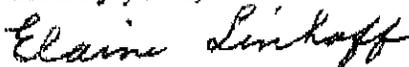
Mr. Robert Hawkins
Environmental Quality Affairs Committee
City of Newport Beach

Dear Chairman Hawkins:

Please accept my resignation from EQAC effective December 20, 2003. I have enjoyed serving on the committee and I have learned a lot, but the time has come for me to move on to other things. The City is fortunate to have a group of such capable people willing to volunteer, and the other members of this committee have earned my respect and admiration. I will miss seeing you all.

As chairman, I feel you have done an outstanding job. Thanks for filling in when some of us falter.

Sincerely yours,



Elaine Linhoff

<http://www.latimes.com/news/local/pilot/news/la-dpt-irvine17jan17,0,4739619.story?coll=la-ten-pilot-news>

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Irvine project worries Newport

A commercial development on the border will dump traffic into Newport intersections, city officials say. They want a new study.



June Casagrande
 Daily Pilot

January 17, 2004

NEWPORT BEACH — A 487,000-square-foot office and retail development on the city border will dump traffic into about a half-dozen Newport intersections and the developer should upgrade the nearby roads, city officials say.

What's more, the project is relying on 12-year-old information to gauge its effects on traffic, and it uses something called transfer credits to allow its development — Newport Beach leaders say these are serious problems.

The Scholle development, slated to be built at 19000 Jamboree Road near Fairchild Road as part of the Irvine Business Complex, takes square footage allowed to be built north of the San Diego Freeway and transfers those rights to south of the freeway. Because of these transferred rights, Newport Beach officials say, planners should conduct new environmental studies.

"That's our great concern," said Sharon Wood, Newport Beach assistant city manager. "The traffic analysis for that 1992 [environmental report] would have assumed that car trips were ending and originating at sites north of the 405 [Freeway]. So most of the mitigations they proposed were north of the 405, even though now they've changed it so that the trips will take place south of the 405."

The intersections likely to feel the biggest crunch are Jamboree Road at Macarthur Boulevard and Macarthur Boulevard at Fairchild Road. Though the latter intersection is entirely within Irvine's borders, Newport officials say it will still affect traffic inside Newport's borders. So far, no one has studied how many car trips the project will add to local roads, and Newport Beach leaders want that changed.

Studies by the city's Environmental Quality Affairs Committee also suggest that a number of other streets will get more cars from the project, including much of Bristol Street, especially at Jamboree.

The City Council voted unanimously on Tuesday to send a letter to the developer and the city of Irvine saying that new studies should be done.

If Newport streets are going to bear the burden of all those extra trips, the developer should be

responsible for roadwork that will make traffic flow better, the council said.

"This really impacts the entire system," Newport Beach Mayor Tod Ridgeway said. "What we want is for them to mitigate the impacts."

Roadway improvements could include added turn lanes or overpasses at some intersections.

Greenlight spokesman Phil Arst said he's glad the city is taking action.

"We support it, and it's definitely better late than never," he said.

Greenlight doesn't take an active role in projects outside the city border, Arst said. In talks that took place while the Greenlight Initiative was being formed, officials agreed that Greenlight's power lay within city borders but that the city had more power to influence other communities.

"We sort of split the load," Arst said.

The Scholle project is planned with 425,000 square feet of office space, a 7,500-square foot restaurant and a 54,000 square-foot health club.

Representatives for the developer and the Irvine city planner overseeing the project could not be reached for comment on Friday.

• **JUNE CASAGRANDE** covers Newport Beach and John Wayne Airport. She may be reached at (949) 574-4232 or by e-mail at june.casagrande@latimes.com.

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