



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DATE/TIME: Monday, May 7, 2007 - 7:00 p.m.

LOCATION: Police Department Auditorium
870 Santa Barbara Drive

Roll Call

1. Minutes of April 16, 2007 (*draft minutes attached*)
2. Review of Subcommittee Report on Draft Mitigated Declaration for Aerie Condominium Project, 201-205 & 207 Carnation Avenue and 101 Bayside Place; and Approval of Comments (*draft report attached*)
3. Economic Development Committee (EDC) Representative's Report
4. Coastal/Bay Water Quality Committee Representative's Report
5. Report from Staff on Current Projects
6. Public Comments
7. Future Agenda Items
8. Adjournment

NEXT MEETING DATE: June 18, 2007

*Attachments can be found on the City's website <http://www.city.newport-beach.ca.us>. Once there, click on **City Council**, then scroll to and click on **Agendas and Minutes** then scroll to and click on **Environmental Quality Affairs**. If attachment is not on the web page, it is 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 4-16-07

Draft minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach Police Department Auditorium, 870 Santa Barbara Drive, on **Monday, April 16, 2007.**

Members Present:

X	Nancy Gardner, Council Member	X	Sandra Haskell
X	Michael Henn, Council Member	X	Barry Allen
	Bruce Asper - <i>excused</i>	X	Kristine Adams
X	Dolores Otting, Vice Chair		Marianne Zippi - <i>excused</i>
	Kimberly Jameson	X	Arlene Greer
X	Matt Wiley		Jack Wu - <i>excused</i>
			Jennifer Winn - <i>excused</i>
		X	Ray Halowski
	Brent Cooper - <i>excused</i>		Barbara Thibault - <i>excused</i>
X	Laura Dietz	X	Merritt Van Sant
X	Kenneth Drellishak, Chair		Robert Rush - <i>excused</i>
X	Laura Curran		John Mofakhar
X	Michael Smith		

Staff Representatives:

Guests Present:

X	Assistant City Manager Sharon Wood	Richard and Karen Julian
		Phillip Bettencourt
		Tim Stokes

Chairperson Ken Drellishak called the meeting to order at 7:06 p.m.

1. Minutes of March 19, 2007

Ray Halowski moved to approve the minutes as written. Sandra Haskell seconded the motion.

Kristine Adams and Arlene Greer were added to the Hyatt subcommittee, and Sandra Haskell was moved from the Hyatt subcommittee to the Hoag Hospital subcommittee.

Motion passed unanimously

2. Appointment of Subcommittee to Review Draft Mitigated Declaration for Aerie Condominium Project, 201-205 & 207 Carnation Avenue and 101 Bayside Place

Members were appointed to the Subcommittee with assignments as follows:

Aesthetics

Sandra Haskell

Dolores Otting

Arlene Greer

Agriculture and Air Quality

Laura Dietz

Geology and Soils

Matt Wiley

Hazards and Biological Resources

Ray Halowski

Hydrology and Water Quality

Merritt Van Sant

Land use and Planning

Laura Curran

Brent Cooper

Noise, Population/Housing and

Barbara Thibault

Public Services

John Moftakhar

Traffic and Utilities

Barry Allen

To have comments ready for the next Planning Commission hearing scheduled for May 17, the Committee changed the May meeting date to May 7.

3. Discussion of Duties and Responsibilities of EQAC

After discussion, the Committee recommended no changes to the City Council Resolution establishing EQAC. Council Member Gardner suggested that EQAC should increase liaison with other committees, and the Committee requested a new standing agenda item for a report from the Coastal/Bay Water Quality Committee. Council Member Henn suggested that the City Manager communicate to EQAC that they should review the negative declaration for any project that the Committee believes is significant. Laura Dietz moved that the Chairperson be responsible for regular review of the Planning Department Case Log to determine which negative declarations should be reviewed by EQAC. Laura Curran seconded the motion.

Motion passed unanimously

4. Economic Development Committee Report

Chairperson Drellishak reported on a discussion of parking at the March meeting, and that EDC had recommended that the City Council include funding in the 2007-08 budget for a consultant to study and make recommendations for specific areas of the City.

5. Report from Membership Subcommittee

Sharon Wood reported that she had advised Council Member Webb of the vacancy from District 3.

6. Report from Staff on Current Projects

Sharon Wood reported that there were no changes in EIR schedules from the information presented in March. She also advised the Committee that the City Council had approved a contract with consultants to rewrite the Zoning Code, as part of implementing the new General Plan.

7. Public Comments

None

8. Future Agenda Items

Ray Halowski requested that EQAC explore the "Zero Waste" program at a meeting after a conference being held on the subject on June 7.

9. Adjournment—

The meeting was adjourned at 8:38 p.m. to Monday, May 7, 2007.

DRAFT

To: James Campbell, Senior Planner, City of Newport Beach
From: Environmental Quality Affairs Committee (EQAC)
Subject: ARIE (PA 2005-196) Mitigated Negative Declaration (MND) Review
Date: 8 May 2007

EQAC is pleased to submit the following comments on the proposed project in hopes of improving the project for the residents of Corona Del Mar and the City of Newport Beach.

8.0 Description of Project (pages 1-2)

The proposed project includes 9 condominium units on 7 levels, but the table on page 2 does not show which units occupy these 7 levels. It would be helpful to show which units occupy which levels under the “level” column on the figure and which are on top and bottom.

It appears that provisions are made for 2 garage spaces in the vicinity of each of the 9 units with 180-185 sq. ft. allocated for each parking space. The report states that Level 4 (approximately at ground level) will provide for 4 residential parking spaces plus 3 guest spaces. Where are the additional 4 proposed guest parking spaces located?

VI. Geology and Soils (pages 9-10)

32,400 cubic yards of hillside must be removed to accomplish the proposed project. It would seem that this could result in potential weakening of the landward hillside with associated risks to properties above the site on Carnation and the need to substantially reinforce the excavated hillside to protect the new construction. However, there is no acknowledgement of this situation in the impact summary and, thus, no mitigation proposed. Where is that issue dealt with?

Further, the lowest level of the proposed project will be “fully subterranean” (page 1). This would lead to logical questions regarding water penetration into and around the new structure, and the need to deal with this situation. Is mitigation needed to deal with this?

With such an extensive excavation activity, the potential exists for excavation debris to migrate into the beach/cove area and ultimately into Newport Bay. Is a mitigation measure needed to prevent this potential contamination?

I. AESTHETICS (pages 16-26)

a) Would the project have a substantial adverse effect on a scenic vista?

The document states there would be less than a significant impact on this scenic vista and we concur

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway?

No.

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

No. The project will be revised so that it is to be within the predominant line of existing development, which will result in the reduction of the project's impact on the visual quality of the coastal bluff. Mitigation measure I-1 will ensure that the project will not have a significant impact to visual resources.

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

No. This residential development replaces an existing apartment building and should be no more obtrusive than the existing structure with reference to night visuals and glare. The document states that 'outdoor lighting within the project site would be to illuminate the affected activity area on site, and would not cast any illumination or incidental glare beyond the property limits.'

II. AGRICULTURAL RESOURCES (page 27)

The site has never been farmland. Therefore there is no loss of farmland and consequently no impact.

III. AIR QUALITY (pages 27-29)

Only one category [c] has been deemed other than "no impact" or "less than significant". With mitigation measures outlined on page 29, it appears that the contractor is required to take such measures as to reduce fugitive emissions caused during construction from soils, building materials, and construction vehicles, therefore qualifying for the designation of "less than significant with mitigation incorporated".

VI. GEOLOGY AND SOILS (pages 31-32)

a) iv) This section addresses the issue by reference back to the response to VI.a.iii and this seems like an inadequate response. The site is on a very steep hill and a landslide either during construction or as a result of the site being undermined by water during heavy rains or a break in a water pipe is not adequately addressed. Landslide is the prima

facia first issue that comes to mind when viewing the site.

b) This section notes that impervious conditions will be increased by 11% compared to existing conditions. This would seem to minimize erosion of topsoil, but the increased run-off of water into storm drains is not addressed here nor in the hydrology section on page 34.

IX. LAND USE AND PLANNING (pages 37-46)

b) The discussion on page 38 states that the General Plan and Zoning allows up to 28 dwelling units on the site. This seems counterintuitive since the zoning excludes submerged lands and slopes greater than 50% and the General Plan does not. Clarify the allowable zoning density by applying the allowable density ratios to the project area that excludes submerged lands and slopes greater than 50%.

Page 38, 4th paragraph - Provide greater discussion on the criteria to allow encroachments into setbacks. Is maintenance of area character a reason to allow development to encroach into setbacks or does the encroachment require a Variance with findings?

Page 39, 2nd paragraph - The allowance of subterranean parking garages accessed with elevators would seem to be a far less convenient parking management plan than most every home in Newport Beach and therefore, inconsistent with the spirit of Policy 2.9.3-1. How would a condition requiring residents to park in the garages be enforced?

Page 40, 4th paragraph - Replace the word “in” with “is” as in “public access is not necessary... “

Page 41 - Please clarify whether Mitigation Measure XI-5 would allow subterranean development below 52 MSL. If so, how will the applicant assure that the bluff face will not be disturbed below 52 feet MSL during construction?

Policy 4.4.3-13:

Page 45, 3rd paragraph - Change sentence 2 regarding habitat restoration to read:

Project would implement this habitat restoration project through engagement of a certified restoration ecologist with experience in Orange County coastal sage scrub (CSS) bluff restoration. A suitable monitoring program will be put in place, with regular monitoring and suitable maintenance in effect, for a suitable period of time, generally 3 years.

Background: Hydroseeding is not necessarily the most effective way to achieve habitat restoration for coastal bluffs, as it may not provide for the incorporation of signature CSS species into the selected CSS plant pallet, which can include grasses, bushes, and succulents. CSS plants are widely available in 1-gallon sizes for use in habitat restoration. Use of a combination of seeds and starter plants selected by a restoration ecologist with experience on coastal bluff developments will create a higher likelihood of

success in the CSS plant restoration. There are multiple restoration ecologists locally who can provide ARIE with the necessary expertise.

XI. NOISE (pages 46-47)

It is not anticipated that the ARIE project will be excessively noisy in either the building or occupancy phase. Noises from recreational uses, such as the swimming pool, are in keeping with other residential occupancy uses in the neighborhood.

(If the entrance/exit to ARIE is to be from Bayside Place, a gated street, the level of noise and use on Bayside Place will be a concern for those who live on that street. (It appears from the drawings that this might be so.) If the entrance/exit is on Carnation Street, the level of noise in this area will be within current limits.)

XV. TRANSPORTATION/TRAFFIC (pages 49-52)

What size vehicle will the elevator accommodate? Many people now own very large vehicles. The elevators will need to accommodate the vehicles of residents. Otherwise street parking would be adversely impacted. How will this issue be enforced?

The parking and number of garages provided for the site are adequate and exceed minimum parking standards.

The project will have less residential units than what is currently built. It is unlikely that traffic will increase once the project is built and occupied.

The streets in the project area are narrow and if all parking spaces are occupied, large vehicles will have difficulty negotiating around the area. This could be a minor problem after construction is completed but could be a major problem during construction. The proponent should submit a traffic analysis by some appropriate expert indicating that the types of vehicles that will be coming to the site during construction will be able to negotiate all the streets in the area even assuming that all public street parking is occupied at the time of the visit of that vehicle.

The proponent and the City have evidently agreed on a number of methods to ease the traffic and parking problems associated with construction. Mitigation measure XV-1 appears to be fully set forth on page 52, and if fully enforced, should resolve most traffic issues during construction and occupancy.

This is a significant sized project that will require 2700 truck trips to haul away the debris from the demolition of the existing apartments and one residence and a lot of dirt and rock to prepare the site for the construction phase (six weeks). There will be 75 concrete trucks for construction of shoring and walls (3 work weeks). There will be 500 concrete trucks and other related construction equipment for "approximately 12 months".

This project doesn't need an EIR for traffic/transportation. It needs a Construction

Management Plan that will be strictly enforced to make this project one that will be constructed in a manner to make it livable in the area for other residents. This means open streets and adequate parking for the guest of residents and vehicles of service providers to existing residents.

One viable approach is to limit all construction activities of any type to the five-day workweek of Monday through Friday. This means the weekends will give some respite to the nearby residents from the noise that this project will necessarily cause by the demolition and then building activity and the increased large truck traffic that is associated with such major construction projects.

A Construction Management Plan should consider offering limited hours of work as indicated above as well as limitations of certain types of work that would involve large amounts of truck traffic in the area during the peak summer months or at least during the weekends in the beach summer months. The construction management plan could also set forth specifics with regards to construction workers vehicles and the parking of those construction workers vehicles and make sure that the agreements for an off-site parking lot and for ferrying the construction workers from that off-site parking lot to the scene. This writer is concerned with such off-site parking facilities for construction workers as this has been generally been considered to be "not feasible" because so many of the construction trade workers arrive at work in their pickup trucks which have and carry many of the items that they need to work on their particular specialty in construction. Therefore having them park their trucks at some off-site area and ferry them to the site may not be practical. However, all details should be discussed in the MND so the decision-makers and the public can comment on them.

It does appear from discussions of various mitigation measures and agreements that have been worked out between City representatives and the proponent are geared to trying to ease the traffic and congestion problems that necessarily occur when pretty substantial construction projects take place in normally residential areas.

At the very back of the NEGATIVE DECLARATION is a document dealing with air quality analysis. The last page of this 9 page document has a number of suggestions to deal with construction personnel and construction traffic and construction vehicles and many of these would be the type of mitigation measures that should be required by the City in order to lessen the impact during the construction phase to the lowest significant level possible considering the size of this project being built in a residential area.

General Transportation/Traffic Comments:

1. The MND does not indicate what the maximum size vehicle can be handled by the elevators. With the increased ownership of large SUV and Hummer type vehicles, the documentation should indicate if the elevators were large enough to handle the likely sized vehicles condominium occupants would own. The designers are very creative in the elevator issue. However, these issues should be discussed: (1) How will the people exit in an emergency (earthquake) with their vehicles if the power is out? (2) This is probably

not a traffic/transportation issue but are there stairs for people to exit from their units to the street? (3) What would prevent someone from going into another person's garage and entering their unit from the garage? This again isn't a traffic/transportation issue but one involving security.

2. Can the streets in the area, assuming all public parking remains, handle the turning of large construction vehicles on these narrow streets? The MND should discuss what studies were done that show this and if the studies show some public parking will have to be removed, it should indicate where that is, how many spaces it involves, and what mitigation for that loss of public parking is being offered or considered.

3. Large numbers of trucks will be required for the early demolition and grading construction. Has the proponent offered or has the City staff discussed, limiting the number of daily trips allowed to draw out, over a longer term, this early phase to cut down the traffic problems that could develop with the more intense truck traffic and congestion on these narrow streets.

4. The project is anticipated to take more than one year to complete. Has the proponent offered, or has the City requested, a Construction Management Plan to be prepared by a company of the City's choosing? A well-administered plan has people on site to make needed changes as they occur according to a pre-established protocol that is developed by the proponent, City staff, construction professionals, and neighborhood input.

5. The MND discusses limited construction during the summer months. As the idea of limiting all construction to Monday through Friday being considered as a method to limit the traffic and congestion and other related environmental problems such as air quality and noise to just the weekdays?

XVI. UTILITIES AND SERVICE SYSTEMS (pages 52-53)

Under paragraph c) the report states that “additional hardscape will result in a slight increase in runoff...” This seems reasonable, but, since storm runoff eventually ends up in the bay via storm sewers, the proponent is encouraged to use pervious surfaces to the extent possible and minimize eventual landscape water runoff by appropriate use of catch basins and “smart” watering systems.

Electrical energy consumption is not mentioned, but the addition of a heavy lift freight elevator system and a passenger elevator system would seem to put abnormal demands on the local electrical delivery facilities. Are additional, increased capacity support facilities needed?