

**CITY OF NEWPORT BEACH  
ENVIRONMENTAL CHECKLIST FORM**

1. **Project Title:**  
MacArthur at Dolphin-Striker Way (PA2010-135)
2. **Lead Agency Name and Address:**  
City of Newport Beach  
Planning Department  
3300 Newport Boulevard,  
Newport Beach, CA 92658-8915
3. **Contact Person and Phone Number:**  
Rosalinh Ung, Planning Department  
[Rung@newportbeachca.gov](mailto:Rung@newportbeachca.gov)  
(949) 644-3208
4. **Project Location:**  
4221 Dolphin-Striker Way  
Newport Beach, CA 92660
5. **Project Sponsor's Name and Address:**  
Tod Ridgeway  
Ridgeway Development  
2804 Lafayette Avenue  
Newport Beach, CA 92663
6. **General Plan Designation:**  
MU-H2 (Mixed Use Horizontal)
7. **Zoning:**  
Restaurant Site 1 of PC-11 Newport Place Planned Community District
8. **Description of Project:**

The proposed project is redevelopment of an approximately 48,221 square-foot (1.11 acres) site. An approximately 13,525 gross square feet of new general commercial and food uses are being proposed to replace the existing single-story 7,996 square-foot, vacant restaurant. The new development will consist of two, free-standing single-story buildings. Building Pad A will be approximately 4,000 square feet in size and Building Pad B will be approximately 9,525 square feet in size. Each building has a maximum building height of 29 feet. The proposed development is designed to be compatible with the existing commercial neighborhood of contemporary structures. The proposed materials for the project are smooth troweled integral tan color plaster, simulated wood composite siding, glass and metal.

Approximately 5,000 gross square feet of the proposed new development will be allocated for food service use. Of that, 1,000 gross square feet will be allocated for a fast-food service use i.e., Subway Restaurant, while the remaining 4,000 square feet will be allocated for high turn-over dining establishments i.e., small sit-down boutique restaurants. Anticipated hours of operation for the fast-food service use would be from 7 a.m. to 11 p.m., daily; and from 11 a.m. to 10 p.m. for the high turn-over dining establishments.

The proposed 1,000 square foot fast-food use would require an approximately 20 parking spaces by using the parking ratio of one space per 50 square feet of gross floor area. The remaining 4,000 gross square feet of high turn-over dining establishments would require an approximately 50 parking spaces, by using the parking ratio of one space per 40 square feet of net public area  $[(4,000 \text{ sf.} / 2 \text{ (assuming 50 percent of total gross area is allocated for net public area)} = 2,000 \div 40 = 50 \text{ spaces}]$ . The total required parking for food service use would be 70 spaces.

The remaining 8,525 gross square feet of new development will be allocated for general commercial i.e. financial institution (4,000 square feet) and computer electronic service and cellular service retail stores. It is anticipated the general commercial uses would have hours of operation from 9:00 a.m. to 7 p.m., daily. The general commercial uses would generate a parking demand of approximately 34 spaces, by using the parking ratio of one space per 250 net square feet  $[(8,525 \text{ sf.} - 200 \text{ sf. of utility room}) \div 250 \text{ sf.} = 33.3 \approx 34 \text{ spaces}]$ .

It is anticipated that a total of 30 employees will be working at the proposed development.

The total parking requirement for the proposed development would be 104 spaces (70 spaces for food uses and 34 for retail uses). The project provides a total of 89 spaces (57 on-site and 32 off-site), resulting a parking shortage of 15 spaces per the PC-11 parking standards for the subject site. A use permit is being requested for the additional of 16-space off-site parking provision (a total of 32 spaces) and reduction of the required off-street parking in accordance with Sections 20.40.100 and 20.40.110 of the Municipal Code.

A parking study is required to analyze the existing common parking arrangement of the Restaurant Site 1 and the proposed new uses and hours of operation of Parcel 1. Also included is the proposed parking management plan per Section 20.40.110.C of the Municipal Code.

The project site is located within the PC-11 Newport Place Planned Community District and has a "Restaurant Site 1" zoning designation. "Restaurant Site 1" consists of three separate parcels, of which the project site is known as Parcel 1. Parcel 2 is currently improved with a 7,015 square-foot restaurant (Saagar Indian Restaurant) and Parcel 3 is currently improved with a 7,870 square foot sports club and restaurant (Classic Q). Parcels 2 and 3 are not a part of the proposed project, even though all three parcels have a shared parking arrangement. The

project site's common parking lot is currently accessed from Dolphin-Striker Way and Martingale Way, along the western portion of the site. The proposed redevelopment includes creation of a new vehicular access onto MacArthur Boulevard.

The project would introduce new general commercial uses to the subject site which results in the requirement of an amendment to the Newport Place Planned Community Development Plan. The amendment would create new statistical analysis standards, permitted uses and development standards by changing the subject site (Parcel 1) from "Restaurant 1" to "General Commercial Site 8". The proposed project also requires a transfer of development intensity to allow the transfer of 54 un-built hotel units from Hotel Site 2-B located at 1301 Quail Street (donor site) to the subject site to accommodate a net increase of approximately 5,529 square feet of new development.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)

Current Development:	7,996 square-foot vacant restaurant
To the north:	7,870 square-foot sports club and restaurant (Classic Q)
To the east:	MacArthur Boulevard
To the south:	Office development (Glidewell Laboratories)
To the west:	7,015 square-foot restaurant (Saagar Indian Restaurant) and Dolphin-Striker Way

The existing 48,221 square-foot (1.11 acres) project site is located on the westerly side of MacArthur Boulevard, between Martingale Way and Newport Place Drive, in the Airport Area of the City of Newport Beach. The project site is within the Newport Place Planned Community; a 135-acre master planned commercial and light industrial park and has a zoning designation of "Restaurant Site 1". Restaurant Site 1 is consisted of three separate parcels, of which the project site is known as Parcel 1. Parcel 1 is currently improved with a 7,996 square-foot single-story commercial building and a 78-space surface parking lot. The existing building was originally constructed in 1972 and last expanded in 1985.

Parcel 2 is currently improved with a 7,015 square-foot restaurant known as Saagar Indian Restaurant and a surface parking lot of 59 spaces. Parcel 3 is currently improved with a 7,870 square-foot sports club and restaurant known as Classic Q and has a surface parking lot of 74 spaces. Parcel and 2 and 3 are not a part of the proposed project, even though all three parcels have a shared parking arrangement under a reciprocal parking and maintenance agreement. Vehicular access to all three parcels is currently from Dolphin-Striker Way and Martingale Way.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

- Airport Land Use Commission (ALUC) for Consistency Review

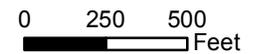


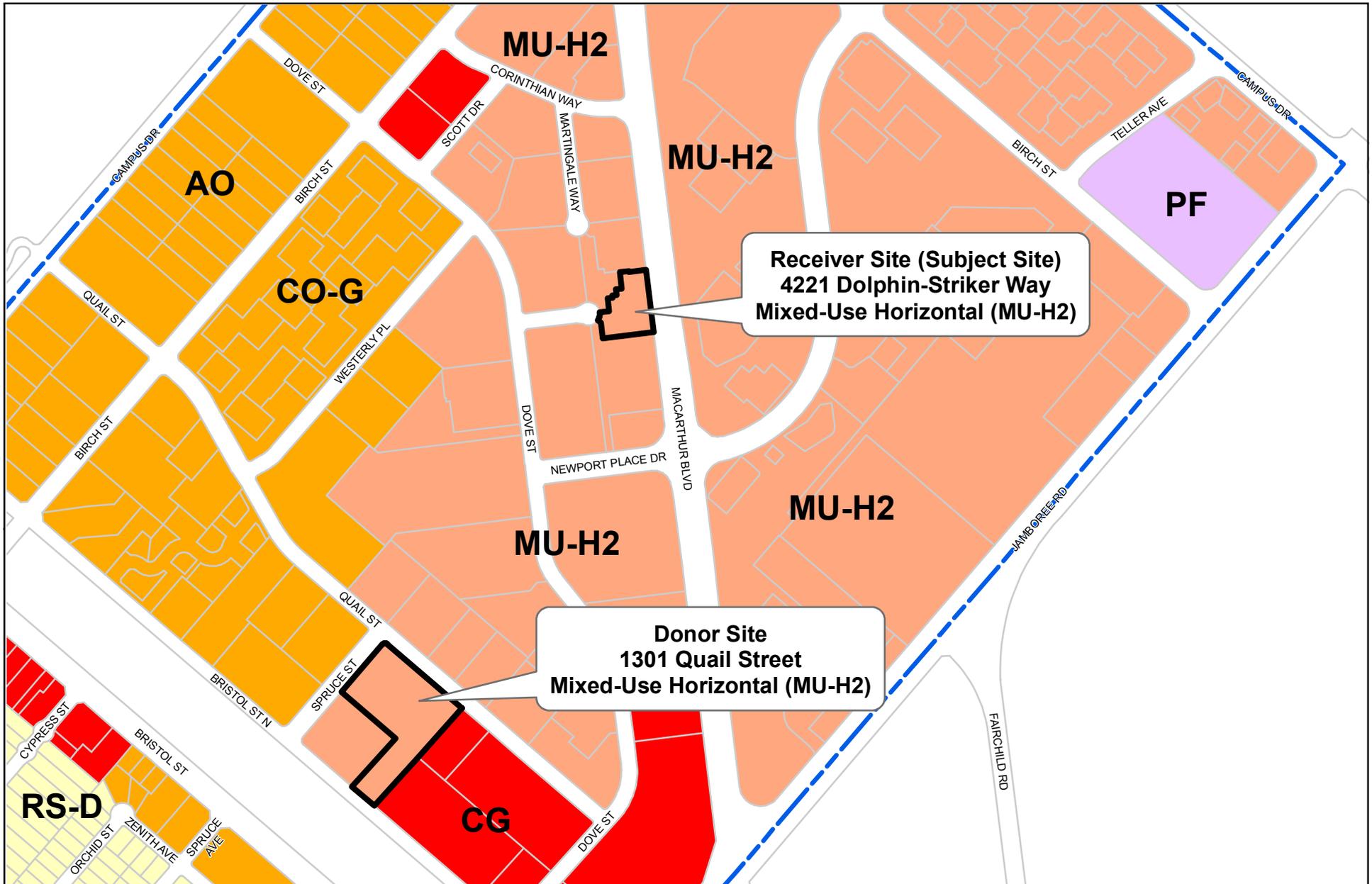
**Receiver Site (Subject Site)  
4221 Dolphin-Striker Way**

**Donor Site  
1301 Quail Street**



Vicinity Map  
 Project Title: MacArthur at Dolphin-Striker Way  
 4221 Dolphin-Striker Way (PA2010-135)





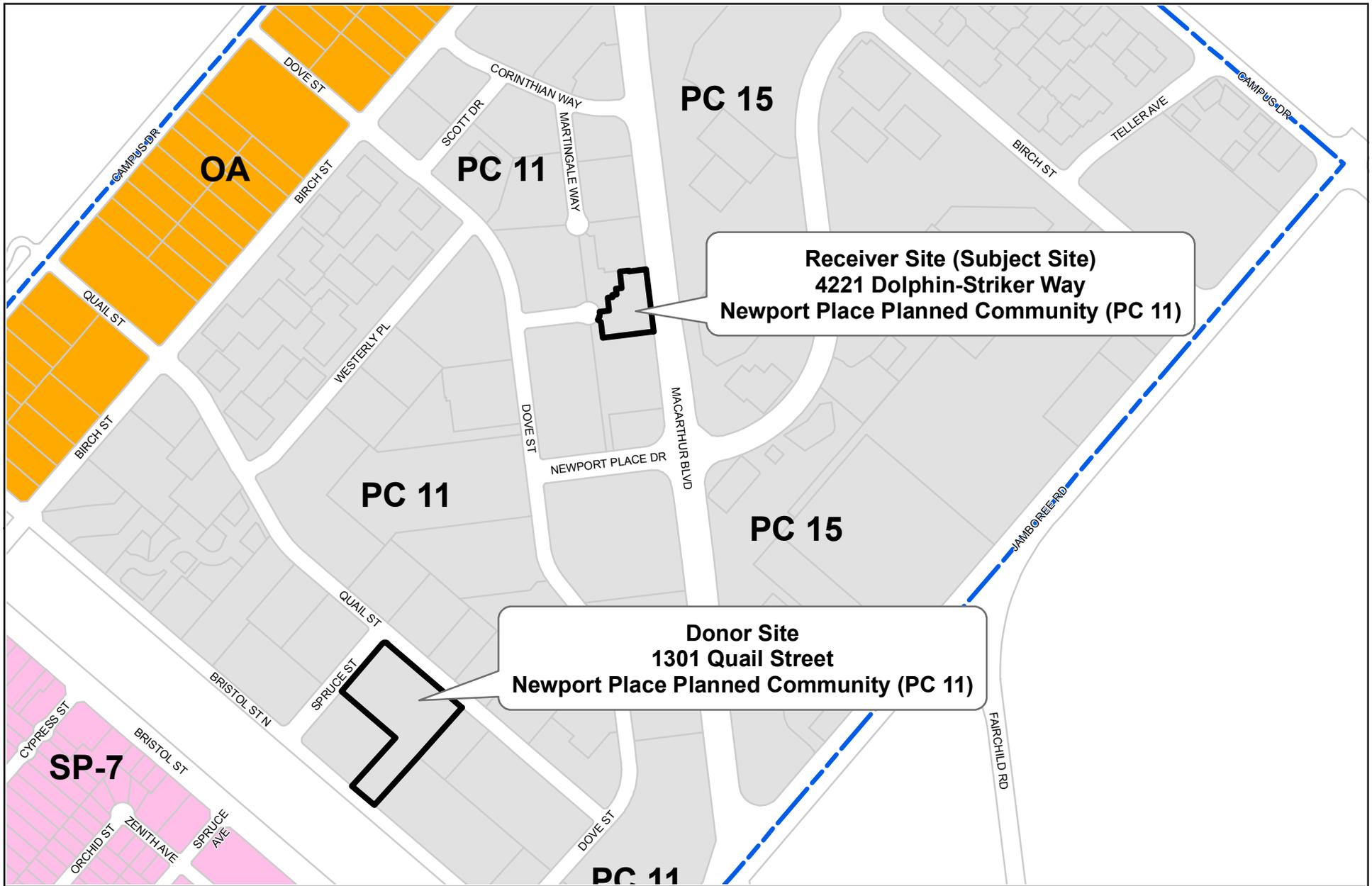
Receiver Site (Subject Site)  
 4221 Dolphin-Striker Way  
 Mixed-Use Horizontal (MU-H2)

Donor Site  
 1301 Quail Street  
 Mixed-Use Horizontal (MU-H2)



General Plan  
 Project Title: MacArthur at Dolphin-Striker Way  
 4221 Dolphin-Striker Way (PA2010-135)



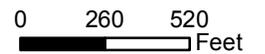


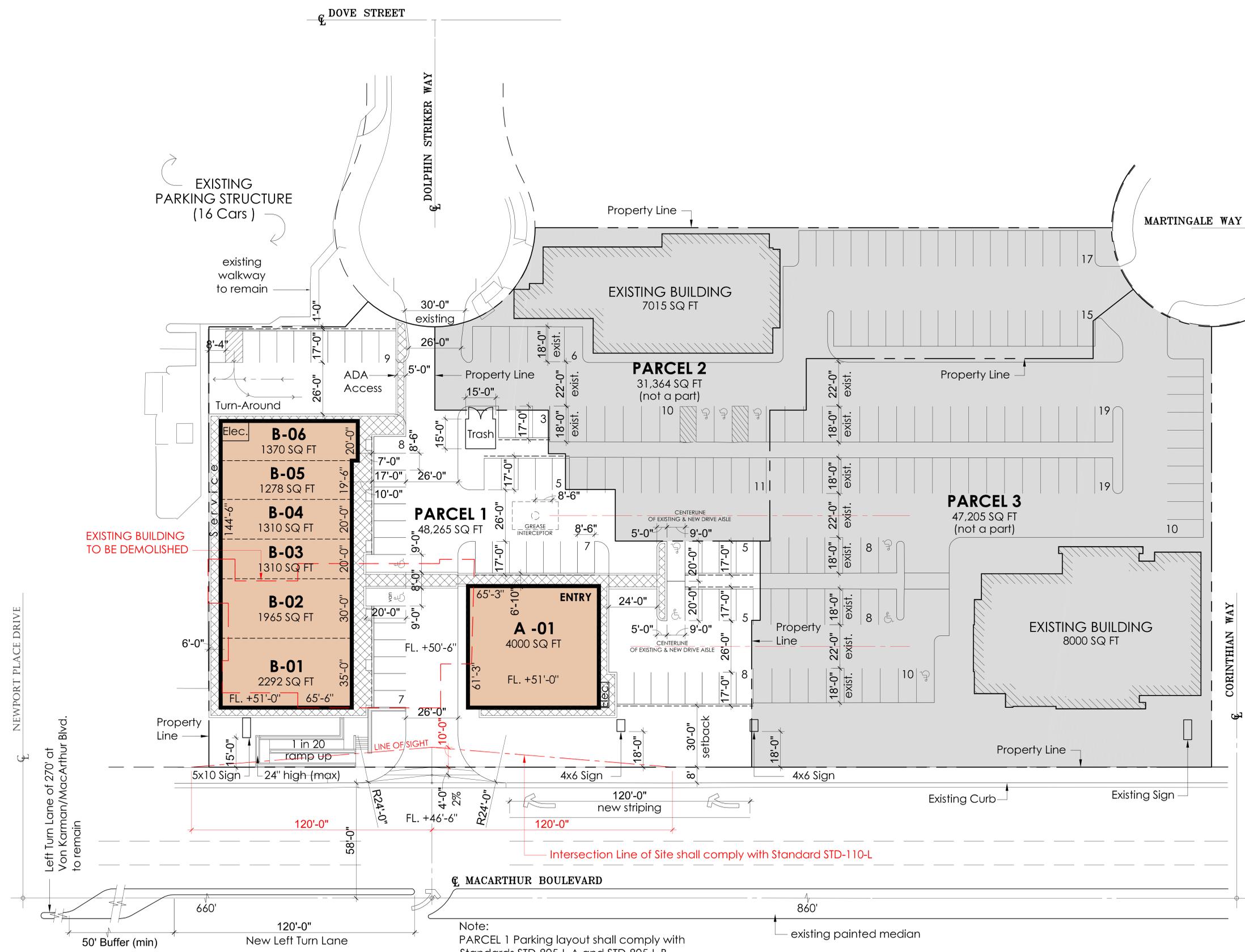
**Receiver Site (Subject Site)**  
 4221 Dolphin-Striker Way  
 Newport Place Planned Community (PC 11)

**Donor Site**  
 1301 Quail Street  
 Newport Place Planned Community (PC 11)



**Zoning Map**  
 Project Title: MacArthur at Dolphin-Striker Way  
 4221 Dolphin-Striker Way (PA2010-135)



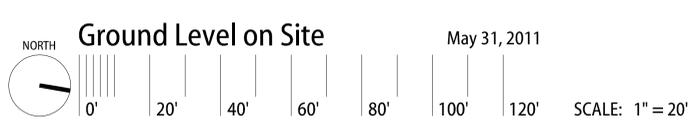


**TABULATION SUMMARY**

Parcel Name	Building Area (sf)	Parking Provided (cars)
<b>PARCEL 1</b>	<b>48,221 sf</b>	
<b>Existing Building to be removed</b>	<b>8,000 sf</b>	
<b>Proposed Buildings</b>		
Pad A (Retail Use)	4,000	4,000
Pad B (Retail Use)	4,525	9,525
Pad B (Food Use)	5,000	
<b>Total Area</b>	<b>13,525 sf</b>	
<b>Existing Parking to be modified and/or removed</b>		<b>78 cars</b>
<b>Proposed Parking (On-Site)</b>		<b>57 cars</b>
<b>Existing Off-Site Parking</b>		<b>16 cars</b>
<b>New Off-Site Parking</b>		<b>16 cars</b>
<b>Total Parking (including Off-Site)</b>		<b>89 cars</b>
<b>PARCEL 2 (not part)</b>	<b>31,364 sf</b>	
<b>Existing Building</b>	<b>7,015 sf</b>	
<b>Existing Parking (On-Site)</b>		<b>59 cars</b>
<b>PARCEL 3 (not part)</b>	<b>47,205 sf</b>	
<b>Existing Building</b>	<b>8,000 sf</b>	
<b>Existing Parking (On-Site)</b>		<b>74 cars</b>
<b>Total Building Area</b>	<b>28,540 sf</b>	
<b>Total On-Site Parking</b>		<b>190 cars</b>
(Total On-Site & Off-Site Parking For Parcel 1, 2 & 3)		<b>222 cars</b>

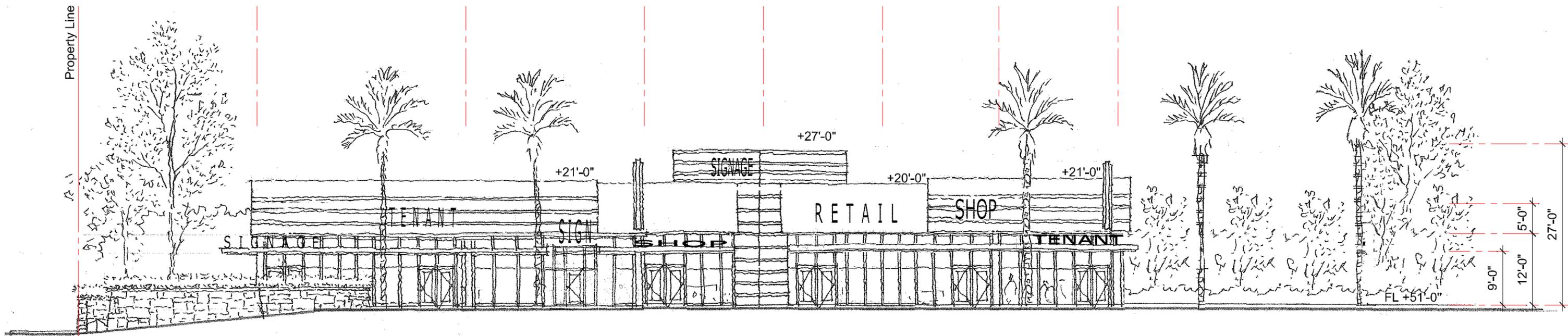


Location Map Not to Scale

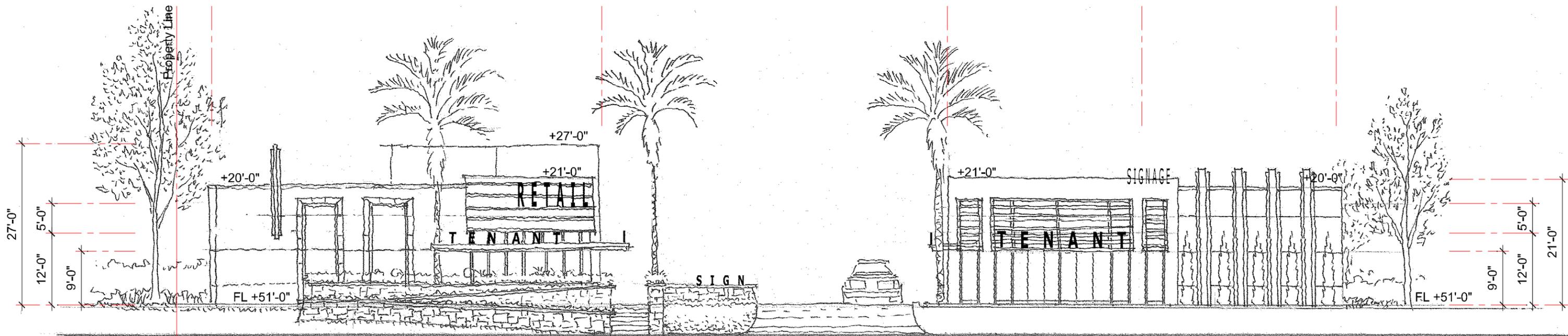


**MacArthur at Dolphin Striker**  
 4221 Dolphin Striker Way  
 Newport Beach, CA  
**RIDGEWAY DEVELOPMENT**  
 2804 Lafayette Avenue, Newport Beach  
 CA 92663 : Tel. 1 (949) 723-5854

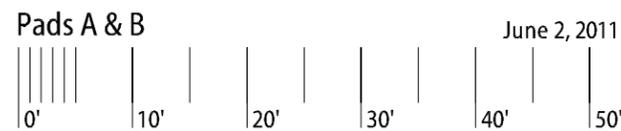
**STOUTENBOROUGH**  
 Architects and Planners  
 420 Alta Vista Way, Suite 100, Laguna Beach, Ca 92651  
 T 949 715 3257 | F 949 715 3256 | www.stoutenboroughinc.com



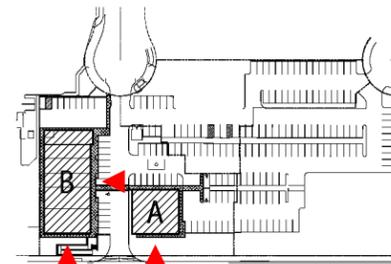
North Elevation - Pad B



East Elevation - Pads A & B



Key Plan



## MacArthur at Dolphin Striker

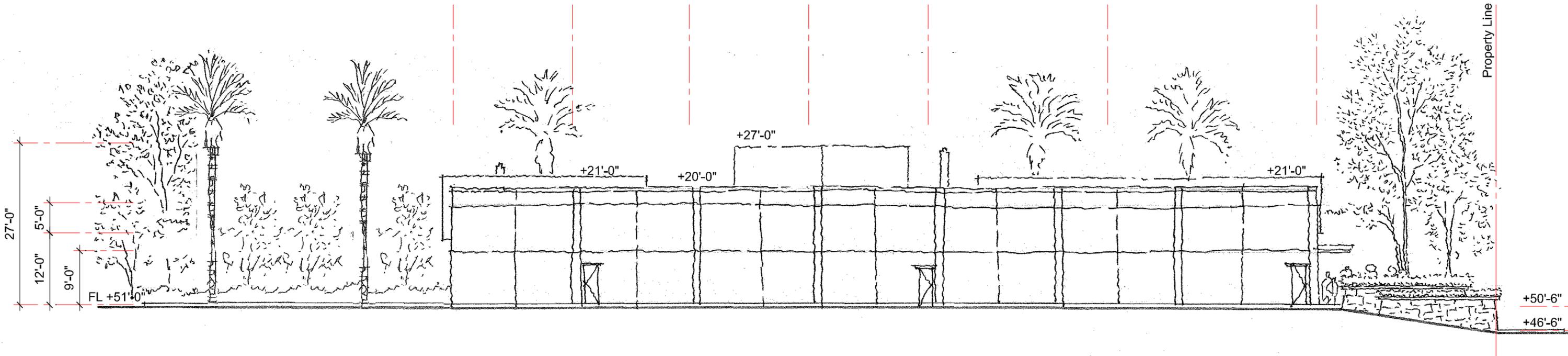
4221 Dolphin Striker Way Newport Beach, CA

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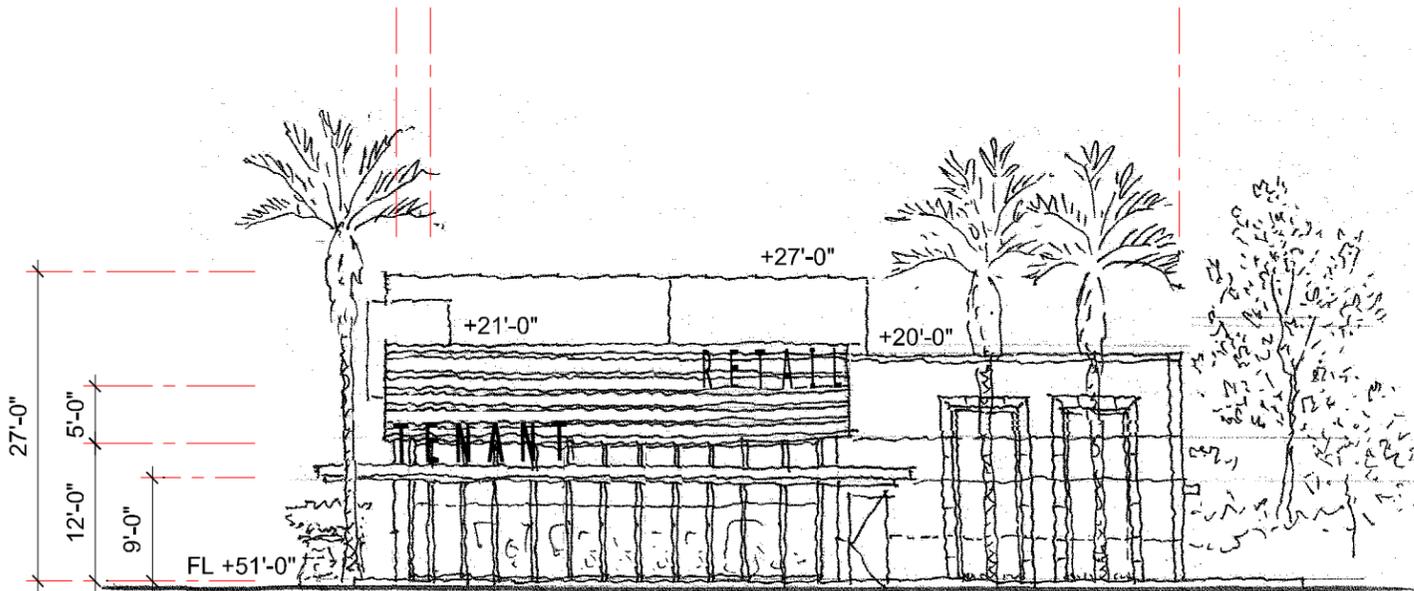
**STOUTENBOROUGH INC.**

Architects and Planners

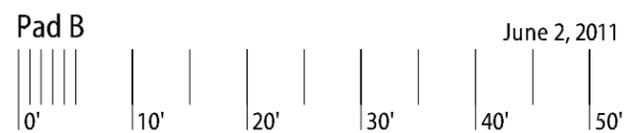
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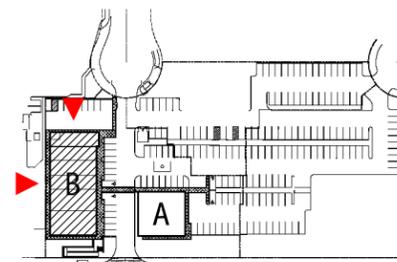
South Elevation - Pad B



West Elevation - Pad B



Key Plan



## MacArthur at Dolphin Striker

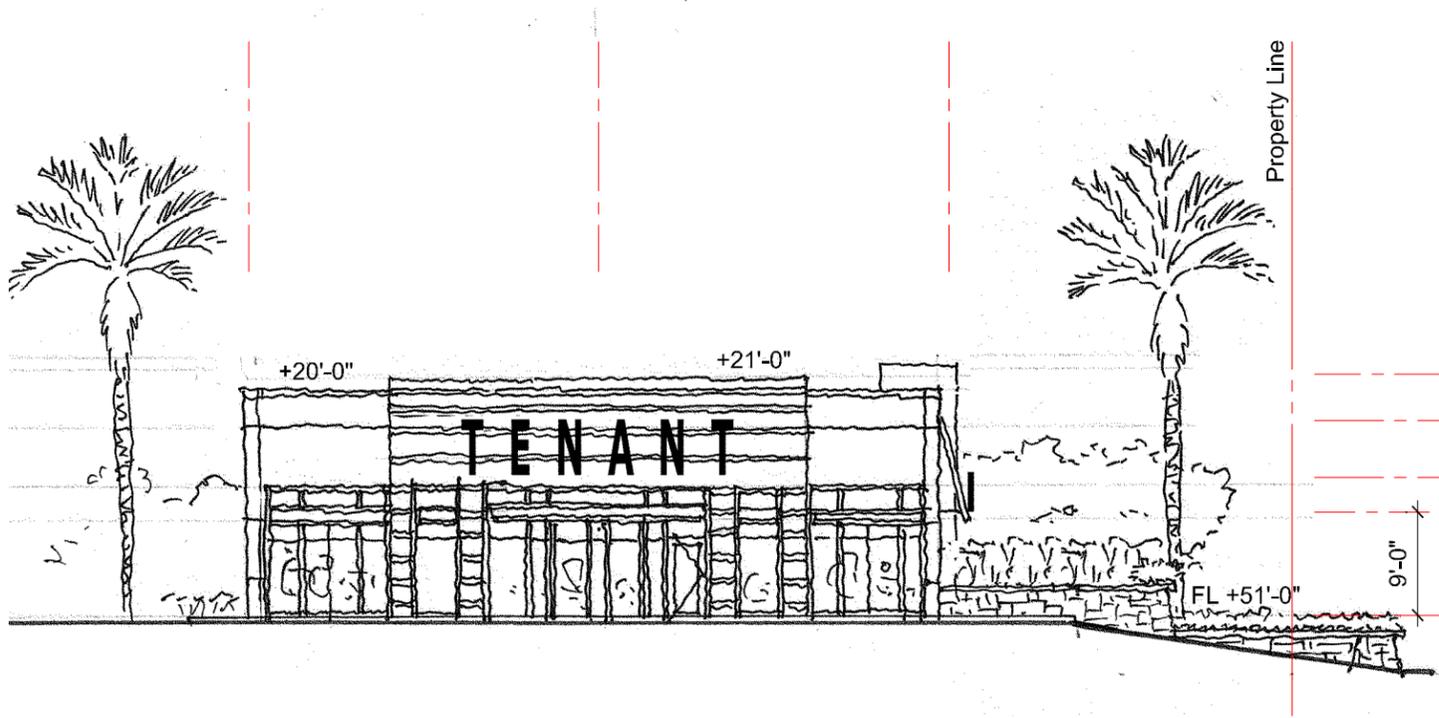
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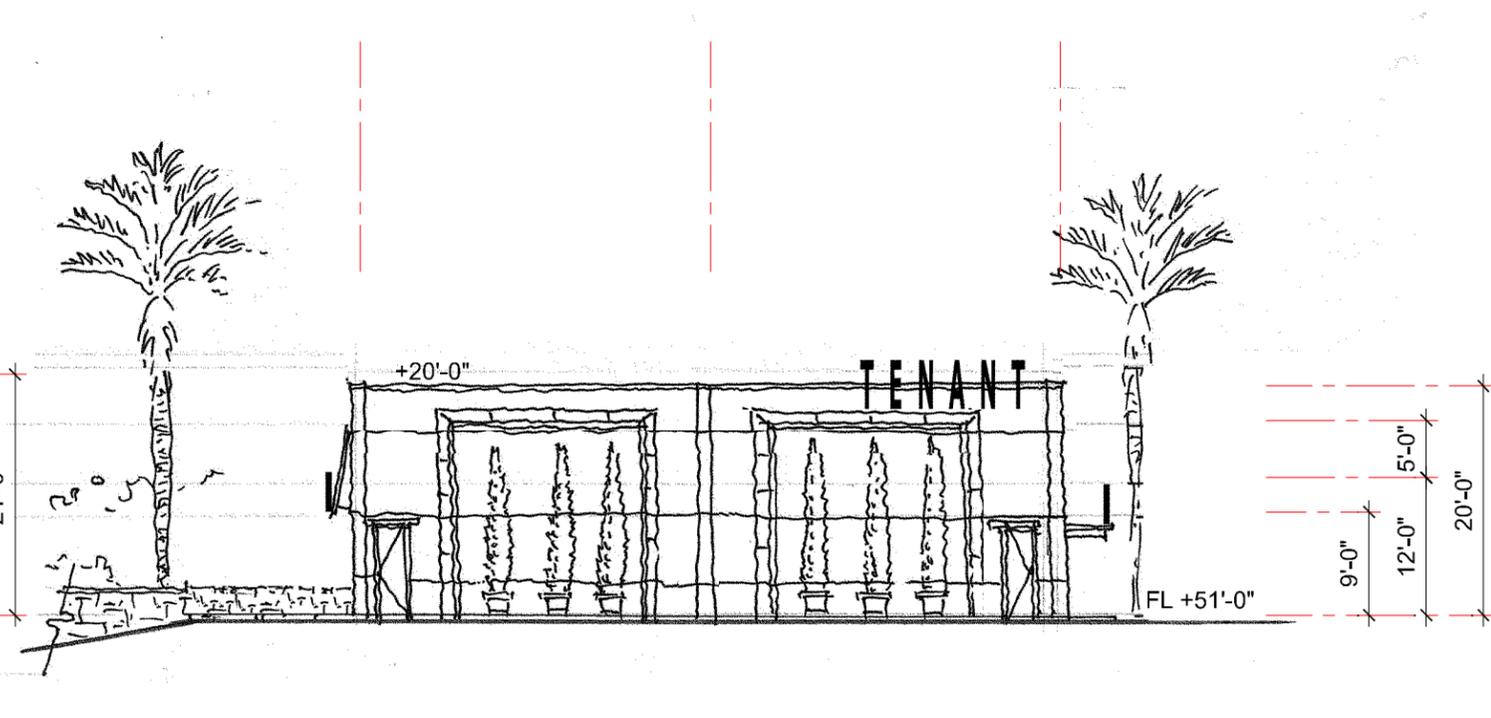
**S T O U T E N B O R O U G H** INC

Architects and Planners

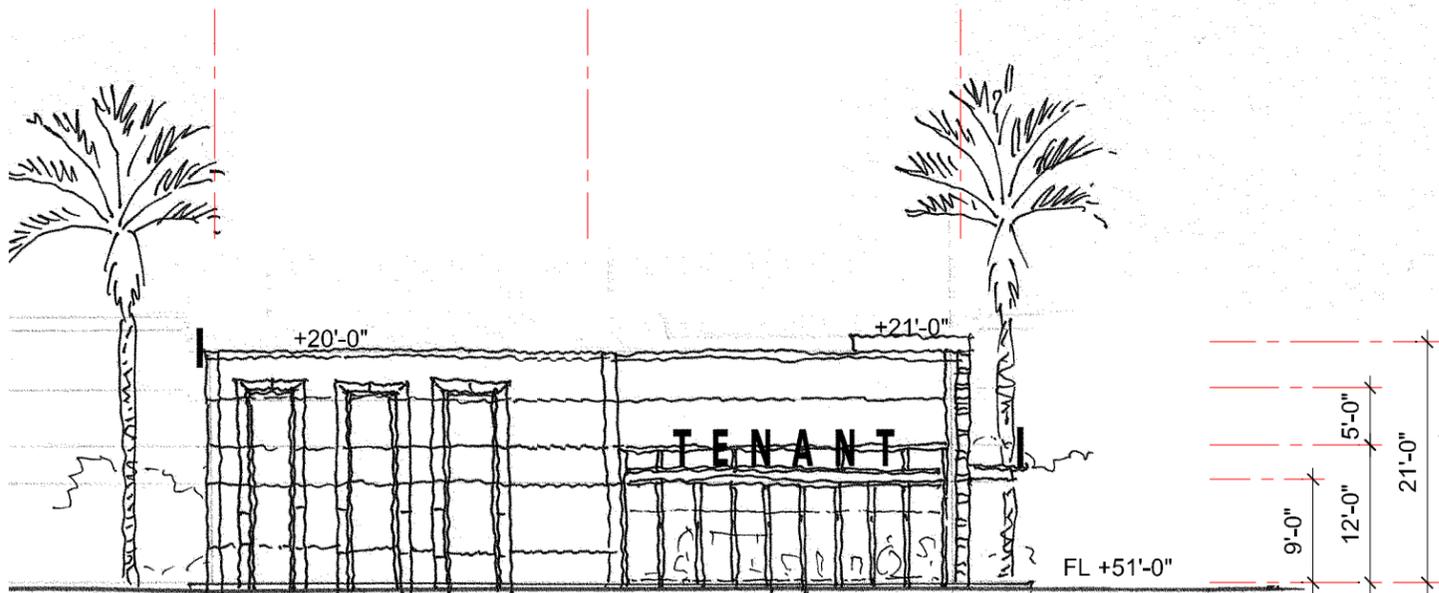
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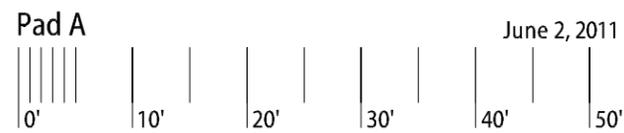
South Elevation - Pad A



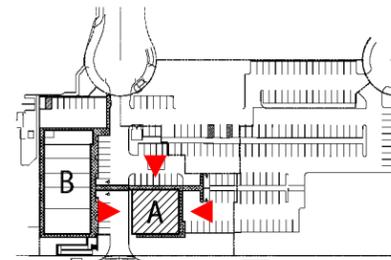
North Elevation - Pad A



West Elevation - Pad A



Key Plan



## MacArthur at Dolphin Striker

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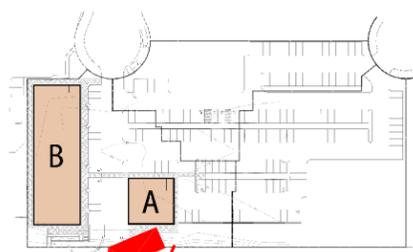
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View Along MacArthur Boulevard

October 25, 2010



Key Plan



Location Map

Not to Scale

## MacArthur at Dolphin Striker

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CA 92663 • Tel. 1 (949) 723-5854

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture & Forest Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources             | <input type="checkbox"/> Geology & Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions    | <input type="checkbox"/> Hazards & Hazardous Materials  | <input type="checkbox"/> Hydrology & Water Quality          |
| <input type="checkbox"/> Land Use & Planning         | <input type="checkbox"/> Mineral Resources              | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing        | <input type="checkbox"/> Public Services                | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/ Circulation | <input type="checkbox"/> Utilities & Service Systems    | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION** (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to

that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Submitted by: Rosalinh Ung, Associate Planner  
Planning Department

7/14/11  
Date

**CITY OF NEWPORT BEACH  
ENVIRONMENTAL CHECKLIST**

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>I. AESTHETICS</b>					
Would the project:					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>II. AGRICULTURE AND FOREST RESOURCES</b>					
Would the project:					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>III. AIR QUALITY</b>					
Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>IV. BIOLOGICAL RESOURCES</b>					
Would the project:					

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V.</b>	<b>CULTURAL RESOURCES</b>				
	Would the project:				

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VI. GEOLOGY AND SOILS</b>					
Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VII. GREENHOUSE GAS EMISSIONS</b>					
Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b>					
Would the project:					
a)	Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IX. HYDROLOGY AND WATER QUALITY</b>					
Would the project:					
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. LAND USE AND PLANNING</b>					
Would the proposal:					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XI. MINERAL RESOURCES</b>					
Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XII. NOISE</b>					
Would the project result in:					

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	For a project located within an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIII. POPULATION AND HOUSING</b>					
Would the project:					
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIV. PUBLIC SERVICES</b>				
Would the project:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XV. RECREATION</b>				
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment? opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVI. TRANSPORTATION/TRAFFIC</b>				
Would the project:				

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in inadequate emergency access.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XVII. UTILITIES &amp; SERVICE SYSTEMS</b>					
Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>					

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## XIX. ENVIRONMENTAL ANALYSES.

This section of the Initial Study evaluates the potential environmental impacts of the proposed project and provides explanations of the responses to the Environmental Checklist. The environmental analysis in this section is patterned after the questions in the Environmental Checklist. Under each issue area, a general discussion of the existing conditions is provided according to the environmental analysis of the proposed Project's impacts. To each question, there are four possible responses:

**No Impact.** The proposed project will not have any measurable environmental impact on the environment.

**Less-Than Significant Impact.** The proposed project will have the potential for impacting the environment, although this impact will be below thresholds that may be considered significant.

**Less-Than Significant With Mitigation Incorporated.** The proposed project will have potentially significant adverse impacts which may exceed established thresholds; however, mitigation measures or changes to the proposed project's physical or operational characteristics will reduce these impacts to levels that are less than significant. Those mitigation measures are specified in the following sections. Each recommended mitigation measure has been agreed to by the applicant.

**Potentially Significant Impact.** The proposed project will have impacts that are considered potentially significant and additional analysis is required to identify mitigation measures that could reduce these impacts to insignificant levels. When an impact is determined to be potentially significant in the preliminary analysis, the environmental issue will be subject to detailed analysis in an environmental impact report (EIR).

## **I. AESTHETICS.**

### **a) Have a substantial adverse effect on a scenic vista?**

**No Impact.** The proposed project would not affect a scenic vista. The project site is not identified as a public view point by the City of Newport Beach General Plan. The project site is located within a business park developed with a mixture of low-, medium-, and high-rise offices, retail, restaurant, hotel uses, and surface parking and parking structures. The proposed demolition of an existing 7,996 square-foot restaurant and construction of the single-story, 13,525 square-foot commercial buildings would not obstruct views from any public viewpoint. Therefore, as there are no scenic vistas in the general proximity of the project site, no impacts would occur.

### **b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

**Less-Than Significant Impact.** The project site contains a number of mature, ornamental trees in landscaped medians and parkways. Some of the trees will be removed by the development. However, this will not significantly reduce the number of trees in the project area and the Newport Place Planned Community Development Standards require trees to be planted in setback and parking areas. Trees in parking areas are to be planted at a ratio of one (1) tree per each five (5) parking stalls.

The project site and the surrounding project area does not contain of any rock outcroppings or historic buildings. Furthermore, there are no designated scenic highways in the vicinity of the proposed project (California Department of Transportation 2009). Therefore, the proposed project would not damage a scenic resource along a scenic highway, and no impacts would occur.

### **c) Substantially degrade the existing visual character or quality of the site and its surroundings?**

**Less-Than Significant Impact.** The proposed project would not adversely affect the existing visual character or quality of the site and its surroundings because the project site is located within a business park developed with a mixture of low-, medium-, and high-rise offices, retail, restaurant, hotel uses, and surface parking and parking structures. The proposed construction of two, single-story commercial buildings totaling 13,525 square feet would blend in with the existing character of the area and surrounding land uses. The proposed materials for the project are smooth troweled integral tan color plaster, simulated wood composite siding, glass and metal, which are compatible with the contemporary materials and architectural styles of the surrounding development.

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

**Less-Than Significant Impact.** The proposed project is located in an area that is developed with a mixture of low-, medium-, and high-rise offices, retail, restaurant, hotel uses, and surface parking and parking structures. The existing parking lot is lighted for nighttime parking for safety purposes. Any lighting associated with the proposed project would be similar to the existing lighting in the area, and would not add substantial amounts of lighting to the area. Impacts would be less than significant.

**II. AGRICULTURE AND FOREST RESOURCES.**

In determining whether impacts to agricultural resources are significant effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact.** The proposed project would not convert any farmland to a non-agricultural use. The project site is not designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance (California Department of Conservation 2009). The project site and the surrounding land are identified as "urban and built-up land" by the California Department of Conservation's Farmland Mapping and Monitoring Program. The project site is located within an existing fully developed commercial setting with no agricultural uses on or surrounding the site. Therefore, no impacts would occur.

**b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**No Impact.** The Williamson Act applies to parcels consisting of at least 20 acres of Prime Farmland or at least 40 acres of farmland not designated as Prime Farmland. The project site is approximately 1.11 acres in area and is not designated as Prime Farmland. It is located within a fully developed commercial area and is currently zoned for Restaurant Use within the Newport Place Planned

Community. Additionally, upon approval of the proposed amendment to change the Zoning designation of the subject site from Restaurant Site 1 to General Commercial Site 8, Agricultural uses are and will not be allowed within these zoning designations. Because the site is not eligible to be placed under a Williamson Act contract, no impacts would occur.

**c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**No Impact.** The proposed project would not conflict with existing zoning or cause rezoning of forest land. The project site is located within a fully developed commercial area, which is not near any forested lands. Therefore, no impacts would occur.

**d) Result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** The project site is located within a fully developed commercial area, which is not near any forested lands. Therefore, no impacts would occur.

**e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact.** The proposed project would not result in the conversion of farmland to non-agricultural use, nor result in the conversion of forest land to non-forest use. The project site is not currently used for agriculture and is not located within any forested lands. It is not located near or adjacent to any areas that are actively farmed or used for forest land. Therefore, the proposed project would not disrupt or damage the operation or productivity of any areas designated as farmland or forest land, and no farmland or forest land would be affected by the proposed project. Therefore, no impacts would occur.

### **III. AIR QUALITY.**

The proposed project site is located in the South Coast Air Basin (Basin). The air quality assessment includes estimating emissions associated with short-term construction and long-term operation of the proposed project. Long-term impacts include impacts from pollutants with regional effects and pollutants with localized impacts. The impact analysis contained in this section was prepared in accordance with the methodologies provided by the SCAQMD in its CEQA Air Quality Handbook. Air quality model data are provided in Appendix G (South Coast AQMD Air District, CalEEMod Emissions Data (Summer, Winter & Annual Emissions) June 15, 2011).

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

**No Impact.** The South Coast Air Quality Management District (SCAQMD) is required, pursuant to the Federal Clean Air Act, to reduce emissions of criteria pollutants for which the Basin is in nonattainment (i.e., ozone [O<sub>3</sub>], and particulate matter equal to or less than 10 and less than 2.5 microns in diameter [PM<sub>10</sub> and PM<sub>2.5</sub>, respectively]). As such, the project would be subject to the SCAQMD's 2007 Air Quality Management Plan (AQMP). The AQMP contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving ambient air quality standards. These strategies are developed, in part, based on regional population, housing, and employment projections prepared by the Southern California Association of Governments (SCAG).

SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties and addresses regional issues relating to transportation, economy, community development, and the environment. With regard to air quality planning, SCAG has prepared the Regional Comprehensive Plan (RCP), which includes Growth Management and Regional Mobility chapters that form the basis for the land use and transportation control portions of the AQMP. These documents are used in the preparation of the air quality forecasts and consistency analysis included in the AQMP. Both the RCP and AQMP are based, in part, on projections originating with County and City General Plans.

The proposed project is redevelopment of an approximately 48,221 square-foot site. Approximately 13,525 square feet of new retail and food uses will replace an existing single-story 7,996 square-foot vacant restaurant. Site grading for the subject property will include the importation of 407 cubic yards of soil to prepare the project site for construction.

The SCAQMD has established methods to quantify air emissions associated with construction activities such as air pollutant emissions generated by operation of on-site construction equipment; fugitive dust emissions related to grading and site work activities; and mobile (tailpipe) emissions from construction worker vehicles and haul/delivery truck trips. Emissions would vary from day to day, depending on the level of activity, the specific type of construction activity occurring, and, for fugitive dust, prevailing weather conditions.

Projects, such as this one, that are consistent with the local general plan are considered consistent with the Air Quality Management Plan (AQMP). The proposed project would not emit either short- or long-term quantities of criteria pollutants which exceed the SCAQMD's air quality significance thresholds (See Appendix H, SCAQMD Air Quality Significance Thresholds, Revised March, 2011). The thresholds in III(b) and (c) are based on the AQMP and are designed to bring the Basin into attainment for the criteria pollutants for which it is in nonattainment. The SCAQMD does not consider projects which result in

emissions below the SCAQMD significance thresholds to interfere with the goals established in the AQMP.

Emissions generated by construction and operation would not exceed SCAQMD thresholds as demonstrated in Table 3.1, Table 3.2, and the analysis in III (b). Therefore, because the proposed project does not exceed any of the thresholds it will not conflict with SCAQMD's goal of bringing the Basin into attainment for all criteria pollutants and, as such, is consistent with the AQMP. Therefore, no significant impact to the AQMP will occur as a result of the proposed project. No mitigation measures are necessary.

**b) Violate any air quality standard or contribute to an existing or projected air quality violation?**

**Less-Than Significant Impact.** As discussed in Response III (a), the proposed project site is located in the Basin. State and federal air quality standards often are exceeded in many parts of the Basin. The proposed project involves amendments to the planned community text and a transfer of development rights which would not in themselves result in any construction or operational impacts. However, the proposed project would result in the construction of two commercial retail buildings totaling 13,525 square feet in area. For the purposes of estimating construction and operational emissions, the project plans as described in the project description are used to determine potential impacts on air quality.

A mass emissions inventory for the construction period was compiled based on an estimate of construction equipment as well as scheduling and phasing assumptions. More specifically, the mass emissions analysis takes into account:

- combustion emissions from operating on-site construction equipment,
- fugitive dust emissions from moving soil on site, and
- mobile-source combustion emissions from worker commute travel.

For the purpose of estimating emissions associated with the construction activities, a project time frame of January 2012 through July 2012 was assumed. The quantity, duration, and the intensity of construction activity have an effect on the amount of construction emissions, and related pollutant concentrations, occurring at any one time. As such, the emission forecasts provided herein reflect a specific set of conservative assumptions based on the expected construction scenario wherein a relatively large amount of construction is occurring in a relatively intensive manner. Because of this conservative assumption, actual emissions could be less than those forecasted. If construction is delayed or occurs over a longer time period, emissions could be reduced because of (1) a more modern and cleaner-burning construction equipment fleet mix, and/or (2) a less intensive build-out schedule (i.e., fewer daily emissions occurring over a longer time interval).

Air pollutant emissions associated with the project could occur over the short-term for site preparation and construction activities. In addition, emissions would

result from the long-term operation of the completed project from facility-related energy consumption and automobile traffic traveling to and from the project site. A discussion of the project's potential short-term construction-period and long-term operational-period air quality impacts is provided below.

Short-Term Air Quality Impacts

With respect to the proposed project, construction activities are expected to begin in January of 2012, and extend over a period of approximately seven months. Construction activities during this period would be completed in five main phases. The first phase would consist of the demolition of the existing restaurant building over a period of two weeks. The second phase would consist of general grading and site preparation over a period of approximately three weeks. The third phase would consist of the construction of the two new retail and restaurant, and bank buildings over a 16-week duration. The fourth phase would consist of asphaltting of the project site and the fifth and final phase would consist of architectural finishing including stucco and paint for the newly constructed buildings. Phase four and five would take two weeks and five weeks, respectively.

These construction emissions were estimated using the SCAQMD's CalEEMod.2011.1.1 and are included in Table 3.1; the model run is included in Appendix G.

<b>Table 3.1</b>						
<b>Maximum Daily Construction Emissions</b>						
<b>Source</b>	<b>Pollutants (lbs/day)</b>					
<b>(Construction Phase)</b>	<b>CO</b>	<b>NOX</b>	<b>VOC</b>	<b>SO2</b>	<b>PM10</b>	<b>PM2.5</b>
Demolition	19	34	5	<0.1	3	2
Grading & Site Preparation	26	42	6	<0.1	8	6
Building Construction	19	28	6	<0.1	2	2
Asphaltting	13	20	4	<0.1	2	2
Architectural Finishing	2	4	47	<0.1	1	1
SCAQMD Regional Emissions Threshold (lbs/day)	550	100	75	150	150	55
<b>Exceed Threshold?</b>	No	Yes	No	No	No	No

CO = carbon monoxide.

NOX = oxides of nitrogen.

VOC = volatile organic compounds (ref: CalEEMod ROG: Reactive Organic Gases)

SO2 = sulfur oxides.

PM10 = particulate matter equal to or less than 10 microns in diameter.

PM2.5 = particulate matter less than 2.5 microns in diameter.

- Source: CalEEMod 2011 Version 1.1.
- N/A: Not Applicable
- Construction equipment mix provided by the applicant in the Construction Phasing Table.

- Fugitive dust emissions assumes application of Rule 403, which includes replacing ground cover as quickly as possible, watering exposed surfaces two times daily, equipment loading/unloading measures, and reducing vehicle speeds on unpaved roads to less than 15 miles per hour.

As shown in the table above, all emissions are less than their respective SCAQMD threshold values. Short-term impacts due to daily construction impacts are less than significant and no mitigation measures are necessary.

### Long-Term Operational-Related Impacts

Long-term air pollutant emissions generated by the project would be associated with project-related vehicle trips and stationary-source emissions generated on-site by sources such as fireplaces, paint, gas stoves, and fuel consumed for landscaping activities. Long-term air quality impacts are typically associated with the emissions produced by project-generated vehicle trips which are estimated by the Institute of Transportation Engineers (ITE). The proposed development will not exceed the threshold for SCAQMD air quality significance as pointed out in Table 3.2 for operational emissions.

<b>Source</b>	<b>Pollutants (lbs/day)</b>					
	<b>CO</b>	<b>NOX</b>	<b>VOC</b>	<b>SO2</b>	<b>PM10</b>	<b>PM2.5</b>
<b>(Construction Phase)</b>						
Vehicle Emissions	100	27	11	1	16	2
SCAQMD Regional Emissions Threshold (lbs/day)	550	55	55	150	150	55
<b>Exceed Threshold?</b>	No	No	No	No	No	No

CO = carbon monoxide.

NOx = oxides of nitrogen.

VOC = volatile organic compounds (ref: CalEEMod ROG: Reactive Organic Gases)

SO2 = sulfur oxides.

PM10 = particulate matter equal to or less than 10 microns in diameter.

PM2.5 = particulate matter less than 2.5 microns in diameter.

- Source: CalEEMod 2011 Version 1.1.
- N/A: Not Applicable
- VOC: Volatile Organic Compounds (ref: CalEEMod ROG: Reactive Organic Gases)
- Construction equipment mix provided by the applicant in the Construction Phasing Table.
- Fugitive dust emissions assumes application of Rule 403, which includes replacing ground cover as quickly as possible, watering exposed surfaces two times daily, equipment loading/unloading measures, and reducing vehicle speeds on unpaved roads to less than 15 miles per hour.

Long-term impacts due to daily operational emissions are less than significant and no mitigation measures are necessary.

**c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

**Less-Than Significant Impact.** SCAQMD's approach for assessing cumulative impacts is based on the AQMP forecasts of attainment of ambient air quality standards in accordance with the requirements of the Federal and State Clean Air Acts. In accordance with SCAQMD methodology, any project that does not exceed or can be mitigated to less than the daily threshold values does not add significantly to a cumulative impact. The South Coast Air Basin (SoCAB) is designated as a non-attainment area for ozone and particulates (PM10 and PM2.5) under the state and federal Ambient Air Quality Standards (AAQS). Air pollutant modeling for construction emissions demonstrates that the project implementation would not exceed the SCAQMD's construction phase pollutant thresholds.

As discussed earlier in Response III(a), the proposed project would be consistent with the AQMP, which is intended to bring the Basin into attainment for all criteria pollutants. The operational emissions, which include vehicular trips, will not exceed the SCAQMD thresholds as pointed out in the Operational Emissions in Table 3.2. No mitigation measures are necessary.

**d) Expose sensitive receptors to substantial pollutant concentrations?**

**Less-Than Significant Impact.** The subject site is located in a planned community surrounded by commercial office and retail buildings. Although sensitive receptors are located in the vicinity of the site, the greatest amount of pollutants generated by the proposed project will occur during the construction phase. The emissions will be comprised of mostly dirt and dust particles as the subject site is graded and the new building are constructed. However, such emissions will be controlled through the implementation of standard conditions, best management practices, and rules prescribed by the South Coast Air Quality Management District and will be short-term.

As described in Response III(b) above, construction and operation of the proposed project would not result in any substantial localized or regional air pollution impacts; and therefore, would not expose any nearby sensitive receptors to substantial pollutant concentrations. The emissions released from operations after the construction phase is completed will predominantly be comprised by vehicle trips which will not be a significant impact as pointed out in the Maximum Daily Operational Emissions, Table 3.2, above. Therefore, project implementation will not adversely affect sensitive receptors and no mitigation measures are necessary.

**e) Create objectionable odors affecting a substantial number of people?**

**Less-Than Significant Impact.** Project construction would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment bringing materials to the site. With regard to nuisance odors, any air quality impacts would be confined to the immediate vicinity of the equipment itself.

According to the SCAQMD *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project includes the construction of 13,525 square feet of retail, restaurant, and bank development within two single-story freestanding buildings. Therefore, the proposed project does not include any uses listed above and identified by the SCAQMD as being associated with odors.

The proposed project would not produce objectionable odors per the SCAQMD Handbook. Potential sources of odors during construction activities include equipment exhaust and the use of architectural coatings and solvents. Odors from these sources would be localized and generally confined to the proposed project site. The proposed project would utilize typical construction techniques, and the odors would be typical of most construction sites. Additionally, the odors would be temporary, occurring when equipment is operating and during painting activities. Construction activities associated with the proposed project would be required to comply with SCAQMD Rule 402 on nuisances. Additionally, SCAQMD Rule 1113 limits the amount of volatile organic compounds in architectural coatings and solvents. Through mandatory compliance with SCAQMD rules, no construction activities or materials are proposed that would create a significant level of objectionable odors. As such, potential impacts during short-term construction would be less than significant.

By the time such emissions or odors reach any sensitive receptor sites away from the project site, they are typically diluted to well below any level of air quality concern. Such emissions and odors are an adverse, but not significant impact. Mitigation measures are not necessary as the impacts of emissions and odors are less than significant.

#### **IV. BIOLOGICAL RESOURCES.**

**a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**No Impact.** Although the proposed project would remove some of the existing ornamental trees and hedges existing on the site, it would not have a substantial adverse effect on any candidate, sensitive, or special-status species. The project site is adjacent to MacArthur Boulevard and consists of a surface parking area with landscaped medians and a vacant 7,996 square foot building. It is located within a fully developed commercial and office park development with a mixture of low-, medium-, and high-rise offices, retail, restaurant, hotel uses, and surface parking and parking structures. According to Figure NR2 of the City of Newport Beach General Plan Natural Resources Element, the project site is not located within an Environmental Study Area (City of Newport Beach 2006). A visit to the site confirmed that the project site is void of any native vegetation or wildlife habitat. Therefore, the proposed project would not modify habitat or adversely affect sensitive biological resources, and no impacts would occur.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**No Impact.** The proposed project would not have an adverse effect on any riparian habitat. Per Figure NR2 of the City of Newport Beach General Plan Natural Resources Element, the project site is not located within an Environmental Study Area (City of Newport Beach 2006). The project site is a fully developed site consisting of a surface parking area, narrow strips of landscaped areas, and an existing building. It is void of any riparian habitat or other sensitive natural community and no impacts would occur.

**c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**No Impact.** The project site is fully developed and consists of a surface parking area, narrow strips of landscaped areas, and an existing building. There are no federal wetlands or jurisdictional waters present on site or in the general vicinity. Therefore, no impacts would occur.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?**

**No Impact.** The proposed project would not interfere with the movement of fish or wildlife. The project site is located within a fully developed commercial and office park area and is not connected to other undeveloped lands. According to Figures NR1 and NR2 of the City of Newport Beach General Plan Natural Resources Element, the project site is not identified as a biological resources area, nor is it located in an Environmental Study Area (City of Newport Beach

2006) and the site is not connected to any wildlife corridors. Therefore the project site is not considered a part of a regional wildlife corridor that would facilitate movement of wildlife species from one area to another. Therefore, no impacts would occur.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**No Impact.** The project site does not contain any biological resources that are protected by local policies. According to the City of Newport Beach General Plan Natural Resources Element, the project site is not located in an area where sensitive and rare terrestrial and marine resources occur (City of Newport Beach General Plan 2006). Furthermore, according to the County of Orange General Plan Resources Element, the project site is not located within the boundaries of the Orange County Natural Communities Conservation Plan or Habitat Conservation Plan (NCCP/HCP), (County of Orange 2005). The proposed project would not conflict with any local policies or ordinances protecting biological resources; therefore, no impacts would occur.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact.** The City of Newport Beach is a signatory to a Natural Resource Community Conservation Plan agreement. However, according to Figure VI-5 of the Resources Element of the Orange County General Plan, the project site is not located within a designated Natural Communities Conservation Plan area or Habitat Conservation Plan (NCCP/HCP), (City of Newport Beach General Plan 2006, County of Orange 2005). Therefore, the proposed project would not be subject to the provisions of any local, regional, or state habitat conservation plan or Natural Communities Conservation Plan or Habitat Conservation Plan area, and no impacts would occur.

## **V. CULTURAL RESOURCES.**

**a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

**No Impact.** The 1.11-acre project site is developed with a single-story, 7,996-square-foot restaurant, surface parking, and landscaped areas. Aerial photographs depict the project site and surrounding area as vacant grassland in 1952; rough-graded for the existing development in 1972; and as currently developed in 1980. These changes correlate in time with the approval of the Newport Place Planned Community in December 1970 by the City, which includes the project site. Building permits were issued in 1972 for the construction of the existing restaurant building according to the City's building records and was completed in 1973 per County Tax Assessor records. Thus, the existing building and surrounding buildings are at most 40 years old. Built

environment resources constructed after 1960, unless extraordinarily important, are not considered of sufficient age to warrant listing in the California Register of Historic Resources.

There are no historical structures on the project site listed on any local, state, or national historical registers, nor any determined to be eligible for listing as a significant historical resource, according to the Historical Resources Element of the Newport Beach General Plan (City of Newport Beach 2006). Because there are no historical structures on the project parcel, no impacts would occur.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**Less-Than Significant Impact with Mitigation Incorporated.** Because there is no surface exposure in the project site, no archaeological resources survey was performed for this project. The project site has undergone grading for construction of the existing restaurant building and surface parking lot, as well as for the other, adjacent buildings and surface parking lots. A geotechnical engineering investigation (Appendix B) conducted for the project indicated artificial fill over native soils on the existing pads varying from 0.5 feet to 1.5 feet. Ground disturbances from these previous developments likely would have inadvertently destroyed any unknown archeological resources present. The proposed project would involve limited surface soil disturbance and grading to an approximate depth of 3 feet to prepare for the building foundations. Therefore, it is highly unlikely the proposed project would disturb any unknown archaeological resources, and impacts would be less than significant. However, adhering to the following mitigation measure would ensure compliance with state historical guidelines. Impacts would be less than significant with incorporation of mitigation.

**Mitigation Measure**

5.1. The project applicant shall have a qualified professional archaeologist on site to monitor for any potential impacts to archaeological or historic resources throughout the duration of any demolition and ground disturbing activities. The professional archeologist shall have the authority to halt any activities adversely impacting potentially significant cultural resources until the resources can be formally evaluated. The archaeologist must have knowledge of both prehistoric and historical archaeology. Additionally, the archaeological monitoring program shall include the presence of a local Native American representative (Gabrielino and/or Juaneno). Resources must be recovered, analyzed in accordance with CEQA guidelines, and curated. Suspension of ground disturbance in the vicinity of the discoveries shall not be lifted until the archaeologist has evaluated discoveries to assess whether they are classified as historical resources or unique archaeological sites, pursuant to CEQA.

**c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Less-Than Significant Impact with Mitigation Incorporated.** The project site is situated on late to middle Pleistocene marine deposits, which can be highly fossiliferous, containing vertebrate, invertebrate, and plant fossil specimens. The project site has undergone grading for construction of the existing restaurant building and surface parking lot, as well as for the other, adjacent buildings and surface parking lots. A geotechnical engineering investigation (Appendix B) conducted for the project indicated artificial fill over native soils on the existing pads varying from 0.5 feet to 1.5 feet. Therefore, it is highly unlikely the proposed project would disturb any paleontological resources. With adherence to the mitigation measure below, impacts would be less than significant and impacts would be less than significant.

#### Mitigation Measure

5.2. The project applicant shall retain a qualified professional paleontologist for periodic monitoring for any potential impacts to paleontological resources throughout the duration of ground disturbing activities. In the event paleontological resources are uncovered, the professional paleontologist shall have the authority to halt any activities adversely impacting potentially significant fossil resources until the resources can be formally evaluated. If potentially significant fossils are uncovered they must be recovered, analyzed in accordance with CEQA guidelines, and curated at facilities at the Natural History Museum of Los Angeles County, or other scientific institution accredited for curation and collection of fossil specimens. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the paleontologist has evaluated the significance of the resources pursuant to CEQA.

#### **d) Disturb any human remains, including those interred outside of formal cemeteries?**

**Less-Than-Significant Impact.** The project site is not a formal cemetery and is not adjacent to a formal cemetery. The project site is not known to contain human remains interred outside formal cemeteries, nor is it known to be located on a burial ground. The proposed project would involve limited surface soil disturbance and grading to an approximate depth of 3 feet to prepare for the building foundations. A geotechnical engineering investigation (Appendix B) conducted for the project indicated artificial fill over native soils on the existing pads varying from 0.5 feet to 1.5 feet. Therefore, it is highly unlikely that construction of the proposed project would disturb any human remains. Should human remains be uncovered during construction, as specified by State Health and Safety Code Section 7050.5, no further disturbance will occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, excavation or construction will halt in the area of the discovery, the area will be protected, and consultation and treatment will occur as prescribed by law. If the Coroner recognizes the remains to be Native American, he or she will contact the

Native American Heritage Commission, who will appoint the Most Likely Descendent. Additionally, if the bones are determined to be Native American, a plan will be developed regarding the treatment of human remains and associated burial objects, and the plan will be implemented under the direction of the Most Likely Descendent. Therefore, impacts would be less than significant.

## **VI. GEOLOGY AND SOILS.**

**a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**No Impact.** The project site is not included in any earthquake fault zones as delineated by the Alquist-Priolo Earthquake Fault Zone Act. The principal seismic hazard to the subject property and proposed project is strong ground shaking from earthquakes produced by local faults. Secondary effects such as surface rupture, lurching, or flooding are not considered probable (Appendix B). Therefore, no impacts on the project would result from fault rupture.

- ii) Strong seismic ground shaking?**

**Less-Than Significant Impact.** Southern California is located in an active seismic region. Moderate to strong earthquakes can occur on numerous faults. The United States Geological Survey, California Division of Mines and Geology, private consultants, and universities have been studying earthquakes in Southern California for several decades. The purpose of the code seismic design parameters is to prevent collapse during strong ground shaking. Cosmetic damage should be expected. The principal seismic hazard to the subject property and proposed project is strong ground shaking from earthquakes produced by local faults. Secondary effects such as surface rupture, lurching, or flooding are not considered probable (Appendix B).

An approximately 13,525 gross square feet of new commercial retail and food uses are proposed to replace the existing single-story 7,996 square-foot vacant restaurant. The new development will consist of two, free-standing, single-story buildings. Each has a maximum building height of 29 feet. All demolition and construction would occur in accordance with building and safety standards as specified by the City. The proposed buildings would be constructed in compliance with the latest earthquake-resistant design available and relevant codes. All proposed project components would be in compliance with the most up-to-date building codes. Plans would be reviewed and approved by the City prior to issuance of grading and building permits and construction activities. Furthermore, the proposed buildings would be evaluated prior to occupation to

ensure that the construction has been completed in accordance with the approved plans and applicable codes. Therefore, impacts would be less than significant.

**iii) Seismic-related ground failure, including liquefaction?**

**Less-Than Significant Impact.** Liquefaction is a geologic process that causes ground failure and typically occurs in loose, saturated sediments primarily of sandy composition (City of Newport Beach 2006a). Figure S-2 of the Newport Beach General Plan (Seismic Hazards) identifies areas of potential liquefaction in the City of Newport Beach. The project site is not located in an area identified as having a potential for soil liquefaction when subject to a seismic event (City of Newport Beach 2006). Native soils consisted of a silty residual clayey soil to a maximum depth explored of 13.5 feet in test pit 1. Groundwater was not encountered in any of the geotechnical pits during the field investigation on December 29, 2010 (Appendix B). Therefore, impacts on people or structures as a result of seismic-related ground failure, including liquefaction, would be less than significant.

**iv) Landslides?**

**No Impact.** The proposed project would have no impact related to landslides. Figure S-2 of the Newport Beach General Plan 2006 (Seismic Hazards) identifies areas with landslide potential. The project site is not located in any area with landslide potential (City of Newport Beach 2006). The project site is generally flat and implementation of the proposed project would not require slope cuts that could result in landslides. Therefore, no impacts associated with landslides would occur.

**b) Result in substantial soil erosion or the loss of topsoil?**

**Less-Than Significant Impact.** The project site is currently developed with a single-story, 7,996-square-foot restaurant, surface parking, and landscaped areas. As required by the City's Municipal Code, the project applicant would obtain a grading permit from the City's Building Official. Chapter 15.10 contains grading, fill, drainage, and erosion control standards that would be applied to the corresponding construction activity. The project applicant would implement standard erosion control measures and construction best management practices (BMPs) that would minimize impacts. Therefore, impacts would be less than significant.

**c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**Less-Than Significant Impact.** The project site has been developed and is not located in an area identified by the City of Newport Beach General Plan as having a potential for soil liquefaction or landslides. Subsidence over the site

during grading is anticipated to be on the order of 0.5 feet. Shrinkage of reworked materials should be in the range of 10 to 15 percent (Appendix B). All proposed project components would occur in accordance with building and safety standards. Impacts on people or structures as a result of seismic-related ground failure, lateral spreading, subsidence, liquefaction, or collapse would be less than significant.

**d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

**Less-Than Significant Impact with Mitigation Incorporated.** Based on the geotechnical engineering investigation, results of expansion tests indicate that the near surface soils exhibit a medium expansion potential. The surface soils are non-plastic with a medium expansion potential (Appendix B). Therefore, impacts associated with expansive soils would be less than significant with mitigation incorporated.

**Mitigation Measures:**

6.1 Prior to issuance of grading permits, a detailed design-engineering-level geotechnical investigation report shall be prepared and submitted with engineered grading plans to further evaluate expansive soils, soil corrosivity, settlement, foundations, grading constraints, and other soil engineering design conditions, and to provide site-specific recommendations to address these conditions, if determined necessary. The engineering-level report shall include and address each of the recommendations included in the geotechnical reports prepared by Strata-Tech, Inc. (Appendix B). The geotechnical reports shall be prepared and signed/stamped by a Registered Civil Engineer specializing in geotechnical engineering and a Certified Engineering Geologist. Geotechnical rough grading plan review reports shall be prepared in accordance with the City of Newport Beach Grading Ordinance.

**e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

**No Impact.** No septic tanks or alternative wastewater disposal systems are included as part of the proposed project. The project site would tie into the existing sewer line. Therefore, no impacts would occur.

**VII. GREENHOUSE GAS EMISSIONS.**

**a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less-Than Significant Impact.** Greenhouse gases emitted by human activity are implicated in global climate change or global warming. The principal

greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately one-half of GHG emissions globally.

Industrial and commercial sources are the second largest contributors of GHG emissions with about one-fourth of total emissions. Some greenhouse gases such as carbon dioxide occur naturally and are emitted to the atmosphere through natural processes and human activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere as a result of human activities are Carbon Dioxide (CO<sub>2</sub>), Methane (CH<sub>4</sub>), Nitrous Oxide (N<sub>2</sub>O), and Fluorinated Gases. For purposes of analysis the global warming potential of each gas is equated to Carbon Dioxide (CO<sub>2</sub>e) and the Carbon Dioxide equivalent is identified in metric tons for each GHG.

**SCQAMD's Significance Thresholds:** On December 5, 2008, the South Coast Air Quality Management District (SCAQMD) adopted a GHG significance threshold for Stationary Sources, Rules and Plans where the SCAQMD is the lead agency. The threshold utilizes a tiered approach, with a screening significance threshold of 10,000 MTCO<sub>2</sub>EQ, if the project was not part of a general plan's GHG reduction plan. The SCAQMD has also developed draft thresholds for commercial and residential projects, where it is not the lead. The draft recommends a 3,000 MTCO<sub>2</sub>EQ per year screening threshold. The SCAQMD's working group has not set a date for finalizing the recommendations. Until more guidance is provided from the expert agencies (CARB and/or SCAQMD), the City of Newport Beach intends to consider projects emitting 3,000 metric tons of CO<sub>2</sub>e per year or less to be a less-than-significant contribution to greenhouse gasses, thereby not requiring further analysis.

For projects exceeding the screening threshold of 3,000 metric tons of CO<sub>2</sub>e per year, the City will consider projects to have significant impacts if they either 1) are not substantially consistent with policies and standards set out in federal, state, and local plans designed to reduce GHGs; or 2) would emit more than 3,000 metric tons of CO<sub>2</sub>e per year. Projects that do not meet these thresholds would be considered to have significant impacts, and thus could be expected to exceed the State's mandatory requirement under Assembly Bill 32 to reduce statewide GHG emissions to 1990 levels by 2020.

A conservative estimate of the project's CO<sub>2</sub>e emissions during construction and operation is presented in Table 7-1. As shown, emissions would remain well below the City's screening threshold of 3,000 metric tons of CO<sub>2</sub>e per year; therefore, impacts would be less than significant.

**Table 7.1.** Estimate of Project-Related Greenhouse Gas Emissions (pounds per day)

	<b>Carbon Dioxide Equivalent</b>
<b>California Statewide Average Daily Emissions (year 2006)</b>	479,800,000
<b>Project Emissions</b>	
<b>Construction-Period Emissions</b> 2012	182
<b>Operations-period Emissions</b>	
Area Sources	0
Energy	86
Mobile	1,948
Waste	31
Water	11
Total Operations-Period Emissions	2,076
<b>Total Project Emissions a</b>	<b>2,258</b>
City of Newport Beach Screening Level Threshold	3,000
<b>Exceed Threshold?</b>	<b>No</b>

a Value includes total annual operational emissions plus total construction emissions amortized over 30 years.

Source: City of Newport Beach 2011. CalEEMod 2011.1.1 outputs provided in Appendix G.

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Less-Than Significant Impact.** California has passed several bills and the Governor has signed at least three executive orders regarding greenhouse gases. The Governor’s Office of Planning and Research recently published suggested changes to the CEQA Guidelines that would require that greenhouse gases be evaluated in environmental documents.

The recommended approach for GHG analysis included in the Governor’s Office of Planning and Research (OPR) June 2008 Technical Advisory (TA) is to: 1) identify and quantify GHG emissions, 2) assess the significance of the impact on climate change, and 3) if significant, identify alternatives and/or mitigation measures to reduce the impact below significance. Neither the CEQA Statute nor Guidelines prescribe thresholds of significance or a particular methodology for performing an impact analysis.

Presently, there are no adopted federal plans, policies regulations or laws setting a mandatory limit on GHG emissions. CARB (California Air Resources Board) has published draft preliminary guidance to agencies on how to establish interim significance thresholds for analyzing GHG emissions (California Air Resources Board 2008). That guidance, while still in draft form, does provide some assistance to the City in evaluating whether the project would impede the State’s

mandatory requirements under AB 32 to reduce statewide GHG emissions to 1990 levels by 2020. The City of Newport Beach does not have any plans, policies, regulations, significance thresholds, or laws addressing climate change at this time.

As discussed in Response VII(a) above, the estimated CO<sub>2</sub> greenhouse gas emissions by the project will be below and not exceed the preliminary SCAQMD screening threshold of 3,000 MTCO<sub>2</sub>EQ/year. As such, the proposed project would be consistent with the state's goals of reducing GHG emissions to 1990 levels by 2020; therefore, the proposed project's contribution to cumulative climate change GHG emissions would be less than significant. The project will not conflict with any adopted greenhouse gas plan, policy, or regulation. As a result, the project will not have any significant impacts to greenhouse gas plans or policies that are applicable to the project.

## **VIII. HAZARDS AND HAZARDOUS MATERIALS.**

### **a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**Less-Than Significant Impact.** The construction and operation of the proposed project would not result in the reasonably foreseeable upset or release of any hazardous materials. Construction equipment that would be used to build the proposed project has the potential to release oils, greases, solvents, and other finishing materials through accidental spills. Spill or upset of these materials would have the potential to affect surrounding land uses. However, the consequences of construction-related spills are generally reduced in comparison to other accidental spills and releases because the amount of hazardous material released during a construction-related spill is small as the volume in any single piece of construction equipment is generally less than 50 gallons. Construction-related spills of hazardous materials are not uncommon, but the enforcement of construction and demolition standards, including BMPs by appropriate local and state agencies, would minimize the potential for an accidental release of petroleum products and/or hazardous materials or explosions during construction. Federal, state, and local controls have been enacted to reduce the effects of potential hazardous materials spills.

The Newport Beach Fire Department is an all-risk fire department and enforces city, state, and federal hazardous materials regulations for Newport Beach. It has the resources to respond and provide services to all types of emergencies, including fires, medical emergencies, hazardous materials problems, beach rescues, traffic accidents, high rise incidents, wildland fires, major flooding, and disaster (City of Newport Beach 2009b). City regulations include Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, Chapter 9.04 of the City's Municipal Code, and implementation of the California Accidental Release Prevention Program (City of Newport Beach 2006b). Elements of these programs include spill mitigation, and containment and

securing of hazardous materials containers to prevent spills. Compliance with these requirements is mandatory as standard permitting conditions, and would minimize the potential for the accidental release or upset of hazardous materials, helping to ensure public safety.

The occupancies of restaurants and retail uses are not associated with the use or storage of large amounts of hazardous substances. The proposed project would not use or store large amounts of hazardous substances and an upset of those types of materials would not be reasonably foreseeable. The construction and operation of the proposed project would not create significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Therefore, impacts would be less than significant.

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**No Impact.** Development of the project includes the demolition of a 7,996 square-foot restaurant building and construction of two, new single-story buildings of 13,525 gross square feet with uses allocated to food uses and general commercial uses. The age of the building to be demolished (pre-1980) suggests the possibility of asbestos-containing building materials; however, a major remodel in 1995 had a permit indicating that either there was no asbestos in the building or that it had been removed and disposed of appropriately. A Phase I Environmental Assessment (Appendix C) for the Evaluation of Hazardous Materials was performed by Centec Engineering (Phase I EA Centec, 2003) for the subject property. During the on-site inspection, no damaged suspect friable materials were noted and all materials appeared to be in good condition. No samples were contained for analysis. Asbestos does not appear to be a significant issue relative to a perceived asset value. No stored lead-based paints were noted during inspection of the building and no use of lead-based paint is suspected. No sampling or laboratory analyses were completed during this investigation to verify the presence or absence of lead in any building materials.

No hazardous materials other than what would be contained in “household” cleaning supplies were noted at the existing restaurant and there is an in-ground grease trap. The grease is removed by Baker Commodities. No significant stains or signs of hazardous material spills were noted and the landscaping at the property appeared healthy with no evidence of toxic materials dumping or abandonment. No stains or signs of leakage were noted on the ground near pad-mounted Southern California Edison (SCE) transformers which serve the subject property and its neighbors. Federal law has prohibited the manufacture of transformers utilizing PCB since 1977 and SCE maintains that it is “highly unlikely” that the transformers contain polychlorinated biphenyl (PCB) at

concentration levels requiring special management under the Environmental Protection Agency's (EPA) rules (Phase I EA Centec, 2003).

There was no documentary or physical evidence of former or current underground or aboveground storage tanks on the subject property. No evidence of ponds, pits, lagoons, clarifiers, groundwater monitoring wells, or other possible conduits for contamination was found. There was no evidence of sensitive environmental receptors such as wetlands, marshes, endangered species, etc., in the immediate vicinity although the Newport Back Bay is located one mile southwest of the property. No high-power electricity transmission towers were noted in the immediate vicinity. Radon is not considered a significant area of concern for Southern California and has not been tested for. Although site-specific information regarding radon levels can only be obtained through direct testing, the potential for elevated radon levels at the subject property is low (Phase I EA Centec, 2003).

The proposed project would operate as take-out restaurant food uses and general office and retail uses. A common grease interceptor will be built to accommodate the restaurant uses. These uses would not routinely transport, use, or dispose of hazardous materials. Therefore, no impacts would occur.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**No Impact.** There are several adult training schools, and a couple of music and dance schools within one-quarter mile. However, the proposed project would not emit hazardous emissions or require handling hazardous or acutely hazardous materials, substances, or waste. Therefore, the proposed project would not emit hazardous emissions within one-quarter mile of a school. No impacts would occur.

**d) Be located on a site that is included on a list of hazardous materials sites that complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**No Impact.** The project site is not included on any list of hazardous materials sites pursuant to Government Code Section 65962.5 (Phase I EA Centec, 2003). An environmental records database search report was completed on April 14, 2003, by Vista Information Solutions, Inc. (Vista) in San Diego, California. The Vista database searched pertinent federal, state, and local lists of public information, according to appropriate ASTM standards, to identify and geographically locate sites of concern within a maximum radius of one mile of the subject property. The subject property is not identified on the database for any reason (Phase I EA Centec, 2003).

There are three different locations of contamination within the critical 1/4 –mile radius. Koll Center and Koll Co/Sanwa Bank, both of which are on the east side of MacArthur Blvd. and beyond 1,000 feet away from the subject property, had leaking underground storage tanks (USTs) that affected “soil only” (Phase I EA Centec, 2003). They have both been remediated and have a “case closed” status and are therefore of no realistic concern to the subject property. Beacon Bay Auto Wash, located 1,200 feet to the northwest, had a UST leak that affected groundwater, but it is currently undergoing remediation, is hydrologically cross gradient to the subject property, and is unlikely to have any impact on the subject property (Phase I EA Centec, 2003).

Of the remaining 21 listed locations of contamination, seven have a “case closed” status, six are currently either under remediation or post-remedial monitoring, and the remainder are currently under investigation. All of these sites are too distant and lack adequate significance to likely have an adverse environmental impact on the subject property. There are no NPL or State “Superfund” sites or other significant sources of contamination in the study (Phase I EA Centec, 2003).

Since the project site is not located on a list of hazardous materials sites, the proposed project would not create a significant hazard to the public or the environment and no impact would occur.

**e) For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

**Less-Than Significant Impact.** The closest airport is John Wayne Airport, which is approximately within 0.38 miles northwest of the project site. The project site is located within the boundaries of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport. The proposed project is within the height restriction zone for the John Wayne Airport and the notification area of the Federal Aviation Regulation (FAR) Part 77 Imaginary Surfaces aeronautical obstruction area.

Section 77.13 of the FAR requires the notification of the Federal Aviation Administration (FAA) for any construction or alteration which are identified as follows: 1) exceeds 200 feet in height about the ground level at its site; 2) exceeds a height greater than an imaginary surface extending outward and upward at specific slope characteristics at 20,000 feet, 10,000 feet, and 5,000 feet from the nearest point of the airport runway; or 3) is a highway with specific characteristics, and/or ,is occurring at an airport.

The proposed project includes the construction of two, free-standing single-story buildings with a maximum height of 29 feet. The project site is approximately 50 feet above mean sea level (Phase I EA Centec, 2003). The proposed project does not require notification to the FAA in accordance with Section 77.13 of the

FAR because the proposed project would not be more than 200 feet above ground level and not more than 206 feet above mean sea level; the proposed project would not exceed a height greater than the imaginary surface planes identified within Section 77.13; the proposed project is not a highway; and the proposed project is not a modification to an existing airport. Therefore, the filing of Form 7460-1 with the FAA is not required.

Although the proposed project is exempt from filing the Form 7460-1 notice, a referral by the City to the Airport Land Use Commission for Consistency Review is required due to the location of the proposal within the AELUP Planning Area and due to the nature of the required City approvals (i.e. planned community development amendment) under PUC Section 21676(b).

The subject property is within Noise Impact Zone "2" as identified in the AELUP which considers land uses including commercial as normally consistent meaning conventional construction methods can be used and there are no special noise reduction requirements. The subject property is not within the Runway Protection Zone.

The proposed project would comply and be compatible with the land use standards established in the City's Municipal Code and the AELUP (Airport Land Use Commission 2008). The AELUP vicinity height guidelines would protect public safety, health, and welfare by ensuring that aircraft could fly safely in the airspace around the airport. Although the proposed project is located within an airport land use plan, it would comply with all established standards, requirements, and plans. Therefore, impacts would be less than significant.

**f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

**No Impact.** As described above in (e), the John Wayne Airport is located approximately 0.38 miles northwest of the project site. There is no private airstrip in the vicinity of the proposed project. Therefore, the proposed project would not result in a safety hazard for people working in the project area from operations of a private airstrip. No impacts would occur.

**g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**No Impact.** The proposed project would not impair or physically affect any adopted emergency response plan or evacuation plan. The proposed project would not interfere with the implementation of the City's Emergency Response Plan. The City's Emergency Management Plan also establishes safety procedures with respect to aviation hazards to promote the safety of persons on the ground while reducing risks of serious harm to aircraft crews and passengers that may need to make emergency landings in the immediate airport vicinity. The proposed project would not require the closure of any public or private streets or roadways, and would not impede access of emergency vehicles to the project

site, or any surrounding areas in the event of an aviation emergency or other emergency. Finally, the proposed project would provide all required emergency access in accordance with the requirements of the Newport Beach Fire Department during plan review by the Fire Department. No impacts on emergency response would occur.

**h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

**No Impact.** The project site is not located in an area adjacent to or intermixed with wildlands, and is surrounded by office buildings. Furthermore, the City of Newport Beach General Plan Safety Element Figure S4 (City of Newport Beach 2006a) identifies the project site as Low/None Fire Susceptibility. Therefore, people or structures would not be exposed to a significant risk of loss, injury, or death involving wildland fires as a result of the proposed project. No impacts would occur.

**IX. HYDROLOGY AND WATER QUALITY.**

**a) Violate any water quality standards or waste discharge requirements?**

**Less-Than Significant Impact.** Land within the City of Newport Beach is included in three watersheds: Newport Bay, Newport Coastal Streams, and Santa Ana (County of Orange 2011). Each of these watersheds is under the jurisdiction of the Santa Ana Regional Water Quality Control Board (SARWQCB) and subject to the objectives, water quality standards, and BMP requirements established in the Santa Ana River Basin Plan and Orange County Drainage Area Management Plan (DAMP). The project site is located in the Newport Bay Watershed, within the San Diego Creek Subwatershed. The EPA and Santa Ana Regional Water Control Board have identified San Diego Creek as an impaired water body. The main tributary of the San Diego Creek Watershed, San Diego Creek, drains directly into Upper Newport Bay (City of Newport Beach 2006b).

Under the provisions of Chapter 14.36 (Water Quality) of the City of Newport Beach Municipal Code, any discharge that would result in or contribute to degradation of water quality via stormwater runoff is prohibited. New development or redevelopment projects are required to comply with provisions set forth in the DAMP, including the implementation of appropriate BMPs identified in the DAMP to control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of water. Furthermore, a municipal separate storm sewer system (MS4) permit is provided to the City by SARWQCB under the National Pollutant Discharge Elimination System (NPDES) to regulate the amount of stormwater contaminants that are delivered into the City's waterways. MS4 permits require

an aggressive water quality ordinance, specific municipal practices to maintain City facilities like the MS4, and use of BMPs in many residential, commercial, and development-related activities to further reduce the amount of contaminants in urban runoff (City of Newport Beach 2006b). The proposed project will comply with the required water quality standards; therefore, impacts would be less than significant.

**b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

**Less-Than Significant Impact.** The project site is currently developed and is not considered a location for groundwater recharge (City of Newport Beach 2006b). The proposed project would not substantially increase impervious surfaces on the site, thereby interfering substantially with groundwater recharge. Furthermore, the proposed project would not directly withdraw groundwater from beneath the site, thereby substantially depleting groundwater supplies. Impacts would be less than significant.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

**Less-Than Significant Impact.** No streams or rivers are located on the project site; therefore, construction and operation of the proposed project would not directly affect the flow of a stream or river. The project would involve some minor grading for construction. These activities would minimally alter the existing drainage pattern of the site. The proposed project would not increase the impervious area on the site as the existing site is currently developed with surface parking and a 7,996 square-foot building. During construction, an Erosion Control Plan will be implemented. Therefore, impacts from erosion or siltation, either on site or off site would be less than significant.

**d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?**

**Less-Than Significant Impact.** No streams or rivers are located on site, and therefore, construction and operation of the proposed project would not directly affect the flow of a river or stream. Substantial amounts of stormwater are not readily absorbed into the soil because of the urban character of the area and the existing use of the project site for surface parking and a restaurant building. The proposed project would minimally alter the existing drainage pattern of the site,

but would not increase the impervious area. During construction, runoff from the proposed project site would be managed by the Erosion Control Plan and Water Quality Management Plan. The BMPs from the preliminary landscape plan include retention of significant amounts of water on-site. Storm runoff generated through the project operations would be diverted into the existing stormwater drainage system. Therefore, impacts would be less than significant.

**e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**Less-Than Significant Impact.** Overall, urban street flooding is rarely considered a problem in the City of Newport Beach (City of Newport Beach 2003). The urban character of the area and the existing use of the project site would not allow stormwater to be readily absorbed into the soil. The proposed project would minimally alter the existing drainage pattern of the site but would not substantially increase the impervious area; therefore, the proposed project would not substantially increase the amount of stormwater runoff generated. Finally, the proposed project would comply with the policies outlined in the General Plan to minimize runoff-related flooding impacts. These policies include NR 3.11, NR 3.20 and NR 4.4 and implementation would reduce the volume of runoff generated and potential for flooding. As discussed in Section IX (d), runoff from the proposed project site would be managed by the Erosion Control Plan and Water Quality Management Plan. Therefore, impacts on stormwater would be less than significant.

**f) Otherwise substantially degrade water quality?**

**Less-Than Significant Impact.** The proposed project would not substantially degrade water quality. The proposed project would comply with all General Plan policies minimizing flooding impacts. The proposed food service uses will require the installation of grease interceptors. As discussed in Sections IX (a-d), the project site would be managed by the Erosion Control Plan and Water Quality Management Plan and the proposed project will comply with required water quality standards. Impacts on water quality would be less than significant.

**g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**No Impact.** Based on Figure S3 (Flood Hazards) of the City of Newport Beach General Plan, the project site is not located in a flood hazard area. The proposed project does not include the construction of housing; therefore, the proposed project would not place housing within a 100-year flood hazard area, and no impacts would occur.

**h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

**No Impact.** The project site is not located in a flood hazard area (City of Newport Beach 2006a). Therefore, the proposed project would not impede or redirect 100-year flood flow, and no impacts would occur.

**i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

**No Impact.** The proposed project is not located in a flood hazard area (City of Newport Beach 2006a). The project site is not located near a levee or dam. Various flood control measures have helped mitigate flood damage in the City. Administered by the Orange County Resources & Development Management Department, the Orange County Flood Control District (OCFCD) provides, operates, and maintains public facilities and regional resources for the residents of Orange County. OCFCD operates and maintains flood control channels, dams, retarding basins, pump stations, and other flood control infrastructure that the OCFCD designs and constructs. Specifically, OCFCD is responsible for maintaining the regional drainage facilities such as the Santa Ana River, San Diego Creek, and Buck Gully. These structures help regulate flow in the Santa Ana River, San Diego Creek, and smaller streams, and hold back some of the flow during intense rainfall periods that could otherwise overwhelm the storm drain system in Newport Beach. Therefore, no impacts would occur.

**j) Inundation by seiche, tsunami, or mudflow?**

**No Impact.** Implementation of the proposed project would not increase exposure to inundation by seiche, tsunami, or mudflow. Due to the elevation of the site (approximately 50 feet) and absence of nearby waterfront, impacts from a tsunami would be negligible. Seiches result from the rhythmic movement of water within a lake or other enclosed or semi-enclosed body of water, generally caused by earthquakes. A small body of water, approximately 1.3 acres in area, is located over 300 feet from the project site between MacArthur Boulevard and Von Karman Avenue. Because no large lakes or other bodies of water lie on or near the project site, the potential hazard from seiches is very low at the project site. Based on Figure S1 (Coastal Hazards) of the City of Newport Beach General Plan, the project site is not located in a 100- or 500-year zone for tsunami inundation at extreme high tide (City of Newport Beach 2006a). The site is relatively flat and is not subject to a high risk of mudflow. The project site is not in an area with landslide potential (City of Newport Beach 2006a), per Figure S2 (Seismic Hazards) of the City of Newport Beach General Plan. Therefore, no impacts would occur.

## **X. LAND USE AND PLANNING.**

### **a) Physically divide an established community?**

**No Impact.** The project sites are located in a planned community district. The proposed change in use from restaurant to general commercial use, transfer of hotel room entitlement to the project site location, and reduction in the hotel room allocation of the off-site location will not create a physical division of or between the established general office uses, hotel site, and the existing restaurant uses in the vicinity; and will increase the types of commercial uses permitted to include those that provide service or convenience for the benefit of persons visiting or working in the vicinity. Therefore, no mitigation measures are required by CEQA.

### **b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

**Less Than Significant Impact.** The project involves two sites designated as Mixed Use – Horizontal Land Use (MU-H2) per the Land Use Element of the General Plan, which provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. The development limits for the project sites are identified in Table LU2 of the General Plan Land Use Element as a portion of Anomaly Number 12 with a development limit of 457,880 square feet; and a portion of Anomaly Number 17 with a development limit of 33,392 square feet and 304 hotel rooms. Both sites involved in the project are currently zoned PC-11, Newport Place Planned Community District as Restaurant Site 1 (Project Site) and Hotel Site 2-B (Donor Site). The project as proposed includes a code amendment to change the designation of a portion of Restaurant Site 1 to General Commercial Site 8 designation. Also included in the project is a request to transfer 54 hotel rooms from Hotel Site 2-B (donor site) to the project site.

The transfer of 54 hotel rooms will be converted to a comparable amount of commercial floor area (8,000 square feet) to establish the total amount of the project site, designated as General Commercial Site 8, to 13,525 square feet, and change the entitlement of Anomaly No. 12 from 457,880 square feet to 463,409 square feet to accommodate the proposed construction of a new commercial shopping center. Conversely, the hotel room entitlement of the donor site within Statistical Area L-4, Anomaly Number 17 will be reduced from 304 to 250 hotel rooms.

The proposed activities will amend the zoning to allow for general commercial uses and will not conflict with land use plans, policies, or zoning of the City of Newport Beach, since the commercial square footage increase is offset by the

transfer and reallocation of hotel rooms located within the same Statistical Area L4. Land use policy consistency analysis (Appendix I) has been conducted and is on file and available for review at the Planning Division at City Hall. Therefore, no mitigation measures are required by CEQA.

**c) Conflict with any applicable habitat conservation plan or natural community conservation plan?**

**No Impact.** As referenced in Section IV (Biological Resources), the project site and the donor site are not within a habitat conservation area that supports any specific species of flora or fauna on the property. Furthermore, the project site is currently developed with a restaurant use and related surface parking that will be demolished prior to construction of the new development; and the donor site is occupied by an interim use, rental vehicle storage facility, with hotel room entitlement that will be reduced in total number. The project will not conflict with any applicable habitat conservation plan or natural community conservation plan. Therefore, no mitigation measures are required by CEQA.

**XI. MINERAL RESOURCES.**

**a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**No Impact.** Per Section 4.5.6: Mineral Resources of the Draft EIR of the Newport Beach General Plan 2006 Update, other than known active oil and gas resources generally concentrated within the western portions of Newport Beach, there is no active mining within the Newport Beach area. Based on guidelines adopted by the CGS (California Geological Survey) areas known as Mineral Resource Zones (MRZ) are classified according to the presence or absence of significant deposits. The City is required to respond to mineral resource recovery areas that have been designated by the State as MRZ-2 (significant existing or likely mineral deposits). All areas within the City are either classified as containing no significant mineral deposits (MRZ-1), or the significance of mineral deposits has not been determined (MRZ-3). The proposed project site lies within an MRZ-3 zone (Figure 4.5-4 Mineral Resource Zones, Draft EIR of the Newport Beach General Plan 2006 Update). Therefore, the proposed project would not result in the loss of the availability of known mineral resources that would be of value to the region and the residents of the State, and no impact would occur.

**b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

**No Impact.** The subject site is not delineated in the City of Newport Beach General Plan as containing a locally important mineral resource (City of Newport Beach 2006a). Therefore, no impacts would occur.

## **XII. NOISE.**

### Existing Conditions

Noise-sensitive receptors in the vicinity of the project site include the Tutor Time daycare center approximately 2,100 feet to the southwest at 1550 Bristol Street North, the University of California Irvine Child Development Center located approximately 2,100 feet to the east at 19262 Jamboree Road in the City of Irvine, and high-density residences approximately 3,000 feet to the northeast at the intersection of Campus Drive and Jamboree Road (Alford, pers. comm.).

The project site is also located within an area planned for future mixed residential/commercial uses. However, no residential uses currently exist in this area nor are they have any mixed residential/commercial development projects been approved in this area (City of Newport Beach 2006).

### Regulatory Background: Noise Standards and Thresholds of Significance

The proposed project is subject to the policies and standards contained in the Noise Element of the Newport Beach General Plan and the Community Noise Control Ordinance and the Loud and Unreasonable Noise Ordinance, Chapters 10.26 and Chapter 10.28, respectively, of the Newport Beach Municipal Code (NBMC).

The Noise Element establishes standards for exterior sound levels based on land use categories. The City also has established policies and regulations concerning the generation and control of noise that could adversely affect its citizens and noise-sensitive land uses. The Noise Element states that an outdoor noise exposure level of 60 to 65 dBA community noise equivalent level (CNEL) is considered “normally compatible” for single-unit and multi-unit residential development.

The Noise Element also sets interior and exterior noise standards, based on land use:

<b>Land Use Categories</b>		<b>Allowable Noise Levels (dBA)</b>			
<b>Categories</b>	<b>Uses</b>	<b>Interior <sup>a,b</sup></b>		<b>Exterior <sup>a,b</sup></b>	
		<b>Interior Noise Level (Leq) 7am to 10pm</b>	<b>Interior Noise Level (Leq) 10 pm to 7 am</b>	<b>Exterior Noise Level (Leq) 7am to 10pm</b>	<b>Exterior Noise Level (Leq) 10 pm to 7 am</b>
Residential	Single Family, Two Family, Multiple Family (Zone I)	45	40	55	50
	Residential Portions of Mixed Use Developments (Zone III)	45	40	60	50
Commercial Industrial	Commercial (Zone II)	N/A	N/A	65	60
	Industrial or Manufacturing (Zone IV)	N/A	N/A	70	70
Institutional	Schools, Day Care Centers, Churches, Libraries, Museums, Health Care Institutions (Zone I)	45	40	55	50

a. If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

b. It shall be unlawful for any person at any location within the incorporated area of the City to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such a person which causes the noise level when measured on any other property, to exceed either of the following:

- The noise standard for the applicable zone for any fifteen-minute period;
- A maximum instantaneous noise level equal to the value of the noise standard plus twenty dBA for any period of time (measured using A-weighted slow response).
- In the event the ambient noise level exceeds the noise standard, the noise standard applicable to said category shall be increased to reflect the maximum ambient noise level.
- The noise standard for the residential portions of the residential property falling within one hundred feet of a commercial property, if the intruding noise originates from that commercial property.

- If the measurement location is on a boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply.

The City of Newport Beach General Plan’s Noise Element (General Plan Policy N 1.8) identifies a significant impact as follows:

*A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below:*

<b>CNEL</b>	<b>dBA Increase</b>
55	3
60	2
65	1
70	1
Over 75	Any increase is significant

Noise Policy N 1.1 requires that all proposed developments be compatible with the noise environment through the use of a land use noise compatibility matrix contained in Table N2 of the Noise Element.

Section 10.26.025 NBMC specifies the following exterior noise standards:

<b>NOISE ZONE</b>	<b>TYPE OF LAND USE</b>	<b>ALLOWABLE NOISE LEVEL (Equivalent Noise Level Leg)</b>	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Single-, two- or multiple-family residential	55 dBA	50 dBA
II	Commercial	65 dBA	60 dBA
III	Residential portions of mixed-use properties	60 dBA	50 dBA
IV	Industrial or manufacturing	70 dBA	70 dBA

Construction noise is exempt from the above noise standards, pursuant to Section 10.26.035 NBMC. However, Section 10.28.040 NBMC specifies permitted hours for construction activities. Construction or other noise-generating activity that would disturb a person of normal sensitivity who works or resides in the vicinity may occur only between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. to 6 p.m. on Saturdays. No construction that would disturb a person of normal sensitivity may occur on Sundays or federal holidays.

**a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Less-Than Significant Impact with Mitigation Incorporated.** Although sensitive receptors in the area would be exposed to temporary increases in noise

from construction activities, City noise standards would not be exceeded. The construction and operational noise impacts and required mitigation measures are discussed below.

### Construction Noise

Construction of the proposed project is anticipated to last for approximately seven months, beginning in January 2012 and continue through June, 2012. Noise from construction activity is generated by a broad array of powered mechanical equipment. In order to assess the potential noise effects of construction, this noise analysis used a list of construction equipment provided for the proposed project to assess noise levels during construction phases. During the demolition phase of construction, noise levels are estimated to be approximately 92 dBA Leq at the project site. Construction noise levels of this magnitude would attenuate at the closest sensitive receptor (UCI Child Development Center) to approximately 55 dBA Leq (Noise attenuates at a rate of 6 dB per doubling distance). Because existing noise levels at the closest sensitive receptor were measured at approximately 63 dBA Leq, the noise levels would be marginally higher at this location during the loudest phase of construction. Therefore, construction noise would likely be perceptible, but would not dominate the noise environment at the sensitive receptor (Alford pers. comm.).

The City's Municipal Code exempts construction from the noise restrictions discussed above as long as it occurs between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday; and between 8:00 a.m. and 6 p.m. on Saturdays and does not occur at any time on federal holidays or on Sundays. In addition to the City's construction restrictions, the following mitigation measures would ensure construction noise results in a less-than-significant impact:

#### Mitigation Measures:

- 12.1. All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
- 12.2. All mobile and fixed noise-producing equipment used on the proposed project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of project activity.
- 12.3. Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.

- 12.4. Mobile noise-generating equipment and machinery shall be shut off when not in use.
- 12.5. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practical from noise-sensitive receptors.
- 12.6. Construction site and access road speed limits shall be established and enforced during the construction period.
- 12.7. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- 12.8. No project-related public address or music system shall be audible at any adjacent receptor.
- 12.9. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the project proponent shall be established prior to construction commencement that shall allow for resolution of noise problems that cannot be immediately solved by the site supervisor.

#### Operational Noise

The proposed project would generate some operational noise through stationary noise sources such as HVAC units. However, the project would be required to comply with Chapter 10.26 of the NBMC, which addresses Community Noise Control, and these units would be properly enclosed or shielded to minimize noise impacts. Furthermore, commercial uses surround the project site and these uses are not considered sensitive noise receptors. Therefore, any slight increase in operational noise associated with the HVAC units would not represent a significant impact.

#### Traffic Noise

Figure N2 of the City of Newport Beach General Plan shows that the project site is located within the Existing 60-65 dBA CNEL Roadway Noise Contours and within the 60-65 dBA CNEL Roadway Noise Contours projected for 2025. The Noise Element establishes that commercial land uses located with 60-65 dBA CNEL are "Clearly Compatible" based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.

The proposed project would generate vehicle trips on the surrounding roadways. Based on generation rates for specific land use types, the project is proposed to generate 942 more daily vehicle trips, 67 more of which would occur during the morning peak hour and 55 more of which would occur during the evening peak hour.

Peak hour traffic volumes are considered to have the highest noise levels due to the largest traffic volume. The PM peak hour trips were used for the analysis of the surrounding roadways because traffic volume is highest during these hours. Therefore, to be consistent, the PM peak hour trips generated by the proposed project were also used in the analysis. The proposed project is anticipated to add approximately 55 PM peak hour trips to the surrounding roadway network. Noise is not additive in a linear sense; doubling the noise energy of a source (for example, doubling the traffic volume on a roadway) does not result in a perceived doubling of the noise level, nor does it result in a doubling of the noise level as expressed in decibels. All other factors being held constant, a doubling of the power from a noise source results in an increase of 3 dBA in the noise level.

The City of Newport Beach General Plan Policy N 1.8 states that an increase of 2 dBA would be considered significant in an area with where existing land uses are exposed to noise levels between 60 and 65 dBA CNEL. In the case of this proposed project, the addition of approximately 55 additional vehicle trips to the surrounding roadways would result in a very small increase in the traffic noise. Such a change in the noise level would be imperceptible. The proposed project's traffic would not significantly increase noise from the existing roadway network. Therefore, noise impacts would be less than significant.

**b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?**

**Less-Than Significant Impact.** Construction activities associated with grading and excavation may result in minor levels of ground vibration. Construction of the proposed project would not involve special construction methods such as pile driving or blasting. Vibration from conventional construction activity is typically below a level of human perception and well under levels that would cause damage to existing buildings when the activity is more than approximately 50 feet from the receiver. For this proposed project, construction activities would take place at distances greater than 50 feet from sensitive receptors. Based on data from the Federal Transit Administration (FTA), small bulldozers (which are representative of the size of construction equipment that would be on site) produce vibration levels of 0.003 inch per second (IPS) peak particle velocity (PPV) at a distance of 25 feet. This level is well below widely accepted levels of perception thresholds (for example, California Department of Transportation [Caltrans] has identified a PPV of between 0.0059 and 0.019 IPS PPV as the threshold of human perception.) The FTA maintains a 0.12 IPS PPV threshold for potential damage to “extremely fragile historic buildings” (U.S. Department of Transportation 2006). Additionally, vibration from these activities would be short-term and would end when construction is completed. Therefore, this impact is considered less than significant.

**c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Less-Than Significant Impact.** The proposed project would generate some operational noise through stationary equipment such as HVAC units. However, the project would be required to comply with Chapter 10.26 of the NBMC, which addresses Community Noise Control, and these units would be properly enclosed or shielded to minimize noise impacts. Furthermore, office and commercial uses surround the project site and these uses are not considered sensitive noise receptors, therefore, any slight increase in operational noise associated with the project would not represent a significant impact. Noise associated with the operation of the proposed project would be generated primarily by traffic. The proposed project would increase traffic volumes marginally by adding 55 trips during the PM peak hour. As discussed above, the increase in noise from the proposed project would not be perceptible. Therefore, noise from traffic associated with the proposed project would be less than significant.

**d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Less-Than Significant Impact.** Construction of the proposed project would result in a temporary increase in noise levels. These levels could be perceptible but would not dominate the noise environment. The City exempts noise from construction provided that it occurs only between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturdays and at no time on federal holidays or Sundays. Therefore, impacts from construction would be less than significant.

**e) For a project located within an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**Less-Than Significant Impact.** The project site is located approximately 0.38-mile from John Wayne Airport. Figure N2 of the City of Newport Beach General Plan shows the existing 65 dBA CNEL noise contour for John Wayne Airport. Figure N2 shows that the project site is located approximately 970 feet outside the 65 dBA CNEL noise contour for John Wayne Airport. The Noise Element establishes that commercial land uses located with 60-65 dBA CNEL are "Clearly Compatible" based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements. Therefore, noise impacts related to air traffic would be less than significant.

**f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** The project site is not located in the vicinity of an airstrip, private or public. No impacts would occur (Alford, per. comm..).

### **XIII. POPULATION AND HOUSING.**

**a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**Less-Than Significant Impact.** The proposed project would not induce substantial population growth in the area, either directly or indirectly. The project does not propose the development of any residences. The project involves the development of approximately 13,525 square feet of restaurant and retail uses which will replace the existing 7,996 square-foot restaurant. The proposed project will provide new employment opportunities; however, the size and scope of the development would not be of a regional scale that would directly induce substantial population growth within the City of Newport Beach. Therefore, no significant impacts to population growth are anticipated and no mitigation measures are necessary.

**b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

**No Impact.** No housing is currently on-site. Therefore, the project would not displace any existing housing and no impacts would occur.

**c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

**No Impact.** No housing is currently located on-site. Therefore, the project would not displace any people and would not necessitate construction of replacement housing elsewhere.

### **XIV. PUBLIC SERVICES**

**a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

- Fire protection?
- Police protection?
- Schools?
- Other public facilities?

**Less-Than Significant Impact.** The proposed project is replacing a 7,996 square-foot vacant restaurant with a new 13,525 square-foot development consisting of new multi-tenant commercial retail and food uses (5,000 square feet for a food use and 8,525 square feet for general commercial). The public services that could be required by the project upon construction include emergency medical and/or fire protection or police calls. The proposed development is designated for a retail and food service use and is not anticipated to significantly impact the current levels of service provided by the fire and police departments. Because many other public services (i.e., schools, libraries and senior centers) cater to the population and no increase in the surrounding population is anticipated due to the proposed project, the impacts will be less than significant.

## **XV. RECREATION**

**a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**No Impact.** The proposed project would not affect neighborhood or regional parks or other recreational facilities. An increase in the use of parks is generally associated with an increase of housing or population in an area. As discussed in Section XIII (a), Population and Housing, the proposed project is not expected to substantially induce population growth. The short-term construction jobs and retail and office-related jobs generated by the project are expected to be fulfilled by the local population and it is unlikely that a substantial number of employees would need to be relocated from outside the region. Furthermore, according to Figure R1 of the City of Newport Beach General Plan, there are no existing recreational facilities in the project vicinity (City of Newport Beach 2006a). Therefore, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur. No impacts would occur.

**b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**No Impact.** As discussed in Section XIII (a), Population and Housing, the proposed project is not expected to substantially induce population growth. The proposed project would not include recreational facilities or require the construction of or expansion of recreation facilities that might have an adverse physical effect on the environment. No impacts would occur.

## **XVI. TRANSPORTATION/TRAFFIC**

**a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system,**

**taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

**Less-Than Significant Impact.** A traffic impact analysis was prepared by Kunzman Associates, Inc., (dated May 31, 2011) to evaluate the potential traffic impacts resulting from implementation of the project. The traffic impact analysis is presented in full in Appendix E (this appendix is on file and available for review at the Planning Division at City Hall), and summarized below.

The traffic generated by the project is determined by multiplying an appropriate trip generation rate by the quantity of land use. Trip generation rates are derived from the Institute of Transportation Engineers, *Trip Generation*, 8<sup>th</sup> Edition (2008). Pursuant to the City's Traffic Phasing Ordinance (TPO), trips that would be generated by the existing 7,996 square-foot restaurant building are credited against the total trips that would be generated by the proposed project. As shown in Table 16-1, the resulting net trips of 942 average daily vehicle trips would be utilized only for the TPO traffic analysis (forecast year 2013 with project conditions). However, in order to analyze a conservative scenario in terms of trip generation and assignment of traffic, the CEQA analysis does not provide trip credit for the existing 7,996 square-foot restaurant building. Without the credit, the project (up to 13,525 sq. ft. of commercial retail and food uses) is forecast to generate 70 morning peak-hour trips, 89 evening peak-hour trips, and 1,352 average daily vehicle trips (see Table 16-1).

**TABLE 16-1:  
PROJECT TRIP GENERATION**

Traffic Phasing Ordinance (TPO)									
Land Use	Quantity	Units <sup>1</sup>	Peak Hour						Daily
			Morning			Evening			
			Inbound	Outbound	Total	Inbound	Outbound	Total	
<u>Existing Use</u>									
Quality Restaurant	7.996	TSF	5	1	6	40	20	60	719
Pass-By (43%)			-2	-1	-3	-17	-9	-26	-309
<b>Total</b>			<b>3</b>	<b>0</b>	<b>3</b>	<b>23</b>	<b>11</b>	<b>34</b>	<b>410</b>
<u>Proposed Uses</u>									
Retail	4.325	TSF	NOM <sup>2</sup>	NOM	NOM	5	7	12	192
Fast Food Restaurant	1.000	TSF	26	18	44	13	13	26	716
High Turnover (Sit-Down) Restaurant	4.000	TSF	24	22	46	26	18	44	509
Bank	4.000	TSF	17	7	24	19	29	48	600
<b>Subtotal</b>	<b>13.325</b>	<b>TSF</b>	<b>67</b>	<b>47</b>	<b>114</b>	<b>63</b>	<b>67</b>	<b>130</b>	<b>2,017</b>
Pass-By <sup>3</sup>			-25	-19	-44	-21	-20	-41	-665
<b>Total</b>			<b>42</b>	<b>28</b>	<b>70</b>	<b>42</b>	<b>47</b>	<b>89</b>	<b>1,352</b>
Difference			39	28	67	19	36	55	942

California Environmental Quality Act (CEQA)									
Land Use	Quantity	Units <sup>1</sup>	Peak Hour						Daily
			Morning			Evening			
			Inbound	Outbound	Total	Inbound	Outbound	Total	
<u>Proposed Uses</u>									
Retail	4.325	TSF	NOM <sup>2</sup>	NOM	NOM	5	7	12	192
Fast Food Restaurant	1.000	TSF	26	18	44	13	13	26	716
High Turnover (Sit-Down) Restaurant	4.000	TSF	24	22	46	26	18	44	509
Bank	4.000	TSF	17	7	24	19	29	48	600
<b>Subtotal</b>	<b>13.325</b>	<b>TSF</b>	<b>67</b>	<b>47</b>	<b>114</b>	<b>63</b>	<b>67</b>	<b>130</b>	<b>2,017</b>
Pass-By <sup>3</sup>			-25	-19	-44	-21	-20	-41	-665
<b>Total</b>			<b>42</b>	<b>28</b>	<b>70</b>	<b>42</b>	<b>47</b>	<b>89</b>	<b>1,352</b>

1 TSF= Thousand Square Feet

2 NOM= Nominal. It is anticipated the retail commercial uses would have hours of operation from 9:00 AM to 7:00 PM, daily.

3 The traffic volumes from the fast-food and high turn-over sit down restaurants have been reduced by 43% as a result of pass-by-trips obtained from the Institute of Transportation Engineers and the bank has been reduced by 23% as a result of pass-by trips obtained from the San Diego Association of Governments.

The intersection impacts analysis is based on the Intersection Capacity Utilization (ICU) methodology as utilized by the City of Newport Beach. To calculate an ICU value, the volume of traffic using the intersection is compared with the capacity of the intersection. An ICU value is usually expressed as a decimal. The decimal represents that portion of the hour required to provide sufficient capacity to accommodate all intersection traffic if all approaches operate at capacity. The traffic impact analysis measures intersection performance by using levels of service (LOS), a qualitative measure describing the efficiency of traffic flow on a roadway or at an intersection. LOS range from A, indicating free flow with minimal delays, to F, indicating severely congested conditions. The City of Newport Beach target for peak hour intersection operation is LOS D or better.

To determine whether the addition of project-generated trips at a signalized study intersection results in a significant impact, the City of Newport Beach has established the following threshold of significance:

- A significant impact occurs when the addition of project-generated trips causes the level of service at a study intersection to deteriorate from an acceptable LOS (LOS D or better in most cases) to a deficient LOS (LOS E or F); or
- For intersections operating at LOS E or F under existing conditions, a significant impact occurs when the addition of project-generated trips increases the ICU value by one percent (0.01) or more.

#### Existing Conditions (Year 2011) and Existing + Project

Currently (2011), all study intersections operate at Level of Service (LOS) C or better during both morning and evening peak hours. The addition of project traffic would not result in a significant impact at the study area intersections (increase of one-percent or more at a study area intersection operating at worse than LOS D during the morning/evening peak hours); therefore, no mitigation is required (see Table 16-2).

**TABLE 16-2:  
EXISTING AND EXISTING PLUS PROJECT CAPACITY UTILIZATION AND  
LOS**

Intersection	Traffic Control <sup>2</sup>	Peak Hour ICU-LOS <sup>1</sup>				ICU Increase	
		Existing (Year 2011)		Existing (Year 2011) + Project			
		Morning	Evening	Morning	Evening	Morning	Evening
MacArthur Boulevard (NS) at:							
Campus Drive (EW)	TS	0.435-A	0.635-B	0.437-A	0.635-B	+0.002	+0.000
Birch Street (EW)	TS	0.380-A	0.457-A	0.380-A	0.458-A	+0.000	+0.001
Von Karman Avenue (EW)	TS	0.552-A	0.558-A	0.558-A	0.564-A	+0.006	+0.006
Jamboree Road (EW)	TS	0.601-B	0.678-B	0.604-B	0.680-B	+0.003	+0.002
Campus Drive/Irvine Avenue (NS) at:							
Bristol Street North (EW)	TS	0.488-A	0.742-C	0.490-A	0.744-C	+0.002	+0.002
Bristol Street South (EW)	TS	0.634-B	0.465-A	0.635-B	0.466-A	+0.001	+0.001
Birch Street (NS) at:							
Bristol Street North (EW)	TS	0.532-A	0.527-A	0.533-A	0.527-A	+0.001	+0.000
Bristol Street South (EW)	TS	0.391-A	0.436-A	0.391-A	0.437-A	+0.000	+0.001
Von Karman Avenue (NS) at:							
Campus Drive (EW)	TS	0.462-A	0.563-A	0.463-A	0.564-A	+0.001	+0.001
Birch Street (EW)	TS	0.285-A	0.351-A	0.287-A	0.352-A	+0.002	+0.001
Bayview Place (NS) at:							
Bristol Street South (EW)	TS	0.417-A	0.540-A	0.417-A	0.540-A	+0.000	+0.000
Jamboree Road (NS) at:							
Campus Drive (EW)	TS	0.615-B	0.583-A	0.618-B	0.584-A	+0.003	+0.001
Birch Street (EW)	TS	0.514-A	0.421-A	0.516-A	0.423-A	+0.002	+0.002
Bristol Street North (EW)	TS	0.426-A	0.489-A	0.427-A	0.490-A	+0.001	+0.001
Bristol Street South (EW)	TS	0.611-B	0.661-B	0.612-B	0.662-B	+0.001	+0.001
1 ICU-LOS=Intersection Capacity Utilization – Level of Service							
2 TS=Traffic Signal							

Existing + Ambient Growth (Year 2013) + Approved Projects<sup>1</sup>, With and Without Project (Traffic Phasing Ordinance -- TPO Scenario)

One-percent of the projected peak hour volumes of each approach of each study area intersection were compared with the peak hour distributed volumes from the proposed project. If one-percent of the existing + growth (Year 2013) + approved projects traffic peak hour volumes of each approach is greater than the peak hour project generated approach volumes, no further analysis is required. If project generated peak hour approach volumes are higher than one-percent of the projected peak hour volumes on any approach of an intersection, the intersection would require analysis utilizing the Intersection Capacity Utilization methodology. Comparison of the one-percent of the existing + growth (Year 2013) + approved projects traffic peak hour approach volumes with the project generated peak hour approach volumes resulted in the following study area intersections exceeding the one-percent threshold and requiring additional analysis:

MacArthur Boulevard (NS):

Campus Drive (EW) – Morning Peak Hour  
Von Karman Avenue (EW) \_ Morning Peak Hour & Evening Peak Hour  
Jamboree Road (EW) – Morning Peak Hour & Evening Peak Hour

Jamboree Road (NS) at:

Campus Drive (EW) – Morning Peak Hour

In the future (2013), with the addition of ambient growth and approved projects to existing conditions, all intersections would continue to operate as in 2010 -- at LOS C or better during the morning and evening peak hours. The addition of project traffic would not result in a significant impact at the study area intersections (increase of one-percent or more at a study area intersection operating at worse than LOS D during the morning/evening peak hours); therefore, no mitigation is required (see Table 16-3).

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<sup>1</sup> Approved Project- An approved project is one that has been approved, requires no further discretionary approval, and has received, or is entitled to receive, a building permit or grading permit for construction of the project or one or more phases of the project. See Table 5 of Appendix E (Traffic Impact Analysis) for Approved Projects List.

**TABLE 16-3:  
TPO INTESECTION CAPACITY UTILIZATION AND LOS**

Intersection	Traffic Control <sup>2</sup>	Peak Hour ICU-LOS <sup>1</sup>				ICU Increase	
		Existing + Growth (Year 2013) + Approved Projects		Existing + Growth (Year 2013) + Approved Projects + Project			
		Morning	Evening	Morning	Evening	Morning	Evening
MacArthur Boulevard (NS) at:							
Campus Drive (EW)	TS	0.45-A	0.65-B	0.45-A	0.65-B	+0.00	+0.00
Birch Street (EW)	TS	0.39-A	0.48-A	0.39-A	0.48-A	+0.00	+0.00
Von Karman Avenue (EW)	TS	0.56-A	0.57-A	0.57-A	0.57-A	+0.01	+0.00
Jamboree Road (EW)	TS	0.62-B	0.71-C	0.63-B	0.71-C	+0.01	+0.00
Campus Drive/Irvine Avenue (NS) at:							
Bristol Street North (EW)	TS	0.50-A	0.76-C	0.50-A	0.76-C	+0.00	+0.00
Bristol Street South (EW)	TS	0.64-B	0.47-A	0.64-B	0.47-A	+0.00	+0.00
Birch Street (NS) at:							
Bristol Street North (EW)	TS	0.53-A	0.54-A	0.54-A	0.54-A	+0.01	+0.00
Bristol Street South (EW)	TS	0.40-A	0.46-A	0.40-A	0.46-A	+0.00	+0.00
Von Karman Avenue (NS) at:							
Campus Drive (EW)	TS	0.47-A	0.57-A	0.47-A	0.57-A	+0.00	+0.00
Birch Street (EW)	TS	0.29-A	0.35-A	0.29-A	0.35-A	+0.00	+0.00
Bayview Place (NS) at:							
Bristol Street South (EW)	TS	0.43-A	0.55-A	0.43-A	0.55-A	+0.00	+0.00
Jamboree Road (NS) at:							
Campus Drive (EW)	TS	0.64-B	0.61-B	0.64-B	0.61-B	+0.00	+0.00
Birch Street (EW)	TS	0.54-A	0.44-A	0.54-A	0.44-A	+0.00	+0.00
Bristol Street North (EW)	TS	0.46-A	0.52-A	0.46-A	0.52-A	+0.00	+0.00
Bristol Street South (EW)	TS	0.65-B	0.70-C	0.65-B	0.70-C	+0.00	+0.00

1 ICU-LOS=Intersection Capacity Utilization – Level of Service  
2 TS=Traffic Signal

Existing + Ambient Growth (Year 2013) + Approved Projects + Cumulative Projects<sup>2</sup>, With and Without Project (CEQA Analysis Scenario)

In 2013, with approved projects, ambient growth and cumulative projects added to existing conditions, all intersections would continue to operate at LOS C or

<sup>2</sup> Cumulative Projects- Cumulative projects are known, but not yet approved developments that are reasonably expected to be completed or nearly completed at the same time as the proposed project. See Appendix J for Cumulative Projects List.

better during the morning and evening peak hours. The addition of project traffic would not result in a significant impact at the study area intersections (increase of one-percent or more at a study area intersection operating at worse than LOS D during the morning/evening peak hours); therefore, no mitigation is required. Table 16-4 shows with and without capacity utilization and LOS for the Cumulative Analysis scenario.

**TABLE 16-4:  
CEQA INTERSECTION CAPACITY UTILIZATION AND LOS**

Intersection	Traffic Control <sup>2</sup>	Peak Hour ICU-LOS <sup>1</sup>				ICU Increase	
		Existing + Growth (Year 2013) + Approved Projects + Cumulative Projects		Existing + Growth (Year 2013) + Approved Projects + Cumulative Projects + Project			
		Morning	Evening	Morning	Evening	Morning	Evening
MacArthur Boulevard (NS) at:							
Campus Drive (EW)	TS	0.470-A	0.659-B	0.471-A	0.659-B	+0.001	+0.000
Birch Street (EW)	TS	0.413-A	0.495-A	0.413-A	0.496-A	+0.000	+0.001
Von Karman Avenue (EW)	TS	0.569-A	0.601-B	0.575-A	0.606-B	+0.006	+0.005
Jamboree Road (EW)	TS	0.682-B	0.763-C	0.686-B	0.765-C	+0.004	+0.002
Campus Drive/Irvine Avenue (NS) at:							
Bristol Street North (EW)	TS	0.515-A	0.773-C	0.516-A	0.774-C	+0.001	+0.001
Bristol Street South (EW)	TS	0.647-B	0.486-A	0.648-B	0.487-A	+0.001	+0.001
Birch Street (NS) at:							
Bristol Street North (EW)	TS	0.555-A	0.549-A	0.556-A	0.549-A	+0.001	+0.000
Bristol Street South (EW)	TS	0.401-A	0.467-A	0.401-A	0.467-A	+0.000	+0.000
Von Karman Avenue (NS) at:							
Campus Drive (EW)	TS	0.482-A	0.578-A	0.483-A	0.580-A	+0.001	+0.002
Birch Street (EW)	TS	0.295-A	0.354-A	0.296-A	0.354-A	+0.001	+0.000
Bayview Place (NS) at:							
Bristol Street South (EW)	TS	0.430-A	0.568-A	0.430-A	0.568-A	+0.000	+0.000
Jamboree Road (NS) at:							
Campus Drive (EW)	TS	0.665-B	0.638-B	0.667-B	0.639-B	+0.002	+0.001
Birch Street (EW)	TS	0.557-A	0.480-A	0.558-A	0.481-A	+0.001	+0.001
Bristol Street North (EW)	TS	0.484-A	0.539-A	0.485-A	0.540-A	+0.001	+0.001
Bristol Street South (EW)	TS	0.663-B	0.735-C	0.664-B	0.736-C	+0.001	+0.001

1 ICU-LOS=Intersection Capacity Utilization – Level of Service

2 TS=Traffic Signal

**b) Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

**Less-Than Significant Impact.** The Congestion Management Plan (CMP) is the program by which agencies in Orange County have agreed to monitor and report on the status of regional roadways. In the County, the CMP uses ICU intersection analysis methodology to analyze its operations. According to the Orange County CMP, the addition of project generated trips results in a significant impact at the study intersections if traffic demand is increased by more than three percent of capacity ( $V/C > 0.03$ ), causing or worsening LOS F. Based upon the CMP significance threshold, the project-generated traffic did not result in a significant impact at the study area intersections. No significant impact would occur and no mitigation measures are necessary.

**d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

**No Impact.** The commercial nature of the project would not result in a population increase in the City of Newport Beach. Thus, the project is not expected to result in a substantial increase in air traffic levels.

The proposed project is located approximately 0.38 miles from John Wayne Airport (JWA) and is located within the Airport Environs Land Use Plan (AELUP) for JWA. The AELUP contains policies governing the land uses within the JWA area. Specifically, these policies establish development criteria that protect sensitive receptors from airport noise, persons from risk of operations, and height guidelines to ensure aircraft safety. The proposed project would be required to implement the guidelines contained in the AELUP. The airspace over the project site could be used by commercial aircraft and helicopters; however, both would be at sufficient altitude so as not to be affected by the proposed project. In addition, the proposed project site is outside the noise contours and safety zones for JWA. Therefore, there would be no impacts from implementation of the proposed project and no mitigation measures are necessary.

**d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Less-Than Significant Impact.** Although no significant impacts or hazards were identified in the traffic study as a result of project implementation, several improvements were recommended to avoid conflicts related to on-site circulation and site access. To assure smooth traffic operations for vehicles entering and exiting the site, the northbound left turn pocket on MacArthur Boulevard is recommended to accommodate a minimum pocket length of 120 feet. Vehicular signage is recommended to be installed to ensure U-turns and eastbound left

turns are prohibited at the MacArthur Boulevard/Project Driveway. Also, a STOP sign is recommended to be installed to control outbound traffic on all site access roadways. To maintain sight distance, the landscape plantings and signs should be limited to 36 inches in height within 25 feet of project driveways to assure good visibility. In order to ensure no circulation hazards occur, sight distance will be established at the time final grading, landscaping, and street improvement plans are submitted. Sight distance will comply with the City of Newport Beach standards. As a result, no significant impacts are anticipated and no mitigation measures are required.

**e) Result in inadequate emergency access?**

**Less-Than Significant Impact.** California Fire Code, Section 503 requires approved fire access roads within 150 feet of the exterior walls of the first story of each building. Such roads must be at least 20 feet wide, have a minimum of 13.5 feet of vertical clearance, and must provide all-weather driving capabilities for firefighting vehicles. The project site plans have been designed in coordination with the Nbfd to ensure that the project would provide adequate access for firefighting and emergency vehicles and to meet the requirements of CFC Section 503. Therefore, impacts would be less than significant and no mitigation measures are necessary.

**f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?**

**Less-Than Significant Impact.** The proposed project would not conflict with adopted policies supporting alternative transportation. The project is located within walking distance of several high and moderate intensity commercial office buildings, and the proposed restaurant uses would provide a convenient location for dining. Public transportation is readily available in and around the project area. Also, the proposed project would not impact the existing Class I Bikeway located on the northbound side of MacArthur Boulevard. Therefore, no significant impacts are anticipated and no mitigation measures are required.

**XVII. UTILITIES & SERVICE SYSTEMS**

**a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

**Less-than-Significant Impact.** The City of Newport Beach is the wastewater service provider for the project site. Wastewater from the City’s sewer system is treated by the Orange County Sanitation District (OCSD). Wastewater treatment at the OCSD facility is required to meet applicable Santa Ana Regional Water Quality Control Board standards. The project would not exceed wastewater treatment requirements and impacts would be less than significant. No mitigation measures are necessary.

**b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Less-than-Significant Impact.** Wastewater from the City’s sewer system is treated by the Orange County Sanitation District (OCSD). The two sewage water treatment plans operated by the OCSD include Treatment Plant No. 2 in Huntington Beach and the Reclamation Plant No. 1 in Fountain Valley. The proposed project is located north of State Route 73; therefore, wastewater would be treated by Plant No. 1. The OCSD Reclamation Plant No.1 currently maintains a design capacity of 174 million gallons per day and treats an average of 90 million gallons per day. Therefore, it operates at 52 percent of its capacity (City of Newport Beach 2006b).

The existing use generates 2,581,909 gallons of wastewater per year as shown in Table 17-1 below. This accumulates to about 7,074 gallons per day. The proposed project would generate the following amounts of wastewater as shown in Table 17-2 below.

<b>Table 17-1 Existing Project’s Wastewater Generation</b>						
<b>Land Use</b>	<b>Square Feet</b>	<b>Wastewater Generation Rate (gal/year/sf)</b>		<b>Wastewater Generated (gal/year)</b>		<b>Total (gal/year)</b>
		<b>Indoor</b>	<b>Outdoor</b>	<b>Indoor</b>	<b>Outdoor</b>	
Restaurant	7,996	303.53	19.37	2,427,026	154,883	2,581,909
<b>Total</b>						<b>2,581,909</b>

Notes: Calculated from wastewater generation rates used in CalEEMOD

Table 17-2 Proposed Project's Estimated Wastewater Generation						
Land Use	Square Feet	Wastewater Generation Rate (gal/year/sf)		Wastewater Generated (gal/year)		Total (gal/year)
		Indoor	Outdoor	Indoor	Outdoor	
Restaurant	5,000	303.53	19.37	1,517,650	96,850	1,614,500
Commercial-Retail	8,525	74.07	45.40	631,446	387,035	1,018,481
<b>Total</b>						<b>2,632,981</b>

Notes: Calculated from wastewater generation rates used in CalEEMOD

As shown in Table 17-2, the project would generate 2,632,981 gallons of wastewater per year or about 7,213 per day. This is 140 gallons per day more than the existing use which is about .004 percent of the design capacity of Plant No. 1. There is adequate treatment capacity in the region for the amount of wastewater the project would generate. Project development would not require building new or expanding existing wastewater treatment facility and impacts would be less than significant.

**c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Less-than-Significant Impact.** The project site consists mostly of impervious surfaces. The proposed project would not substantially alter the existing drainage pattern of the site and would not increase the pervious area as described in Section IX, Hydrology and Water Quality. Currently, a small portion of the site drains to Dolphin Striker Way. Approximately two-thirds of the remainder of the site drains to a grate inlet located north of the existing building and then southeasterly to a catch basin located on the westerly side of MacArthur Boulevard. The proposed project would continue to be directed to the existing storm drain connecting to the catch basin. However, a portion of the drainage from Parcel 3 and a small portion of Parcel 1 will be diverted into MacArthur Boulevard 180 feet north of the existing catch basin then drain southerly into subject catch basin. During construction, runoff from the project site would be managed by BMPs and as directed in the City's stormwater protection requirements. BMPs would be incorporated into the proposed project as part of a SWPPP to prevent discharges of polluted stormwater from construction sites from entering the storm drains. Therefore, the proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities. Impacts would be less than significant.

**d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

**Less-than-Significant Impact.** Water services for the project site are provided by the City of Newport Beach. Domestic water for the project site is supplied by both groundwater and imported surface water. Currently, a majority of water supplied to the City, including the project site, is supplied by groundwater from the Lower Santa Ana Basin (Basin). Specifically, approximately 75 percent of the water supplied by the City's service area, including the project site, is supplied by groundwater from the Basin, and the remaining 25 percent of water is imported and purchased from the Municipal Water District (MWD). According to the City of Newport Beach, there are sufficient existing water supplies in the City to meet the project's estimated water demand, and project development would not require new or expanded water supplies (Parks 2011)<sup>3</sup>. Impacts would be less than significant and no mitigation measures are necessary.

**e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**Less-Than Significant Impact.** See Response XVII(b).

**f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

**Less-Than Significant Impact.** The City of Newport Beach is under contract with Waste Management of Orange County for solid waste hauling and disposal. The Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in Irvine, is the closest facility for solid waste disposal. The Frank R. Bowerman Sanitary Landfill, which is owned and operated by the Orange County Integrated Waste Management Department (IWMD), opened in 1990 and is scheduled to operate until approximately 2053. The current average disposal rate at the landfill is roughly 4,660 tons per day, and the maximum permitted disposal rate is 11,500 tons per day. The landfill's remaining capacity is approximately 118.5 million tons of solid waste (Hull 2011)<sup>4</sup>. Table 17-3 shows the estimated solid waste generation by the proposed project, using solid waste generation rates from CALRecycle.

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<sup>3</sup> Parks, Casey (Utilities Supervisor). 2011, July 12. Personal communication with City of Newport Beach Utilities Department.

<sup>4</sup> Hull, Ray (Administrative Manager). 2011, July 12. Personal communication with OC Waste & Recycling.

<b>Table 17-3 Estimated Project Solid Waste Generation</b>			
<b>Land Use</b>	<b>Square Feet</b>	<b>Solid Waste Generation, pounds/day</b>	
		<b>Generation Rate (lbs/sf)*</b>	<b>Total (lbs/day)</b>
Restaurant	5,000	.064	320
Commercial-Retail	8,525	.042	358
<b>Total</b>			<b>678 lbs/day (.339 tons/day)</b>

Notes: \*Calculated from solid waste generation rates used in CalEEMOD and obtained from CalRecycle:

Quality Restaurant: 11.65 tons/1,000 square feet/year

Specialty Retail: 7.6 tons/1,000 square feet/year

1 ton/1,000 square feet = .00548 pounds/square foot/day

As shown in Table 17-3, development of the proposed project would result in .339 tons per day of solid waste to be disposed of at the Frank R. Bowerman Sanitary Landfill, representing approximately .003 percent of the amount of solid waste the landfill is allowed to accept daily. With the remaining capacity of 118.5 million tons, as well as a 42-year lifespan at the Frank R. Bowerman Sanitary Landfill, the increase in solid waste generated by the proposed development would not exceed the capacity of the landfill. No deficiencies currently exist at the Frank R. Bowerman Sanitary Landfill, as there is adequate daily surplus capacity to accept the additional solid waste generated from the proposed project. Therefore, as the Frank R. Bowerman Sanitary Landfill would have sufficient capacity to service the proposed project, impacts associated with solid waste disposal would be less than significant and no mitigation measures are necessary.

**g) Comply with federal, state, and local statutes and regulation related to solid waste?**

**No Impact.** The proposed project would comply with all regulations related to solid waste, such as the California Integrated Waste Management Act and City recycling programs; therefore, no impacts would occur.

## SOURCE LIST

The following enumerated documents are available at the offices of the City of Newport Beach, Planning Division, 3300 Newport Boulevard, Newport Beach, California 92660.

1. Final Program EIR – City of Newport Beach General Plan 2006
2. California Agricultural Land Evaluation and Site Assessment Model (1997)
3. California Department of Conservation (2009)
4. California Department of Conservation, Farmland Mapping and Monitoring Program
5. California Department of Forestry and Fire Protection, Forest and Range Assessment Project, Forest Legacy Assessment project
6. City of Newport Beach General Plan, City of Newport Beach, adopted July 25, 2006.
7. County of Orange (2005), General Plan Natural Resources Element
8. PC-11 Newport Place Planned Community.
9. Title 20, 2010 Zoning Code of the Newport Beach Municipal Code.
10. City Excavation and Grading Code, Newport Beach Municipal Code.
11. Chapters 10.26 & 10.28, Community Noise Ordinance of the Newport Beach Municipal Code.
12. South Coast Air Quality Management District, Air Quality Management Plan 1997.
13. South Coast Air Quality Management District, Air Quality Management Plan EIR, 1997.
14. Airport Environs Land Use Plan (AELUP) for John Wayne Airport
15. California Air Resources Board. 2008. Preliminary Draft Staff Proposal: Recommended Approaches for Setting Interim Thresholds for Greenhouse Gases Under the California Environmental Quality Act. October 24, 2008.
16. Santa Ana River Basin Plan and Orange County Drainage Area Management Plan.

17. U.S. Department of Transportation. 2006. Transit Noise and Vibration Impact Assessment. Prepared for the Federal Transit Authority.
18. California Department of Transportation. 2009. Officially Designated State Scenic Highways and Historic Parkways.

The following appendices contained documents that have been prepared specially for this project, and are incorporated by reference within this initial study. These documents are available at the Planning Division, City of Newport Beach.

- A. Environmental Information Form, Ridgeway Development, November 1, 2010.
- B. Geotechnical Engineering Investigation, Stata-Tech, Inc., January 18, 2011.
- C. Phase 1 Environmental Assessment, CENTEC Engineering, April 24, 2003.
- D. Construction Phasing, Ridgeway Development, April 5, 2011.
- E. Traffic Impact Analysis (Revised), Kunzman Associates, Inc. May 31, 2011
- F. Parking Management Plan, Kunzman Associates, Inc. June 16, 2011.
- G. The South Coast AQMD Air District, CalEEMod Emissions Data (Summer, Winter & Annual Emissions) June 15, 2011.
- H. SCAQMD Air Quality Significance Thresholds, Revised March, 2011.
- I. Land Use Consistency Analysis
- J. Cumulative Projects List
- K. Approved Projects List

#### **Personal Communications**

1. Alford, Patrick. Planning Manager. City of Newport Beach. Newport Beach, CA. July 7, 2011.

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