

DRAFT ENVIRONMENTAL IMPACT REPORT
SCH No. 2016011032

150 Newport Center
City of Newport Beach, California



Lead Agency
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

May 12, 2016

DRAFT ENVIRONMENTAL IMPACT REPORT
SCH No. 2016011032

150 Newport Center
City of Newport Beach, California

Lead Agency

City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

CEQA Consultant

T&B Planning, Inc.
17542 East 17th Street, Suite 100
Tustin, CA 92780

Project Applicant

Newport Center Anacapa Associates, LLC
901 Dove Street, #270
Newport Beach, CA 92660

Lead Agency Discretionary Permits

General Plan Amendment No. GP2014-003
Zoning Code Amendment No. CA2014-008
Planned Community Development Plan No. PC2014-004
Site Development Review No. SD2014-006
Development Agreement No. DA2014-002
Tentative Tract Map No. NT2015-003
Environmental Impact Report No. ER2015-002

May 12, 2016

TABLE OF CONTENTS

Section Name and Number

ES.0	Executive Summary	ES-1
ES.1	Introduction.....	ES-1
ES.2	Project Overview	ES-2
	<i>ES.2.1 Location and Regional Setting</i>	ES-2
	<i>ES.2.2 Project Objectives</i>	ES-2
	<i>ES.2.3 Project Description Summary</i>	ES-3
ES.3	EIR Process.....	ES-5
ES.4	Areas of Controversy and Issues to be Resolved.....	ES-5
ES.5	Alternatives to the Proposed Project.....	ES-6
	<i>ES.5.1 No Project/No Redevelopment Alternative.....</i>	ES-6
	<i>ES.5.2 No Project/Office Redevelopment Alternative.....</i>	ES-7
	<i>ES.5.3 Commercial/Restaurant Project Alternative</i>	ES-7
	<i>ES.5.4 Multiple Unit Residential (RM) Alternative</i>	ES-8
	<i>ES.5.5 Reduced Dwelling Units and Building Height Alternative.....</i>	ES-8
ES.6	Summary of Impacts, Mitigation Measures, and Conclusions	ES-9
	<i>ES.6.1 Effects Found Not to be Significant.....</i>	ES-9
	<i>ES.6.2 Impacts of the Proposed Project</i>	ES-9
1.0	Introduction.....	1-1
1.1	<i>Purposes of CEQA and this EIR.....</i>	1-1
1.2	<i>Summary of the Project Evaluated by this EIR.....</i>	1-2
1.3	<i>Legal Authority</i>	1-3
1.4	<i>Approvals from Other Agencies.....</i>	1-3
1.5	<i>EIR Scope, Format, and Content</i>	1-4
	<i>1.5.1 EIR Scope</i>	1-4
	<i>1.5.2 EIR Format and Content</i>	1-8
2.0	Environmental Setting.....	2-1
2.1	Regional Setting and Location.....	2-1
2.2	Local Setting and Surrounding Land Uses	2-1
2.3	Planning Context	2-2
	<i>2.3.1 City of Newport Beach General Plan.....</i>	2-2
	<i>2.3.2 Zoning.....</i>	2-2
	<i>2.3.3 John Wayne Airport Environs Land Use Plan</i>	2-2
2.4	Existing Physical Site Conditions	2-4
	<i>2.4.1 Car Wash Operation.....</i>	2-4
	<i>2.4.2 Land Use.....</i>	2-4



2.4.3	<i>Aesthetics and Topographic Features</i>	2-5
2.4.4	<i>Air Quality and Climate</i>	2-5
2.4.5	<i>Agricultural and Forestry Resources</i>	2-7
2.4.6	<i>Cultural Resources</i>	2-7
2.4.7	<i>Geology and Soils</i>	2-8
2.4.8	<i>Hazards and Hazardous Materials</i>	2-8
2.4.9	<i>Hydrology and Drainage</i>	2-8
2.4.10	<i>Mineral Resources</i>	2-9
2.4.11	<i>Noise</i>	2-9
2.4.12	<i>Transportation</i>	2-9
2.4.13	<i>Utilities and Service Systems</i>	2-10
2.4.14	<i>Vegetation and Wildlife</i>	2-10
2.4.14	<i>Rare and Unique Resources</i>	2-10
3.0	Project Description	3-1
3.1	<i>Project Location</i>	3-1
3.2	<i>Statement of Objectives</i>	3-2
3.3	<i>Project's Primary Design Components</i>	3-5
3.3.1	<i>Site Plan</i>	3-5
3.3.2	<i>Unit Mix</i>	3-5
3.3.3	<i>Vehicle Access/Parking</i>	3-5
3.3.4	<i>Pedestrian Access</i>	3-6
3.3.5	<i>Building Footprint/Height</i>	3-6
3.3.6	<i>Building Mass and Architectural Features</i>	3-7
3.3.7	<i>Landscape Site Plan</i>	3-8
3.3.8	<i>Future Population</i>	3-8
3.3.9	<i>Open Space Calculations</i>	3-9
3.4	<i>Project Technical Construction Characteristics</i>	3-9
3.4.1	<i>Demolition, Grading, and Excavation</i>	3-9
3.4.2	<i>Estimated Construction Schedule</i>	3-10
3.4.3	<i>Construction Staging</i>	3-10
3.4.4	<i>Hours of Construction</i>	3-11
3.4.5	<i>Construction Equipment</i>	3-11
3.4.6	<i>Construction Employees and Construction Employee Parking</i>	3-11
3.4.7	<i>Demolition Hauling Routes and Construction Materials Delivery Routes</i>	3-12
3.4.8	<i>Temporary Roadway Lane Closures</i>	3-13
3.4.9	<i>Safety and Security</i>	3-14
3.4.10	<i>Off-Site Improvements</i>	3-14
3.4.11	<i>Conceptual Utility Plan</i>	3-14
3.4.12	<i>Fire Hydrant Plan (Fire Protection)</i>	3-15
3.5	<i>Proposed Discretionary Approvals</i>	3-15



3.5.1	<i>General Plan Amendment No. GP2014-003</i>	3-15
3.5.2	<i>Zoning Code Amendment No. CA2014-008</i>	3-16
3.5.3	<i>Planned Community Development Plan Text</i>	3-16
3.5.4	<i>Site Development Review No. SD2014-006</i>	3-19
3.5.5	<i>Tentative Tract Map No. 17555 (NT2015-003)</i>	3-19
3.5.6	<i>Development Agreement No. DA2014-002</i>	3-20
3.5.7	<i>Approvals Required from Other Agencies</i>	3-20
4.0	Environmental Analysis	4.0-1
4.0.1	Summary of EIR Scope	4.0-1
4.0.2	Scope of Cumulative Effects Analysis	4.0-1
4.0.1	Identification of Impacts	4.0-2
4.1	Aesthetics	4.1-1
4.1.1	<i>Existing Conditions</i>	4.1-1
4.1.2	<i>Regulatory Setting</i>	4.1-8
4.1.3	<i>Basis For Determining Significance</i>	4.1-10
4.1.4	<i>Impact Analysis</i>	4.1-11
4.1.5	<i>Cumulative Impact Analysis</i>	4.1-26
4.1.6	<i>Significance of Impacts Before Mitigation</i>	4.1-28
4.1.7	<i>Mitigation</i>	4.1-28
4.2	Air Quality	4.2-1
4.2.1	<i>Existing Conditions</i>	4.2-1
4.2.2	<i>Regulatory Setting</i>	4.2-11
4.2.3	<i>Methodology for Calculating Project-Related Air Quality Emissions</i>	4.2-13
4.2.4	<i>Basis For Determining Significance</i>	4.2-13
4.2.5	<i>Impact Analysis</i>	4.2-15
4.2.6	<i>Cumulative Impact Analysis</i>	4.2-24
4.2.7	<i>Significance of Impacts Before Mitigation</i>	4.2-28
4.2.8	<i>Mitigation</i>	4.2-29
4.3	Biological Resources	4.3-1
4.3.1	<i>Existing Conditions</i>	4.3-1
4.3.2	<i>Regulatory Setting</i>	4.3-1
4.3.3	<i>Basis for Determining Significance</i>	4.3-3
4.3.4	<i>Impact Analysis</i>	4.3-4
4.3.5	<i>Cumulative Impact Analysis</i>	4.3-7
4.3.6	<i>Significance of Impacts Before Mitigation</i>	4.3-8
4.3.7	<i>Mitigation</i>	4.3-8
4.3.8	<i>Significance of Impacts After Mitigation</i>	4.3-8
4.4	Cultural Resources	4.4-1
4.4.1	<i>Existing Conditions</i>	4.4-1
4.4.2	<i>Regulatory Setting</i>	4.4-2
4.4.3	<i>Basis For Determining Significance</i>	4.4-7



4.4.4	<i>Impact Analysis</i>	4.4-8
4.4.5	<i>Cumulative Impact Analysis</i>	4.4-10
4.4.6	<i>Significance of Impacts Before Mitigation</i>	4.4-11
4.4.7	<i>Mitigation</i>	4.4-12
4.4.8	<i>Level of Significance After Mitigation</i>	4.4-13
4.5	Geology and Soils	4.5-1
4.5.1	<i>Existing Conditions</i>	4.5-1
4.5.2	<i>Regulatory Setting</i>	4.5-4
4.5.3	<i>Basis For Determining Significance</i>	4.5-6
4.5.4	<i>Impact Analysis</i>	4.5-6
4.5.5	<i>Cumulative Impact Analysis</i>	4.5-11
4.5.6	<i>Significance of Impacts Before Mitigation</i>	4.5-11
4.5.6	<i>Mitigation</i>	4.5-12
4.5.7	<i>Level of Significance After Mitigation</i>	4.5-12
4.6	Hazards and Hazardous Materials.....	4.6-1
4.6.1	<i>Existing Conditions</i>	4.6-1
4.6.2	<i>Regulatory Setting</i>	4.6-4
4.6.3	<i>Basis For Determining Significance</i>	4.6-9
4.6.4	<i>Impact Analysis</i>	4.6-10
4.6.5	<i>Cumulative Impact Analysis</i>	4.6-16
4.6.6	<i>Significance of Impacts Before Mitigation</i>	4.6-19
4.6.7	<i>Mitigation</i>	4.6-20
4.7	Land Use and Planning	4.7-1
4.7.1	<i>Existing Conditions</i>	4.7-1
4.7.2	<i>Regulatory Setting</i>	4.7-2
4.7.3	<i>Basis for Determining Significance</i>	4.7-4
4.7.4	<i>Impact Analysis</i>	4.7-4
4.7.5	<i>Cumulative Impact Analysis</i>	4.7-21
4.7.6	<i>Significance of Impacts Before Mitigation</i>	4.7-23
4.7.7	<i>Mitigation</i>	4.8-23
4.8	Noise	4.8-1
4.8.1	<i>Noise Fundamentals</i>	4.8-1
4.8.2	<i>Existing Noise Conditions</i>	4.8-2
4.8.3	<i>Applicable Regulatory Requirements</i>	4.8-4
4.8.4	<i>Basis For Determining Significance</i>	4.8-7
4.8.5	<i>Impact Analysis</i>	4.8-8
4.8.6	<i>Cumulative Impact Analysis</i>	4.8-13
4.8.7	<i>Significance of Impacts Before Mitigation</i>	4.8-15
4.8.8	<i>Mitigation</i>	4.8-15
4.8.9	<i>Level of Significance After Mitigation</i>	4.8-16
4.9	Transportation and Traffic	4.9-1
4.9.1	<i>Existing Conditions</i>	4.9-1
4.9.2	<i>Regulatory Setting</i>	4.9-3
4.9.3	<i>Methodology for Estimating Project-Related Traffic Impacts</i>	4.9-5



4.9.4 *Basis for Determining Significance*.....4.9-6

4.9.5 *Impact Analysis*4.9-6

4.9.6 *Cumulative Impact Analysis*.....4.8-14

4.9.7 *Significance of Impacts Before Mitigation*.....4.8-16

4.9.8 *Mitigation*4.8-16

5.0 Other CEQA Considerations..... 5-1

5.1 Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented.....5-1

5.2 Significant Irreversible Environmental Changes Which Would Be Caused by the Proposed Project Should it be Implemented5-1

5.3 Growth Inducing Impacts of the Proposed Project5-2

5.4 Energy Conservation.....5-5

5.4.1 *Regulatory Environment*.....5-5

5.4.2 *Energy Demands of the Proposed Project*5-8

5.4.3 *Conclusion*.....5-9

5.5 Effects Found Not to be Significant as Part of the Initial Study Process.....5-10

5.5.1 *Agriculture and Forest Resources*.....5-10

5.5.2 *Greenhouse Gases*.....5-11

5.5.3 *Hydrology and Water Quality*5-11

5.5.4 *Mineral Resources*.....5-14

5.5.5 *Population and Housing*.....5-14

5.5.6 *Public Services*5-14

5.5.7 *Recreation*5-16

5.5.8 *Utilities and Service Systems*.....5-16

6.0 Alternatives..... 6-1

6.1 Alternatives Under Consideration.....6-1

6.1.1 *No Project/No Redevelopment Alternative*.....6-1

6.1.2 *No Project/Office Redevelopment Alternative*.....6-2

6.1.3 *Commercial/Restaurant Redevelopment Alternative*.....6-2

6.1.4 *Multiple Unit Residential (RM) Alternative*6-2

6.1.5 *Reduced Dwelling Units and Building Height Alternative*.....6-3

6.2 Alternatives Considered and Rejected6-3

6.2.1 *Car Wash Redevelopment Alternative*.....6-4

6.2.2 *Alternative Sites*.....6-4

6.3 Alternatives Analysis6-5

6.3.1 *No Project/No Redevelopment Alternative*.....6-6

6.3.2 *No Project/Office Redevelopment Alternative*.....6-13

6.3.3 *Commercial/Restaurant Redevelopment Alternative*.....6-20

6.3.4 *Multiple Unit Residential (RM) Alternative*6-27

6.3.5 *Reduced Dwelling Units and Building Height Alternative*.....6-34

7.0 References..... 7-1

7.1 Persons Involved in Preparation of this EIR.....7-1

7.1.1 *City of Newport Beach*.....7-1

7.1.2 *T&B Planning, Inc.*.....7-1

7.1.3 *Documents Incorporated by Reference in this EIR*.....7-1

7.1.4 *Documents and Websites Consulted in Preparation of this EIR*.....7-3

7.1.5 *Persons Consulted During Preparation of this EIR (Written and Verbal Communication)*.....7-7

7.1.6 *Documents Appended to this EIR*.....7-7

EIR Technical Appendices (bound separately)

- A. Initial Study & Appendices, Notice of Preparation, NOC Form, and Written Comments on the NOP
- B. Planned Community Development Plan
- C. Air Quality Impact Analysis
- D. Geotechnical Feasibility Report
- E. Greenhouse Gas Analysis
- F1. Phase I Environmental Site Evaluation
- F2. Phase II Subsurface Investigations
- G1. Traffic and Parking Evaluation
- G2. Site Circulation Plan
- H. Preliminary Water Quality Management Plan
- I. Assessment of Sewer Capacity Availability
- J. Assessment of Water Availability
- K. City of Newport Beach Cumulative Projects List
- L. Conceptual Design Exhibits
- M. Preliminary Construction Management Plan

LIST OF FIGURES

Figure Number and Title

Figure 2-1	Surrounding Land Uses and Development	2-3
Figure 2-2	Aerial Photograph.....	2-6
Figure 3-1	Regional Map.....	3-3
Figure 3-2	Vicinity Map.....	3-4
Figure 3-3	Proposed Site Plan	3-21
Figure 3-4	Conceptual Grading Plan.....	3-22
Figure 3-5	North and South Building Elevations	3-23
Figure 3-6	East and West Building Elevations.....	3-24
Figure 3-7	Conceptual Architectural Rendering	3-25
Figure 3-8	Landscape Planting Plan.....	3-26
Figure 4.1-1	Site Photos Key Map	4.1-5
Figure 4.1-2	Site Photographs 1 through 3.....	4.1-6
Figure 4.1-3	Site Photographs 4 through 5.....	4.1-7
Figure 4.1-4	Coastal Views Map (Harbor Area).....	4.1-14
Figure 4.1-5	View Simulation- View 1	4.1-15
Figure 4.1-6	View Simulation- View 2	4.1-16
Figure 4.1-7	View Simulation- View 3	4.1-17
Figure 4.1-8	View Simulation- View 4.....	4.1-18
Figure 4.7-1	Sight Plane Ordinance 1371 Map	4.7-24
Figure 4.7-2	Height Limits in the Project Area.....	4.7-25
Figure 4.8-1	Existing Noise Contours in Project Vicinity.....	4.8-3
Figure 6-1	Reduced Dwelling Units and Building Height Alternative- Representative Building Elevations.....	6-45

LIST OF TABLES

Figure Number and Title

Table ES-1	Mitigation Monitoring and Reporting Program.....	ES-10
Table 1-1	Summary of NOP Comments	1-5
Table 1-2	Location of CEQA Required Topics in this EIR	1-9
Table 3-1	Construction Duration	3-10
Table 3-2	Construction Equipment Usage	3-12
Table 4.0-1	List of Cumulative Development Projects.....	4.0-5
Table 4.2-1	Ambient Air Quality Standards	4.2-6
Table 4.2-2	Attainment Status of Criteria Pollutants in the South Coast Air Basin	4.2-7
Table 4.2-3	Project Area Air Quality Monitoring Summary 2012-2014.....	4.2-9
Table 4.2-4	Summary of Existing Car Wash Operational Air Emissions.....	4.2-10
Table 4.2-5	SCAQMD’s Maximum Daily Emissions Thresholds.....	4.2-14
Table 4.2-6	Emissions Summary of Proposed Overall Construction.....	4.2-18
Table 4.2-7	Summary of Project Operational Emissions.....	4.2-20
Table 4.2-8	Localized Significance Summary Construction Site Preparation.....	4.2-21
Table 4.2-9	Localized Significance Summary for Construction Grading.....	4.2-22
Table 4.2-10	Net New Trip Generation of Proposed Project.....	4.2-23
Table 4.7-1	Analysis of Consistency with SCAG 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy Goals	4.7-6
Table 4.7-2	Proposed Project General Plan Consistency	4.7-9
Table 4.8-1	City of Newport Beach Municipal Code Exterior Noise Standards	4.8-5
Table 4.8-2	City of Newport Beach Municipal Code Interior Noise Standards	4.8-5
Table 4.8-3	City of Newport Beach Groundborne Vibration and Groundborne Noise Impact Criteria	4.8-6
Table 4.8-4	Reference Vibration Noise Levels for Construction Equipment	4.8-6
Table 4.9-1	150 Newport Center Drive Car Wash Count Summary	4.9-2
Table 4.9-2	Trip Generation Rates for Proposed Project Land Use.....	4.9-8
Table 4.9-3	Gross Trip Generation of Proposed Project- Vehicle Trips at Project Driveways	4.9-8
Table 4.9-4	Net New Trip Generation of Proposed Project.....	4.9-9



Table 6-1	Comparison of Reduced Dwelling Units and Building Height Alternative and the Proposed Project	6-34
Table 6-2	Comparison of Environmental Impacts and Ability to Meet Project Objectives by Alternative	6-43

ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
AB	Assembly Bill
AB 2595	California Clean Air Act
ACM	Asbestos-Containing Material
ADT	Average daily trips
AELUP	Airport Environs Land Use Plan
Af	Artificial Fill
ALUC	Airport Land Use Commission
amsl	above mean sea level
APN	Assessor's Parcel Number
AQMD	Air Quality Management District
AQMP	Air Quality Management Plan
BAAQMD	Bay Area Air Quality Management District
BTEX	Benzene, Toluene, Ethyl Benzene and Xylenes
CAA	Federal Clear Air Act
CAAQS	California Ambient Air Quality Standards
CAFÉ	Corporate Average Fuel Economy
CalEEMod	California Emissions Estimator Model
CALGreen	California Building Standards Code
CARB	California Air Resources Board
CBSC	California Building Standards Code
CCR	California Code of Regulations
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California's Endangered Species Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CGS	California Geological Survey
CHRIS	California Historical Resources Information System
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
COG	Council of Governments
COHb	Carboxyhemoglobin
CR	Regional Commercial



CR&R	CR&R Environmental Services
CRHR	California Register of Historical Resources
CO-R	Regional Commercial Office
CPUC	California Public Utilities Commission
CWA	Clean Water Act
CWRCB	California Water Resources Control Board
DAMP	Drainage Area Management Plan
dBA	A-weighted decibels
DOF	Department of Finance
DOT	Department of Transportation
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
EPCA	Energy Policy and Conservation Act of 1975
ESA	Phase I Environmental Site Assessment
F	Fahrenheit
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FERO	Fero Environmental Engineering, Inc.
FESA	Federal Endangered Species Act
FID	Facility Inventory Database
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gas(es)
HCPs	Habitat Conservation Plans
HHRA	Health hazardous risk assessment
HMBP	Hazardous Materials Business Plan
HOA	Homeowners Association
HRS	Hazard Ranking System
HSAA	Carpenter-Presley-Tanner Hazardous Substance Account Act
HWCL	California Hazardous Waste Control Law
JPA	Joint Powers Authority
JWA	John Wayne Airport
IBC	International Building Code



ITE	Institute of Transportation Engineers
Kunzman	Kunzman Associates, Inc.
Leq	Equivalent Noise Level
LOS	Level of Service
LST	Localized Significance Thresholds
MM	Mitigation Measure
MPO	Metropolitan Planning Organization
MRZs	Mineral Resources Zones
MS4	Municipal Separate Storm Sewer System
$\mu\text{g}/\text{m}^3$	<i>Microgram per cubic meter</i>
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NBMC	Newport Beach Municipal Code
NCCP/HCP	Orange County Natural Communities Conservation Plan/Habitat Conservation Plan
NHPA	National Historic Preservation Act
NMG	NMG Geotechnical Inc.
NO	Nitric oxide
NO _x	Oxides of Nitrogen
NO ₂	Nitrogen Dioxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
N ₂	Nitrogen
OCHCA	Orange County Health Care Agency
OCSD	Orange County Sanitation District
OCTA	Orange County Transportation Authority
OHP	California State Parks Office of Historic Preservation
OPR	California Office of Planning and Research
OR	Office Regional Commercial
O ₂	Oxygen
O ₃	Ozone
Pb	Lead
PC	Planned Community Zoning District
pCi/L	Picocuries per liter
Pcf	pounds-per-cubic-foot
PC-56	Planned Community 56



PC	Planned Community
PM	Particulate Matter
PM _{2.5}	Fine Particulate Matter
PM ₁₀	Inhalable Particulate Matter
pph	person(s) per household
ppm	parts per million
PRC	Public Resources Code
Qtm	Marine Terrace Deposit
RCA	Soil and Water Resources Conservation Act of 1977
RCP	Regional Comprehensive Plan
RCRA	Resource Conservation and Recovery Act
RECs	Recognized Environmental Conditions
RHNA	Regional Housing Needs Assessment
RM	Multiple Unit Residential
ROGs	Reactive Organic Compounds
RPS	Renewables Portfolio Standard
RTPA	Regional Transportation Planning Agency
RTP	Regional Transportation Plan
RTP/SCS	<i>2012-2035 Regional Transportation Plan/Sustainable Communities Strategy</i>
RWQCB	Santa Ana Regional Water Quality Control Board
SARA	Superfund Act and Reauthorization Act
SB	Senate Bill
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCH	State Clearinghouse
s.f.	Square feet
SIPs	State Implementation Plans
SO _x	Sulfur Oxides
SO ₂	Sulfur Dioxide
SO ₄	Sulfates
SR-1	State Route 1/Pacific Coast Highway
SR-73	State Route 73
SWEEPS	Statewide Environmental Evaluation and Planning Systems
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TJW	TJW Engineering
Tm	Monterey Formation



TPHg	Residual Total Petroleum Hydrocarbons- gasoline
USDA	United States Department of Agriculture
U.S. EPA	U.S. Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United State Geological Survey
UST(s)	Underground Storage Tank(s)
VdB	Vibration decibels
VOCs	Volatile Organic Compounds
WQMP	Water Quality Management Plan

ES.0 EXECUTIVE SUMMARY

ES.1 INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code § 21000, et seq. requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project's potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.

This Environmental Impact Report (EIR), having California State Clearinghouse (SCH) No. 2016011032 was prepared in accordance with CEQA Guidelines Article 9, § 15120 to § 15132, to evaluate the potential environmental impacts associated with planning, constructing, and operating the proposed 150 Newport Center Project (hereafter, the "Project" or "proposed Project"). This EIR does not recommend approval, approval with modification, or denial of the proposed Project; rather, this EIR is a source of factual information regarding potential impacts that the Project may cause to the physical environment. The Draft EIR will be available for public review for a minimum period of 45 days. After consideration of public comment, the City of Newport Beach will consider certifying the Final EIR and adopting required findings in conjunction with Project approval.

This Executive Summary complies with CEQA Guidelines § 15123, "Summary." This EIR document includes a description of the proposed Project and evaluates the physical environmental effects that could result from Project implementation. The City of Newport Beach determined that the scope of this EIR should cover nine subject areas. The scope was determined through the completion of an Initial Study accepted by the City of Newport Beach's independent judgment pursuant to CEQA Guidelines § 15063, and in consideration of public comment received by the City in response to this EIR's Notice of Preparation (NOP). The Initial Study, NOP, and written comments received by the City in response to the NOP, are attached to this EIR as *Technical Appendix A*. As determined by the Initial Study and in consideration of public comment on the NOP, the nine environmental subject areas that could be reasonably and significantly affected by planning, constructing, and/or operating the proposed Project are analyzed herein, including:

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Land Use Planning
8. Noise
9. Transportation/Traffic

Refer to EIR Section 4.0, *Environmental Analysis*, for a full account and analysis of the subject matters listed above. As mentioned, the scope of this EIR includes these nine subject areas as determined through the completion of an Initial Study pursuant to CEQA Guidelines § 15063, and in consideration of public comment to this EIR's NOP. Subject areas for which the Initial Study

concluded that impacts would be clearly less than significant and that do not warrant detailed analysis in this EIR are addressed in EIR Section 5.0, *Other CEQA Considerations*.

For each of the nine subject areas analyzed in detail in Section 4.0, this EIR describes: 1) the physical conditions that existed at the approximate time this EIR's NOP was filed with the California State Clearinghouse (January 2016); 2) discloses the type and magnitude of potential environmental impacts resulting from Project planning, construction, and operation; and 3) if warranted, recommends feasible mitigation measures that would reduce or avoid significant adverse environmental impacts that the proposed Project may cause. A summary of the proposed Project's significant environmental impacts and the mitigation measures imposed by the City of Newport Beach on the Project to lessen or avoid those impacts is included in this *Executive Summary* as Table ES-1, *Mitigation Monitoring and Reporting Program*. The City of Newport Beach applies mitigation measures which it determines 1) are feasible and practical for project applicants to implement, 2) are feasible and practical for the City of Newport Beach to monitor and enforce, 3) are legal for the City to impose, 4) have an essential nexus to the Project's impacts, and 4) would result in a benefit to the physical environment. CEQA does not require the Lead Agency to analyze an exhaustive list of every imaginable mitigation measure, or measures that are duplicative of mandatory regulatory requirements.

This EIR also discusses alternatives to the proposed Project. Alternatives are described that would attain most of the Project's objectives while avoiding or substantially lessening the proposed Project's significant adverse environmental effects. A full discussion of Project alternatives is found in Section 6.0, *Alternatives*.

ES.2 PROJECT OVERVIEW

ES.2.1 LOCATION AND REGIONAL SETTING

The Project site consists of approximately 1.26 acres in the City of Newport Beach, in western Orange County, California (refer to Figure 3-1, *Regional Map*, in Section 3.0, *Project Description*). From a regional perspective, the Project site is located in the western portion of the City of Newport Beach, to the south of the City of Costa Mesa and to the west of the City of Irvine. John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site. At the local scale, the Project site is located south of Newport Center Drive, west of Anacapa Drive, and north of Civic Center Drive, as illustrated on Figure 3-2, *Vicinity Map*, in Section 3.0, *Project Description*, of this EIR.

Refer to EIR Section 2.0, *Environmental Setting*, for more information related to the regional and local setting of the Project site.

ES.2.2 PROJECT OBJECTIVES

The underlying purpose of the Project is to redevelop an underutilized property in the Newport Center area with multi-family, for-sale luxury residential units located within walking distance to

employment, shopping, entertainment, and recreation. The following is a list of specific objectives that the proposed Project is intended to achieve.

- A. Redevelop an underutilized property in Newport Center.
- B. Redevelop an underutilized property with a use that is financially feasible to construct and operate.
- C. Make efficient use of existing infrastructure by repurposing a property with a higher and better use than currently occurs on the property.
- D. Maximize the surface use of a redeveloped property by accommodating parking underground.
- E. Respond to the demand for luxury, multi-family, high-rise residential development in the City of Newport Beach.
- F. Add for-sale, owner-occupied housing units in Newport Center to diversify the mix of uses and the range of available residential housing unit types.
- G. Introduce a luxury, multi-family residential development in Newport Center than can attract households in the surrounding area that are seeking to downsize from a single-family home, thereby making those single-family homes available for resale.
- H. Provide a new multi-family residential development in Newport Center that is within walking distance of, and has pedestrian connections to, employment, shopping, entertainment, public services, and recreation.
- I. Maintain high-quality architectural design in Newport Center by adding a building that has a recognizable architectural style and that complements the architectural styles that exist in the surrounding Newport Center community.
- J. Implement a residential development that provides on-site amenities for its residents.
- K. Redevelop a property that uses outdated operational technologies with a new use that is designed to be energy efficient and avoid the wasteful use of energy and water.

ES.2.3 PROJECT DESCRIPTION SUMMARY

The Project is located within Statistical Area L1 as designated by the City of Newport Beach General Plan. The Project consists of applications for a General Plan Amendment (GP2014-003), Zoning Code Amendment (CA2014-008), Planned Community Development Plan (PC2014-004 called the 150 Newport Center Planned Community Development Plan), Development Agreement (No.

DA2014-002), Site Development Permit (SD2014-006), and Tentative Tract Map (NT2015-003) to allow for the demolition and removal of an existing car wash with ancillary gas station and convenience market, associated site improvements and redevelopment of the property by the construction of a seven-story building containing 49 new condominium dwelling units and subsurface parking. Landscaping, drive aisles, and associated parking would also occur on the property. Provided below is a brief description of the Project's proposed discretionary applications under consideration by the City of Newport Beach. Refer to Section 3.0, *Project Description*, of this document for a detailed description of the Project.

The following applications require consideration by the Newport Beach Planning Commission and City Council:

- **General Plan Amendment No. GP2014-003** proposes to change the existing land use designation for the Project site from "Regional Commercial Office (CO-R)" to "Multiple Unit Residential (RM)." This application also designates an anomaly for the site, which proposes to add 49 units to Statistical Area L1.
- **Zoning Code Amendment No. CA2014-008** proposes to change the zoning designation for the Project site from Office Regional Commercial (OR) to establish a planned community development plan (PC) over the entire Project site.
- **Planned Community Development Plan No. PC2014-004** proposes to establish a planned community development plan over the entire Project site (called the 150 Newport Center Planned Community Development Plan), with development standards for 49 condominium units. To establish a PC, a waiver of the minimum site area of 10 acres of developed land is necessary and is requested as part of the Project's application. The Project Applicant also is requesting an increase in the building height limit allowable at the site by the Zoning Code from 32 feet (with a flat roof) and 37 feet (with a sloped roof) to 83 feet 6 inches (including mechanical equipment on the roof).
- **Development Agreement No. 2014-002** The Project Applicant and the City of Newport Beach may to enter into a Development Agreement related to the proposed Project. The Development Agreement would provide the Project Applicant with assurance that development of the Project may proceed subject to the rules and regulations in effect at the time of Project approval. The Development Agreement also would provide the City of Newport Beach with assurance that certain obligations of the Project Applicant will be met, including but not limited to, how the Project will be phased, the required timing of public improvements, the Applicant's contribution toward funding improvements, and other conditions.
- **Site Development Review No. SD2014-006** is requested pursuant to Section 20.52.080 (Site Development Reviews) of the Newport Beach Municipal Code because the Project involves a tentative map and proposes more than five dwelling units. Site development review would allow the construction of 49 multi-family dwelling units.

- **Tentative Tract Map No. NT2015-003** proposes to establish a 49-unit residential condominium tract on a 1.26-acre site.

Refer to EIR Section 3.0, *Project Description*, for a detailed description of the proposed Project.

ES.3 EIR PROCESS

As a first step in complying with the procedural requirements of CEQA for this EIR, an Initial Study was prepared by the City of Newport Beach to determine whether any aspect of the proposed Project, either individually or cumulatively, may cause a significant adverse effect on the physical environment (refer to *Technical Appendix A* for a copy of the Initial Study). For this Project, the Initial Study indicated that this EIR should focus on nine environmental subject areas listed above in Subsection ES.1, *Introduction*. After completion of the Initial Study, the City filed a NOP with the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared. In turn, the Initial Study and NOP were distributed for a 30-day public review period, which began on January 12, 2016.

The City of Newport Beach received written comments on the scope of the EIR during those 30 days, which were considered by the City during the preparation of this EIR. In addition, and pursuant to CEQA Guidelines § 15082(c)(1), an advertised public meeting (called a scoping meeting) was held on January 27, 2016, at the Civic Center Community Room, 100 Civic Center Drive, Newport Beach, CA 92660.

This EIR is being circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day review period. During the 45-day public review period, public notices announcing availability of the Draft EIR will be mailed to interested parties and copies of the Draft EIR and its Technical Appendices will be available for review at the locations indicated in the public notices.

After the close of the 45-day Draft EIR public comment period, the City will prepare and publish responses to written comments it received on the environmental effects of the proposed Project. The Final EIR will then be considered by the Newport Beach City Council prior to deciding to approve, approve with modification, or reject the proposed Project. Approval of the proposed Project would be accompanied by the adoption of written findings and, if required, a statement of overriding considerations for any significant unavoidable environmental impacts identified in the Final EIR. In addition, the City must adopt a Mitigation, Monitoring, and Reporting Program (MMRP), which describes the process to ensure implementation of the mitigation measures identified in the Final EIR. The MMRP will ensure CEQA compliance during Project construction and operation.

ES.4 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

CEQA Guidelines § 15123(b)(2) requires that areas of controversy known to the Lead Agency (City of Newport Beach) be identified in the Executive Summary. The City has identified two issues of

controversy associated with the proposed Project after considering all comments received in response to the NOP. The first controversial issue is in regard to potential aesthetic effects associated with the proposed building's height in comparison to the lower heights of buildings on immediately adjacent parcels. The second issue is the proposed land use change from commercial to residential, which would add more residential dwelling units in Newport Center.

Regarding issues to be resolved, this EIR addresses the environmental issues associated with the proposed Project that are known by the City, that are identified in the Initial Study prepared for the Project, and that were identified in the comment letters that the City of Newport Beach received on this EIR's NOP (refer to *Technical Appendix A*). Environmental topics raised in written comments to the NOP are summarized in Table 1-1, *Summary of NOP Comments*, in Section 1.0 of this EIR and include but are not limited to the topics of aesthetics; hazards and hazardous materials; transportation and traffic; land use and planning; growth-inducing impacts; and alternatives.

ES.5 ALTERNATIVES TO THE PROPOSED PROJECT

In compliance with CEQA Guidelines § 15126.6, an EIR must describe a range of reasonable alternatives to the Project or to the location of the Project. Each alternative must be able to feasibly attain most of the Project's objectives and avoid or substantially lessen the Project's significant effects on the environment. A detailed description of each alternative evaluated in this EIR, as well as an analysis of the potential environmental impacts associated with each alternative, is provided in EIR Section 6.0, *Alternatives*. Also described in Section 6.0 is a list of alternatives that were considered but rejected from further analysis.

The alternatives considered by this EIR include those listed below.

ES.5.1 NO PROJECT/NO REDEVELOPMENT ALTERNATIVE

CEQA Guidelines §15126.6(e) requires that an alternative be included that describes what would reasonably be expected to occur on the property in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., the "no project" alternative). For development projects that would occur on an identifiable property (such as the proposed Project site), the "no project" alternative is considered to be a circumstance under which the proposed project does not proceed (CEQA Guidelines §15126.6(e)(3)(A-B)). Although the Project Applicant has indicated that the existing car wash on the Project site will close in late 2016 regardless if the proposed Project goes forward (Soderling, 2016a), the No Project/No Redevelopment Alternative considers ongoing operation of the existing uses and not cessation of the uses and the presence of a closed facility. This alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project with an alternative that would leave the property in its existing condition. The No Project/No Redevelopment Alternative would fail to meet all of the Project's objectives. Refer to Table 6-2 in EIR Section 6.0, *Alternatives*, for a summary of impacts that would result under the No Project/No Redevelopment Alternative

compared to the level of impact that would occur under the proposed Project. Because some impacts would be increased, this alternative is not an environmentally superior alternative.

ES.5.2 NO PROJECT/OFFICE REDEVELOPMENT ALTERNATIVE

As noted above, CEQA Guidelines §15126.6(e) requires that an alternative be included that describes what would reasonably be expected to occur on the property in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., the “no project” alternative). The Project site is located within the City’s Office Regional Commercial (OR) Zoning District and is designated by the City of Newport Beach General Plan for a “CO-R (Regional Commercial Office)” land use; therefore, this alternative evaluates a scenario under which the Project site is redeveloped with an office use consistent with City regulations. The Project site is located in the area of General Plan Anomaly 35, which indicates that there is a development limit of 199,095 square feet of building space for the block on which the Project site occurs (Newport Beach GIS, 2015). Given other existing development in the block, this alternative evaluates redevelopment of the property with an approximately 8,500 square-foot office building having a height of 32 feet with a flat roof or 37 feet with a sloped roof, with surface parking. The No Project/Office Redevelopment Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against what could reasonably occur if the Project site were developed with office uses in conformance with the site’s existing zoning and General Plan designations. The No Project/Office Redevelopment Alternative would meet four of the proposed Project’s 11 objectives (Objectives A, C, I, and K). Refer to Table 6-2 in EIR Section 6.0, *Alternatives*, for a summary of impacts that would result under the No Project/No Redevelopment Alternative compared to the level of impact that would occur under the proposed Project. Because short- and long-term impacts would be reduced under several subject matters, this alternative is an environmentally superior alternative.

ES.5.3 COMMERCIAL/RESTAURANT REDEVELOPMENT ALTERNATIVE

The Commercial/Restaurant Redevelopment Alternative evaluates redevelopment of the Project site with an approximately 8,500 square-foot single-story or two-story restaurant with 107 surface parking spaces. This alternative would provide for the highest intensity of commercial development allowed under the property’s existing General Plan “Regional Commercial Office (CO-R)” land use designation and “OR (Office Regional Commercial)” Zoning District designation. The Commercial/Restaurant Redevelopment Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against what could reasonably occur if the Project site were developed to the highest traffic-generating use per existing land use and zoning designations. Although technically this alternative is another version of a no project alternative because it considers redevelopment of the site in accordance with a use that is allowed on the site by property’s existing CO-R General Plan and OR Zoning District designation, the Lead Agency has not identified the Commercial/Restaurant Redevelopment Alternative as a true no project alternative, because depending on physical and operational characteristics, many food service businesses require the approval of a Conditional Use Permit (CUP) or Minor Use Permit (MUP) in order to operate in the

OR Zoning District. The Commercial/Restaurant Redevelopment Alternative would meet four of the Project's 11 objectives (Objectives A, C, I, and K). Refer to Table 6-2 in EIR Section 6.0, *Alternatives*, for a summary of impacts that would result under the Commercial/Restaurant Redevelopment Alternative compared to the level of impact that would occur under the proposed Project. Because long-term impacts would be increased under several subject matters, this alternative is not an environmentally superior alternative.

ES.5.4 MULTIPLE UNIT RESIDENTIAL (RM) ALTERNATIVE

The Multiple Unit Residential (RM) Alternative evaluates redevelopment of the Project site with a multi-family residential building that offers 25 market-rate rental or ownerships units with surface parking. The building would be within the allowable height limit for the RM (Multiple Residential) Zoning District (32 feet for flat roof structures and 37 feet for sloped roofs) (Newport Beach, 2015a, Chapter 20.18) with the approval of a site development review for increased height. Access to the site would be the same as the access points proposed by the Project, with vehicular access provided by driveways along Anacapa Drive and from the shared access to the south of the site. The Multiple Unit Residential (RM) Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against what could reasonably occur on the Project site if the site was developed with a multi-family residential building that requires substantially less subsurface excavation and a shorter construction duration, to reduce the proposed Project's temporary construction-related effects. The Multiple Unit Residential (RM) Alternative would meet eight of the Project's 11 objectives (Objectives A, C, F, G, H, I, J, and K) though it would achieve Objectives F, G, and H less effectively than the proposed Project. Refer to Table 6-2 in EIR Section 6.0, *Alternatives*, for a summary of impacts that would result under the Multiple Unit Residential (RM) Alternative compared to the level of impact that would occur under the proposed Project. Because short- and long-term impacts would be reduced under several subject matters, this alternative is an environmentally superior alternative.

ES.5.5 REDUCED DWELLING UNITS AND BUILDING HEIGHT ALTERNATIVE

The Reduced Dwelling Units and Building Height Alternative considers redevelopment of the Project site in a similar manner as proposed by the Project, but with 45 dwelling units in a six-story condominium structure with an overall building height of 65 feet 6 inches to the top of the parapet and 69 feet 6 inches to the top of the elevator override/mechanical equipment screen. In comparison, the Project evaluated in this EIR proposes a height of 83 feet 6 inches to the top of all rooftop appurtenances. The building considered under this alternative would thus be 14 feet shorter in total height than the building proposed by the Project. The building footprint and setbacks would be identical to the proposed Project, with the building footprint measuring 29,800 square feet resulting in a lot coverage of 63%. The approximate gross floor area for this alternative's building would be 141,013 square feet, providing 45 dwelling units comprised of 43 two-bedroom units and two three-bedroom units. The Reduced Dwelling Units and Building Height Alternative would not modify the Project's proposed access and parking configurations, but the number of parking spaces would be reduced. Under this alternative there would be 91 residential parking spaces and 25 visitor parking

spaces, including spaces in three levels of underground parking. The Reduced Dwelling Units and Building Height Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against a building design that is shorter and provides a fewer number of dwelling units. The Reduced Dwelling Units and Building Height Alternative would meet all of the Project's 11 objectives, though it would achieve Objectives E, F, G, and H to a lesser degree than the proposed Project. Refer to Table 6-2 in EIR Section 6.0, *Alternatives*, for a summary of impacts that would result under the Reduced Dwelling Units and Building Height Alternative compared to the level of impact that would occur under the proposed Project. Because short- and long-term impacts would be reduced under several subject matters, this alternative is an environmentally superior alternative. Also, this alternative is considered the most environmentally superior alternative that meets the Project's objectives.

ES.6 SUMMARY OF IMPACTS, MITIGATION MEASURES, AND CONCLUSIONS

ES.6.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

The scope of detailed analysis in this EIR includes nine subject areas determined through the completion of an Initial Study prepared by the City of Newport Beach pursuant to CEQA Guidelines § 15063 and CEQA Statute § 21002(e), as well as consideration of public comments received by the City on this EIR's NOP. The Initial Study, NOP, and public comments received in response to the NOP, are attached to this EIR as *Technical Appendix A*. Subject areas for which the City concluded that impacts clearly would be less than significant and that do not warrant further analysis in this EIR include: Agriculture and Forestry Resources; Greenhouse Gases; Hydrology and Water Quality; Mineral Resources; Population and Housing; Public Services; Recreation; and Utilities and Service Systems. This EIR addresses these topics in EIR Subsection 5.0, *Other CEQA Considerations*.

ES.6.2 IMPACTS OF THE PROPOSED PROJECT

Table ES-1 provides a summary of the proposed Project's environmental impacts, as required by CEQA Guidelines § 15123(a). Also presented are the mitigation measures recommended by the City of Newport Beach to further avoid adverse environmental impacts or to reduce their level of significance. After the application of all feasible mitigation measures, the Project would not result in any unavoidable environmental effects.

Table ES-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.1 Aesthetics					
Summary of Impacts					
<p><u>Threshold a:</u> The Project site does not comprise all or part of a scenic vista. Based on the visual simulations that were prepared, the Project would not result in obstruction of coastal views from any public right-of-ways or Coastal View Roads as defined in the Newport Beach General Plan (Newport Beach, 2006a). The Project would result in less-than-significant impacts.</p>	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<p><u>Threshold b:</u> The Project has no potential to damage scenic resources within a scenic highway corridor. There are no State scenic highways in the City of Newport Beach, however, State Route 1 (East Coast Highway) is identified as Eligible for State Highway designation. As the proposed Project would be located north of East Coast Highway and would be located in a highly urbanized area near other similarly sized buildings in and around Fashion Island, the Project would not result in adverse impacts to views of scenic resources experienced from East Coast Highway. Project impacts with respect to this topic are considered less than significant.</p>	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<p><u>Threshold c:</u> Although the visual character of the property would change, the proposed Project includes a number of site design, architectural, and landscaping requirements that would ensure the provision of a high</p>	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>quality development. The conversion of the Project site from a car wash/gas station/convenience market to a seven-story residential development does not constitute a substantial degradation in the visual quality of the site and surroundings. Additionally, shadow from the proposed seven-story building would not fall on any adjacent buildings. Project impacts with respect to this topic are considered less than significant.</p>					
<p>Threshold d: New sources of light from the proposed Project would not represent a substantial increase of lighting levels in the surrounding areas because the Project's lighting would be of similar illumination levels compared to existing lighting conditions associated with retail and restaurant buildings, hotels and theater buildings, and office buildings located throughout Newport Center. Compliance with the outdoor lighting standards and requirements outlined in the PC text for the Project and the City of Newport Beach Zoning Code would ensure that light and glare impacts from the Project are less than significant.</p>	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
4.2 Air Quality					
Summary of Impacts					
<p>Threshold a: The Project's localized construction-source emissions would not exceed applicable LSTs. Additionally, the Project would not exceed regional thresholds for operational emissions, and would therefore would have a less-than-significant impact.</p>	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><u>Threshold b:</u> The Project would not exceed the SCAQMD Regional Emissions Thresholds for any criteria pollutants during construction. Accordingly, the Project's construction activities would not violate any air quality standard or contribute to an existing or projected air quality violation. Therefore, a less-than-significant impact would occur from the construction emissions associated with the proposed Project.</p> <p>The proposed Project's operational-source emissions would not exceed applicable SCAQMD regional thresholds of significance during the operation of the proposed Project. Therefore, impacts associated with long-term air emissions would be less than significant.</p>	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<p><u>Threshold c:</u> Near-term construction emissions and long-term operational emissions would not substantially contribute to a net increase of any criteria pollutant for which the Project's region is in non-attainment. Impacts would be less than significant.</p>	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<p><u>Threshold d:</u> The Project would not result in or contribute to a CO "Hot Spot." The Project also would not result in a significant adverse health impact to sensitive receptors. Thus a less-than-significant impact to sensitive receptors during both construction and operational activity is expected.</p>	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<p><u>Threshold e:</u> The Project does not propose any uses or activities that would result in potentially significant operational-source odor impacts. Potential sources of</p>	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
operational odors generated by the Project would include disposal of solid waste generated by the residents on-site. Trash areas for the Project would be located on parking levels B-1 through B2, each of which has separate trash areas. Consistent with City requirements, all Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations. Accordingly, operational-source odor impacts would be less than significant.					
4.3 Biological Resources					
Summary of Impacts					
<u>Threshold a:</u> No sensitive vegetation communities, special-status plant species, or special-status wildlife species are located on or near the Project site. The Project would have no substantial impact, either directly or through habitat modifications, on any other candidate, sensitive, or special status plant or wildlife species.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold b:</u> The Project would have no potential to impact riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW and USFWS. No impact would occur.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold c:</u> No federally protected wetlands are located on the Project site; therefore, no impact to wetlands would occur.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold d:</u> There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. The Project has the potential	MM 4.3-1 Prior to the issuance of a demolition permit, the Director of Community Development shall ensure that any tree removal activities occur outside of the nesting season (February 1st to August	Director of Community Development	Construction Contractor	Prior to the issuance of a demolition permit, during tree removal activities	Less-Than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>to directly and cumulatively impact nesting birds protected by federal and State regulations, if tree removals during construction activities were to occur during the nesting season.</p> <p>Implementation of Mitigation Measure MM 4.3-1 would ensure that a pre-construction nesting bird survey is conducted to determine the presence or absence of active nests prior to tree removal. If present, the mitigation measure mandates a buffer area around active nests until the young have fledged. With implementation of the required mitigation, potential direct and cumulatively considerable impacts to nesting birds would be reduced to below a level of significance.</p>	<p>31st). If it is determined necessary for tree removal activities to occur between February 1st and August 31st, the Director of Community Development shall require a pre-construction nesting bird survey to be conducted by a qualified biologist within seven (7) days prior to any tree removal activities. Any active nests identified shall have a buffer area established within a 100-foot radius (200 foot for birds of prey) of the active nest. Disturbance shall not occur within the buffer area until the qualified biologist determines that the young have fledged. Demolition and construction activity may only occur within the buffer area at the discretion of the qualified biologist.</p>				
<p><u>Threshold e:</u> The Project would not conflict with any local policies or ordinances protecting biological resources.</p>	<p>No Mitigation is Required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No Impact</p>
<p><u>Threshold f:</u> The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, including the Orange County Central and Coastal Orange County NCCP/HCP.</p>	<p>No Mitigation is Required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No Impact</p>
<p>4.4 Cultural Resources</p>					
<p>Summary of Impacts</p>					
<p><u>Threshold a:</u> Although the Project would demolish the existing building and remove it from the property, the structure is not a historical resource pursuant to Section</p>	<p>No Mitigation is Required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No Impact</p>

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
15064.5 of the CEQA Guidelines. No impact to historic resources would occur and mitigation is not required.					
<p>Threshold b: Although unlikely, there is a remote possibility that archaeological resources could be encountered during site grading activities. Mitigation is required to ensure that potential impacts to archaeological resources, if unearthed during construction activities, are reduced to a level below significance.</p> <p>Implementation of Mitigation Measure MM 4.4-1 would ensure that potential impacts to archaeological resources, if unearthed during construction activities, are reduced to a less than significant level.</p>	<p>MM 4.4-1 Prior to the issuance of grading permits, the Director of Community Development shall ensure that following provision is included on the grading plan(s), and the construction contractor(s) shall be required to comply with the provision.</p> <p><i>"If evidence of subsurface archaeological resources is found during construction, excavation and other construction activity shall cease and the construction contractor shall contact the City of Newport Beach Community Development Director. With direction from the Community Development Director, a qualified archeologist meeting the Secretary of the Interior Professional Qualification for Archeology shall be retained to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If warranted, the archeologist shall collect the resource and prepare a technical report describing the results of the investigation. The test-level report shall evaluate the site including discussion of the depth, nature, condition, and extent of the resources, final remediation recommendations, and cost estimates."</i></p>	Director of Community Development	Construction Contractor	Prior to the issuance of grading permits, during ground disturbing activities	Less-Than-Significant Impact
<p>Threshold c: Although unlikely, there is a remote possibility that paleontological resources could be encountered during site grading activities. Mitigation is required to ensure that impacts to paleontological resources, if unearthed during construction activities, are reduced to a level below significance.</p> <p>Implementation of Mitigation Measure MM 4.4-2 would ensure that potential impacts to</p>	<p>MM 4.4-2 Prior to the issuance of grading permits, the Director of Community Development shall ensure that following provision is included on the grading plan(s), and the construction contractor(s) shall be required to comply with the provision.</p> <p><i>"If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Newport Beach Community Development Director."</i></p>	Director of Community Development	Construction Contractor	Prior to the issuance of grading permits, during ground disturbing activities	Less-Than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
paleontological resources, if unearthed during construction activities, are reduced to a less than significant level.	<i>With direction from the Community Development Director, a qualified paleontologist meeting the Secretary of the Interior Professional Qualification for Paleontology shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources."</i>				
Threshold d: In the unlikely event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 and California Public Resources Code § 5097 et. seq. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains.	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
Threshold e: No significant tribal cultural resources were identified at the Project site. Therefore, a less-than-significant impact would occur.	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
4.5 Geology and Soils					
Summary of Impacts					
Threshold a: The Project would not expose people or structures to substantial adverse effects from earthquake fault rupture, seismic-related ground failure, or landslides. As with all properties in the southern California region, the Project site is subject to strong seismic ground shaking associated with earthquakes.	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><u>Threshold b:</u> The Project would not result in substantial soil erosion or the loss of topsoil. The Project Applicant is required to obtain a NPDES Permit for construction activities and adhere to a SWPPP as well as SCAQMD Rule 403-Fugitive Dust during Project construction activities. With mandatory compliance to these regulatory requirements, the potential for soil erosion or the loss of topsoil on the Project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces and drainage on the Project site would be controlled through the means of a storm drain system. Furthermore, the Project is required by law to implement a WQMP during long-term operation, which would preclude substantial soil erosion or the loss of topsoil during long-term operation of the Project.</p>	<p>No Mitigation is Required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-Than-Significant Impact</p>
<p><u>Threshold c:</u> During excavation for the subterranean parking garage, there may be local seepage and wet sands within the fill/terrace and terrace/bedrock contacts. Locally, these slopes could slough or potentially slump along the contact, and would be subject to instability during Project excavation. With implementation of Mitigation Measure MM 4.5-1 the Project would result in less-than-significant impacts associated with unstable soils during construction.</p> <p>The implementation of the mandatory requirements of the CBSC and the recommendations identified in the Project's</p>	<p>MM 4.5-1 Slopes created during subsurface excavations associated with the Project's construction process shall be shored in accordance with OSHA excavation safety regulations (Title 29 Code of Federal Regulations, Part 1926.650-652 [Subpart P]) to the satisfaction of the City of Newport Beach Building Official. Prior to the issuance of a grading permit, the Building Official or his/her designee shall ensure that the grading plan indicates the methods by which adequate shoring will occur. The shoring methods must ensure that the subsurface excavation will not slough or slump. The Construction Contractor shall implement the shoring requirements throughout the subsurface excavation period and allow inspection of the shoring method by the City of Newport Beach.</p>	<p>Building Official for the City of Newport Beach (or his/her designee)</p>	<p>Construction Contractor</p>	<p>Prior to the issuance of a grading permit, during subsurface excavation activities</p>	<p>Less-Than-Significant Impact</p>

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Geotechnical Feasibility Report (required through City-imposed conditions of approval on the Project) would ensure that impacts associated with unstable geologic units during long-term Project operation would be less than significant.					
Threshold d: There is a potential for expansive soils to be encountered during the Project's grading operation. With the incorporation of Mitigation Measure MM 4.5-2, as well as the mandatory compliance with CBSC requirements, the impacts associated with expansive soils would be reduced to less than significant.	MM 4.5-2 Expansive soils shall not be present as fill material below the building slab and footings. During the property's site preparation and grading phases, expansive soils shall be mixed with other soil material to provide a uniform blend of material, compacted to a minimum of 90 percent relevant compaction, to the satisfaction of the City of Newport Beach Building Official. Prior to the issuance of a grading permit, the Building Official or his/her designee shall ensure that the grading plan indicates a subsurface soil content that is non-expansive and compacted to at least 90 percent. The Construction Contractor shall implement the requirements throughout the site preparation and grading process and allow inspection of grading by the City of Newport Beach.	Building Official for the City of Newport Beach (or his/her designee)	Construction Contractor	Prior to the issuance of a building permit, during subsurface excavation activities	Less-Than-Significant Impact
Threshold e: The Project would not install septic tanks or alternative wastewater disposal systems. Accordingly, no impact would occur.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
4.6 Hazards and Hazardous Materials					
Summary of Impacts					
Threshold a and b: Based on the findings of a Phase I ESA and Phase II ESA conducted for the Project site, the property does not contain any environmental hazards that could pose a significant threat to human health or the environment. The existing building that would be demolished and removed from the site as part of the Project	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
could potentially contain asbestos containing materials and lead based paint, but compliance with mandatory regulatory requirements during the demolition and removal process would ensure that impacts would be less than significant.					
<u>Threshold c:</u> The Project would not 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 would occur and mitigation is not required.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold d:</u> The Project site is not identified on a list compiled pursuant to Government Code Section 65962.5; therefore, the Project has no potential to create a significant hazard to the public or environment as the result of listed properties.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold e:</u> The Project site is not located in an airport safety zone; the Project would thus not significantly expose people residing or working in the area to safety hazards associated with operations at John Wayne Airport.	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<u>Threshold f:</u> No private airstrips are located in the vicinity of the Project site; therefore, the Project has no potential to result in a safety hazard for people residing or working in the area caused by private airstrips.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold g:</u> The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<u>Threshold h:</u> The Project site is not located in a wildland fire hazard area. The Project	No Mitigation is Required.	N/A	N/A	N/A	No Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
would thus not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.					
4.7 Land Use Planning					
<u>Threshold a:</u> The proposed Project would not physically divide an established community.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold b:</u> Although the Project would change the land use designation of the Project site from commercial to residential, the land use change would not result in any significant and unavoidable impacts to the environment. Thus, the Project would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<u>Threshold c:</u> No habitat conservation plans or natural community conservation plans are applicable to the Project site; thus, no impact would occur.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
4.8 Noise					
<u>Threshold a:</u> Noise levels during construction would not significantly impact off-site properties and construction activities are required to comply with the provisions specified in Municipal Code § 10.28 (Loud and Unreasonable Noise). However, because construction activities are proposed to occur in early morning hours on two days that would fall outside of the time of day provisions for construction activities specified in the City's Noise Ordinance § 10.28.040 (Construction Activity-Noise Regulations), potentially	MM 4.8-1 Construction staging before 7:00 a.m. shall only be permitted with the express written consent of the Building Official. Residents of the Granville community shall be notified in advance of the proposed construction hours and sound blankets shall be installed on-site to minimize noise during these hours. A sound blanket is a sound-absorbing material that can be hung on construction fencing or other surface located between the noise source and noise receiver to reduce noise levels at the receiver location. Back-up alarms on construction vehicles shall be disabled when construction vehicles are operating on the Project site before 7:00 a.m.	City of Newport Building Official, Construction Contractor	Construction Contractor	During construction activities	Less-Than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>significant impacts could occur on those two days. Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce this impact to below a level of significance.</p> <p>Operational noise associated with residential use of the property would be less than significant. Also, because the Project would reduce the total number of average daily vehicular trips traveling to and from the site by 614 trips, compared to existing conditions, vehicular-related noise would be less than significant.</p>	<p>MM 4.8-2 The construction contractor shall inspect all motorized construction equipment operating on the site monthly, to ensure the proper installation of noise-attenuating mufflers. Inspection records shall be made available to the City of Newport Beach upon request.</p>	<p>City of Newport Building Official, Construction Contractor</p>	<p>Construction Contractor</p>	<p>During construction activities</p>	<p>Less-Than-Significant Impact</p>
<p><u>Threshold b:</u> Impacts associated with excessive groundborne vibration or groundborne noise levels during Project construction and long-term operation would be less than significant.</p>	<p>No Mitigation is Required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-Than-Significant Impact</p>
<p><u>Threshold c:</u> The Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.</p>	<p>No Mitigation is Required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-Than-Significant Impact</p>
<p><u>Threshold d:</u> Construction noise would be generated outside of the hours specified in the City's construction noise ordinance for two days during the construction period, resulting in a potentially significant impact.</p>	<p>MM 4.8-1 and MM 4.8-2 apply (see above)</p>	<p>MM 4.8-1 and MM 4.8-2 apply (see above)</p>	<p>MM 4.8-1 and MM 4.8-2 apply (see above)</p>	<p>MM 4.8-1 and MM 4.8-2 apply (see above)</p>	<p>Less-Than-Significant Impact</p>
<p><u>Threshold e:</u> The Project site is located out outside of the 60 dBA CNEL noise contour for John Wayne Airport. Thus, the Project would not expose people residing or working in the Project area to excessive airport-related noise levels.</p>	<p>No Mitigation is Required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No Impact</p>
<p><u>Threshold f:</u> The Project site is not located near a private airstrip; thus, here would be no impact due to the exposure of people</p>	<p>No Mitigation is Required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No Impact</p>

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
residing or working in the area to excessive noise levels associated with private airstrips.					
4.9 Transportation & Traffic					
<u>Threshold a:</u> The Project would reduce the total number of average daily vehicular trips traveling to and from the site by 614 trips, compared to existing conditions. Thus, the Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<u>Threshold b:</u> The Project would not conflict with the OCTA CMP's level of service standards or travel demand measures. No impact would occur.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold c:</u> There are no components of the Project that would result in an increase in traffic levels or result in substantial safety risks. No impact would occur.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold d:</u> The Project would not substantially increase hazards due to a design feature or incompatible uses. There may be the need for temporary lane closures for Anacapa Drive and Newport Center Drive to install tie-backs along the Newport Center Drive and Anacapa Drive frontages, however, these temporary impacts would be less than significant.	No Mitigation is Required.	N/A	N/A	N/A	Less-Than-Significant Impact
<u>Threshold e:</u> The Project would result in adequate emergency access and would not impact a designated emergency access route. No impact to emergency access would occur.	No Mitigation is Required.	N/A	N/A	N/A	No Impact
<u>Threshold f:</u> The Project would not conflict with adopted policies, plans, or programs	No Mitigation is Required.	N/A	N/A	N/A	No Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
regarding transit, bicycle, or pedestrian facilities. No impact would occur.					

1.0 INTRODUCTION

1.1 PURPOSES OF CEQA AND THIS EIR

As stated by the California Environmental Quality Act (CEQA) Guidelines § 15002, the basic purposes of CEQA are to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed government actions (including the discretionary approval of land entitlement applications submitted by private parties);
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if a project will be approved involving significant environmental effects.

This Environmental Impact Report (EIR) is an informational document that represents the independent judgment of the City of Newport Beach regarding the physical environmental effects that could result from the construction and operation of the proposed Project. The City of Newport Beach (hereafter “City”) received applications from Newport Center Anacapa Associates, LLC (hereafter “Project Applicant”) for the development of 49 condominium dwelling units in one seven-story building on a 1.26-acre site. The subject property (hereafter, “Project site”) is bounded by Newport Center Drive to the north and Anacapa Drive to the east. Civic Center Drive and adjacent office/commercial development occur south of the Project site.

A Mitigated Negative Declaration (MND) was previously prepared for the Project and was circulated for a 26-day review period on September 11, 2015. After the close of the public review period and review of public comments, the City of Newport Beach determined that an Environmental Impact Report should be prepared for the proposed Project.

As a first step in the CEQA compliance process for this EIR, an Initial Study was prepared by the City of Newport Beach pursuant to CEQA Guidelines § 15063 to determine if the Project could have a significant effect on the environment. Information previously provided in the MND and in public responses to the MND were considered. The Initial Study determined that implementation of the Project has the potential to result in significant environmental effects, and a Focused Project EIR, as defined by CEQA Guidelines § 15161, is required. Pursuant to CEQA Guidelines § 15161, a Project EIR should “...focus primarily on the changes in the environment that would result from the

development project,” and “...examine all phases of the project including planning, construction, and operation.”

Accordingly, and in conformance with CEQA Guidelines § 15121(a), the purposes of this EIR are to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all phases of the Project, (2) identify possible ways to minimize or avoid those significant effects, (3) to describe a reasonable range of alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects, and (4) disclose to the public the reasons why the City approved or disapproved the Project involving significant environmental effects.

1.2 SUMMARY OF THE PROJECT EVALUATED BY THIS EIR

Specifically, the Project Applicant submitted applications for General Plan Amendment No. GP2014-003, Zoning Code Amendment No. CA2014-008, Planned Community Development Plan No. PC2014-004 (referred to as the 150 Newport Center Planned Community Development Plan), Site Development Review No. SD2014-006, Development Agreement No. DA2014-002, Tentative Tract Map No. NT2015-003, and Environmental Impact Report No. ER2015-002, collectively referred to by the City as file number PA2014-213 and which are described in more detail below. These applications (hereafter “Project”), should they be approved by the City, would result in the demolition and removal of an existing car wash with ancillary convenience market and gas station, their associated site improvements, and redevelopment of the site with 49 condominium dwelling units in a seven-story building. The Project is the subject of analysis in this document pursuant to the CEQA Statutes and Guidelines. In accordance to CEQA Guidelines § 15367, the City of Newport Beach is the CEQA Lead Agency because it has principal responsibility for considering the Project for approval.

The Project site consists of 1.26 acres of developed land bounded by Newport Center Drive to the north and Anacapa Drive to the west. The Project involves the demolition and removal of an existing 8,500 square foot single-story building that operates as a car wash with an ancillary gas station and convenience market and associated improvements including but not limited to an asphalt/concrete parking area. After demolition, the Project would involve preparation of the site for redevelopment, and the construction and operation of one seven-story building containing 49 condominium units with a gross floor area of 163,260 square feet and a maximum floor area limit of 164,193 square feet. The condominium units would be comprised of 10 residential townhomes (on levels 1 and 2), 35 residential flats (on levels 3 through 6), and 4 penthouses on level 7 (Project Application Materials, 2015). Three levels of subterranean parking are proposed. Construction would occur over an approximate 18-month duration. Excavation to construct the Project would require the export of approximately 51,600 cubic yards of soil (Fusco, 2015, p. C1.0), which would occur over approximately 30 working days (Nova, 2015b). Soils would be disposed of at the Frank R. Bowerman Landfill in the City of Irvine. Refer to Section 3.0, *Project Description*, for additional details about the proposed Project.

1.3 LEGAL AUTHORITY

This EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code § 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.).

Pursuant to CEQA § 21067 and CEQA Guidelines Article 4 and § 15367, the City of Newport Beach is the Lead Agency under whose authority this EIR has been prepared. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action to approve the Project, the City of Newport Beach has the obligations to: (1) ensure that this EIR has been completed in accordance with CEQA; (2) review and consider the information contained in this EIR as part of its decision making process; (3) make a statement that this EIR reflects the City of Newport Beach’s independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this EIR are infeasible and citing the specific benefits of the proposed Project that outweigh its unavoidable adverse effects (CEQA Guidelines §§ 15090 through 15093).

Pursuant to CEQA Guidelines § 15040 through § 15043, and upon completion of the CEQA review process, the City of Newport Beach will have the legal authority to do any of the following:

- Approve the proposed Project;
- Require feasible changes in any or all activities involved in the Project in order to substantially lessen or avoid significant effects on the environment;
- Disapprove the Project, if necessary, in order to avoid one or more significant effects on the environment that would occur if the Project was approved as proposed; or
- Approve the Project even though the Project would cause a significant effect on the environment if the City makes a fully informed and publicly disclosed decision that: 1) there is no feasible way to lessen the effect or avoid the significant effect; and 2) expected benefits from the Project will outweigh significant environmental impacts of the Project.

This EIR fulfills the CEQA environmental review requirements for the proposed Project and all other governmental discretionary and administrative actions related to the Project.

1.4 APPROVALS FROM OTHER AGENCIES

The Project would require a National Pollutant Discharge Elimination System (NPDES) Permit from the Santa Ana Regional Water Quality Control Board (RWQCB) because NPDES permits apply to construction sites of one acre or more (CA RWQCB, n.d., p. 9) and Project construction would

disturb more than one acre of land. The Project would require approval from the Orange County Health Care Agency (OCHCA), because this agency oversees the underground storage tank inspection program throughout Orange County, including the City of Newport Beach, and underground tanks are proposed to be removed from the Project site during the construction process (OCHCA, 2015). Although a portion of the Project site falls within the Airport Environs Land Use Plan (AELUP) Notification Area for John Wayne Airport (JWA), AELUC review and approval is not required because the Project is not located in the JWA Planning Area, would not exceed the Federal Aviation Administration FAR Part 77 height restriction of 200 feet, or penetrate the 100:1 imaginary surface for notification.

1.5 EIR SCOPE, FORMAT, AND CONTENT

1.5.1 EIR SCOPE

As a first step in complying with the procedural requirements of CEQA for this EIR, the City of Newport Beach prepared an Initial Study to preliminarily identify the environmental issue areas that may be adversely impacted by the Project. Following completion of the Initial Study, the City filed a Notice of Preparation (NOP) with the California Office of Planning and Research (OPR) (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Project's potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to Responsible Agencies, Trustee Agencies, and other interested parties on January 12, 2016, for a 30-day public review period. The City of Newport Beach made copies of the NOP available to the general public for review at four branches of the Newport Beach Public Library within the City of Newport Beach (Central Library located at 1000 Avocado Avenue, Mariners Branch located at 1300 Irvine Avenue, Balboa Branch located at 100 East Balboa Boulevard, and the Corona del Mar Branch located at 420 Marigold Avenue). The City distributed the NOP for public review to solicit responses that may assist the City in identifying the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR.

As a result of the Initial Study and in consideration of all comments received by the City on the NOP, this EIR evaluates the Project's potential to cause adverse effects to the following environmental issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Land Use/Planning
- Noise
- Transportation/Traffic

Public Resources Code (PRC) § 21100(b)(3) and CEQA Guidelines § 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Refer to Appendix F to the CEQA Guidelines, which is an advisory document that assists EIR preparers in determining whether a project would result in the inefficient, wasteful, and unnecessary consumption of energy. Accordingly, this EIR also addresses the topic of energy conservation in Section 5.0.

The Initial Study, NOP, public review distribution list, and written comments received by the City during the NOP public review period are provided in *Technical Appendix A* to this EIR. Substantive issues raised in response to the NOP are summarized below in Table 1-1, *Summary of NOP Comments*. The purpose of this table is to present the primary environmental issues of concern raised during the NOP review period. The table is not intended to list every comment received by the City during the NOP review period. Regardless of whether or not a comment is listed in the table, all applicable comments received in response to the NOP are addressed in this EIR.

The City has identified two issues of controversy associated with the proposed Project after considering all comments received in response to the NOP. The first controversial issue is in regard to potential aesthetic effects associated with the proposed building's height in comparison to the lower heights of buildings on immediately adjacent parcels. The second issue is the proposed land use change, which would add more residential dwelling units in Newport Center.

Table 1-1 Summary of NOP Comments

Commenter	Date	Comments	Location in this EIR where comment is addressed
City of Irvine	February 8, 2016	The City of Irvine has no comment at this time. This letter requests the opportunity to review the Draft EIR and any further information regarding the proposed Project as the planning process proceeds.	Not Applicable
Airport Land Use Commission (ALUC) for Orange County	February 11, 2016	The ALUC for Orange County has no comment on the NOP related to land use, noise, or safety compatibility with the Airport Environs Land Use Plan (AELUP) for the John Wayne Airport (JWA) because the proposed Project is not located within the Airport Planning Area for the JWA.	Subsection 4.6, Hazards and Hazardous Materials
Jim Mosher	February 11, 2016	Comments suggest that the proposed Project would displace and add to existing traffic trips. Comments inquire about the aesthetics of the proposed Project and whether there are General Plan designated viewpoints in the Newport Center. Comments request analysis of the Project's consistency with the City of Newport Beach General Plan vision for Newport Center. Comments were also made regarding proposed building height. Comments request the evaluation of Project alternatives.	Subsection 4.9, Transportation and Traffic Subsection 4.1, Aesthetics Subsection 4.7, Land Use and Planning Subsection 6.0, Alternatives

Commenter	Date	Comments	Location in this EIR where comment is addressed
Orange County Transportation Authority (OCTA)	February 11, 2016	OCTA recommends employing measures to reduce potential disruptions to OCTA bus service during construction of the proposed Project. OCTA requests that the City of Newport Beach and the Project applicant keep OCTA apprised of any potential bus stop disruptions or street closures that may necessitate detours. This comment also details the location of a Class II bicycle facility along Newport Center Drive.	Subsection 4.9, Transportation and Traffic
Still Protecting Our Newport (SPON)	February 10, 2016	<p>The letter previously sent from Michelle Black of Chatten-Brown & Cartens LLP (dated October 6, 2015) regarding the MND previously prepared for the Project incorporated the primary issues SPON believes should be studied in the Draft EIR.</p> <p>Specific issues of concern listed in the February 10, 2016 comment letter are: aesthetics, land use including cumulative impacts, and changed character of the neighborhood including views and sight planes.</p> <p>The commenter objects to the use of a Planned Community Development for the proposed Project. Concern regarding the increased height potentially setting a precedent for a total change in the character and impact of growth in the neighborhood.</p> <p>Concern regarding the Project changing the visual characteristics of the area.</p> <p>Comment suggests that approval would set a precedent for a change of use to high-density housing in the area.</p> <p>Suggestion is made to study an alternative that would maintain the current 32-foot height limit.</p> <p>Specific issues of concern listed in the October 6, 2015 comment letter for the Mitigated Negative Declaration previously prepared are cited as:</p> <ol style="list-style-type: none"> 1) Statement that a Planned Community Development Plan is inappropriate for the proposed Project. 2) Statement that the Project fails to fulfill the purpose of the PCD, Zoning Code section 20.56.010 and other zoning laws that require consideration of the relationship of the proposed development plan to the goals, policies, and actions of the General Plan. 3) Statement that the Project would change the visual characteristics of the area from an area of low-rise commercial and office space to an area more representative of central city mass, bulk, and height. 	<p>Not Applicable</p> <p>Subsection 4.1, Aesthetics; Subsection 4.7, Land Use and Planning</p> <p>Subsection 4.7, Land Use and Planning; Subsection 5.3, Growth-Inducing Impacts of the Proposed Project</p> <p>Subsection 4.1, Aesthetics</p> <p>Subsection 4.7, Land Use and Planning; Subsection 5.3, Growth-Inducing Impacts of the Proposed Project</p> <p>Section 6.0, Alternatives</p> <p>Subsection 4.7, Land Use and Planning</p> <p>Subsection 4.7, Land Use and Planning</p> <p>Subsection 4.1, Aesthetics</p>

Commenter	Date	Comments	Location in this EIR where comment is addressed
		<p>4) Statement that the Project is inconsistent with at least two policies of the General Plan Land Use Element (Policies LU 1.6 Public Views and LU 6.14.4 Development Scale).</p> <p>5) Statement that the Project is an example of "spot zoning" and the land use impact and associated cumulative impacts should be considered in an EIR. This comment also states that the Project sets a precedent for relaxing height limitations and the use of PCDs to avoid existing land use restrictions.</p>	<p>Subsection 4.7, Land Use and Planning</p> <p>Subsection 4.7, Land Use and Planning; Subsection 5.3, Growth-Inducing Impacts of the Proposed Project</p>
Irvine Company	February 12, 2016	<p>The following comments were made regarding the Project Description as described in the Initial Study:</p> <p>1) Special Land Use Restrictions (SLURs) exist between Irvine Company and the car wash owner/operator. There is an existing easement for ingress/egress only along the southern boundary of the Project site, which provides access to Block 100 from Anacapa Drive. The easement is not affected by the SLURs' termination date and the easement restrictions will remain in effect.</p> <p>2) As indicated on the Conceptual Grading Plan (Figure 3-2 of the Initial Study), there is an existing 18-foot wide reservation for pedestrian use that would be removed with the proposed Project. It does not seem appropriate to completely remove this reservation because the existing pedestrian access to Gateway Plaza should continue to be provided.</p> <p>3) The Initial Study for the Project identifies the intended use of the ingress/egress drive south of the Project site for parking of moving trucks and trash pick-ups. The access road from Anacapa provides significant vehicular access to Gateway Plaza. The Project should be designed to ensure both the vehicular access and the adjacent pedestrian connections can continue to be provided safely and efficiently.</p> <p>4) The Irvine Company disagrees that moving van, trash truck parking, and loading/unloading are consistent with the permitted uses for ingress/egress drive aisles defined in the easement for this access road. The road is for the exclusive purpose of providing vehicle access to and from the properties within Block 100 and is not designated to accommodate moving and trash vehicle operations and other anticipated uses such as repair and maintenance vehicles.</p> <p>5) Request for additional information regarding where</p>	Section 3.0, Project Description and Preliminary Construction Management Plan (<i>Technical Appendix M</i>)

Commenter	Date	Comments	Location in this EIR where comment is addressed
		<p>construction equipment would be located, where construction vehicles would be parked, the proposed routes for hauling of debris and delivery of materials, and how construction activities would be kept off adjacent properties, including parking lot areas.</p> <p>6) Request that the Draft EIR include a detailed construction phasing plan, including identifying duration of street closures.</p> <p>7) Statement that during construction of the proposed Project, there should be no use of any portion of Block 100, in particular the Anacapa access road, for any construction-related activities, including worker parking.</p>	
The following letters were received after the close of the NOP Comment Period (January 12, 2016 to February 11, 2016)			
Orange County Public Works Department	February 16, 2016	The Orange County Public Works Department has no comments at this time but would like to be advised of any further Project developments and to remain on the distribution list for future notifications related to the proposed Project.	Not Applicable
Susan Skinner	March 6, 2016	<p>This letter states that the traffic in Newport Center is already unacceptable and needs to be calculated to determine if the traffic will exceed Greenlight standards.</p> <p>This letter expresses concern regarding water use of the proposed Project.</p> <p>This letter expresses concern that the proposed Project might block views of Saddleback Mountain and ocean views.</p> <p>This letter expresses concern regarding cell phone reception.</p> <p>This letter states that a Greenlight vote is required for the proposed Project.</p> <p>This letter incorporates by reference the comments of Jim Mosher, SPON, and Debra Stevens.</p>	<p>Subsection 4.9, Transportation and Traffic</p> <p>Section 3.0, Project Description</p> <p>Subsection 4.1, Aesthetics</p> <p>Not Applicable under CEQA</p> <p>Subsection 4.7, Land Use and Planning</p> <p>See EIR sections listed above for each comment letter</p>

Source: T&B Planning, Inc., 2016

1.5.2 EIR FORMAT AND CONTENT

This EIR contains all of the information required to be included in an EIR as specified by the CEQA Statutes and Guidelines (California Public Resources Code, § 21000 et. seq. and California Code of Regulations, Title 14, Chapter 5). CEQA requires that an EIR contain, at a minimum, certain specified content. Table 1-2, *Location of CEQA Required Topics in this EIR*, provides a quick reference in locating the CEQA-required content within this document.

Table 1-2 Location of CEQA Required Topics in this EIR

CEQA Required Topic	CEQA Guidelines Reference	Location in this EIR
Table of Contents	§ 15122	Table of Contents
Summary	§ 15123	ES.0 (Executive Summary)
Project Description	§ 15124	Section 3.0
Environmental Setting	§ 15125	Section 2.0
Consideration and Discussion of Environmental Impacts	§ 15126	Sections 4.0 through 5.0
Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented	§ 15126.2(b)	Sections 4.0 through 5.0
Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented	§ 15126.2(c)	Section 5.0
Growth-Inducing Impact of the Proposed Project	§ 15126.2(d)	Section 5.0
Analysis of the Project's Energy Conservation Measures	§ 15126.4(c)	Subsection 4.2
Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects	§ 15126.4	Sections 4.0 through 5.0
Consideration and Discussion of Alternatives to the Proposed Project	§ 15126.6	Section 6.0
Effects Not Found to be Significant	§ 15128	Sections 4.0 through 5.0
Organizations and Persons Consulted	§ 15129	Section 7.0
Discussion of Cumulative Impacts	§ 15130	Sections 4.0 through 5.0
Energy Conservation	Appendix F	Subsection 5.4

Source: T&B Planning, Inc., 2016

In summary, the content and format of this EIR is as follows:

- **Section 1.0, Introduction**, provides introductory information about the CEQA process and the responsibilities of the City of Newport Beach, serving as the Lead Agency of this EIR.
- **Section 2.0, Environmental Setting**, describes the environmental setting, including descriptions of the Project site's physical conditions and surrounding context. The existing physical setting is the condition of the Project site and surrounding area at the approximate date this EIR's NOP was released for public review (January 12, 2016).
- **Section 3.0, Project Description**, serves as the EIR's Project Description for purposes of CEQA and contains a level of specificity commensurate with the level of detail proposed by the Project, including the summary requirements pursuant to CEQA Guidelines § 15123.

- **Section 4.0, Environmental Analysis**, provides an analysis of potential direct, indirect, and cumulative impacts that may occur with implementation of the proposed Project. A conclusion concerning significance is reached for each discussion; mitigation measures are presented as warranted. The environmental changes identified in Section 4.0 and throughout this EIR are referred to as “effects” or “impacts” interchangeably. The CEQA Guidelines also identify the terms “effects” and “impacts” as being synonymous (CEQA Guidelines § 15358). In the environmental analysis subsections of Section 4.0, the existing and historical baseline conditions are disclosed that are pertinent to the subject area being analyzed, accompanied by a specific analysis of physical impacts that may be caused by implementation of the proposed Project. The analyses are based in part upon technical reports that are appended to this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the proposed Project and cited in Section 7.0, *References*. Where the analysis demonstrates that a physical adverse environmental effect may or would occur without undue speculation after compliance with mandatory federal, state, and local laws and regulations, feasible mitigation measures are recommended to reduce or avoid the significant effect. In most cases, mandatory compliance with regulatory requirements and/or the implementation of the identified mitigation measures would reduce the Project’s adverse environmental impacts to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a statement of overriding considerations would need to be adopted by the City of Newport Beach pursuant to CEQA Guidelines § 15093.
- **Section 5.0, Other CEQA Considerations**, includes specific topics that are required by CEQA. These include a summary of the Project’s significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Project be implemented, potential growth-inducing impacts of the proposed Project, as well as an evaluation of the Project’s energy conservation. Section 5.0 also includes a discussion of the potential environmental effects that were not found to be significant during this EIR’s Initial Study and NOP process and that, therefore, do not require a detailed evaluation in this EIR. The Initial Study is included in its entirety in *Technical Appendix A* to this EIR.
- **Section 6.0, Project Alternatives**, describes and evaluates alternatives to the proposed Project that could reduce or avoid the Project’s adverse environmental effects. CEQA does not require an EIR to consider every conceivable alternative to the Project but rather to consider a reasonable range of alternatives that will foster informed decision making and public participation. A range of four (4) alternatives in addition to the No Project/No Redevelopment Alternative are presented in Section 6.0.

- **Section 7.0, References**, cites all reference sources used in preparing this EIR and lists the agencies and persons that were consulted in preparing this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

- **Technical Appendices**. CEQA Guidelines § 15147 states that the “information contained in an EIR shall include summarized...information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public,” and that the “placement of highly technical and specialized analysis and data in the body of an EIR shall be avoided.” Therefore, the detailed technical studies, reports, and supporting documentation that were used in preparing this EIR are bound separately as Technical Appendices. The Technical Appendices are available for review at the City of Newport Beach City Hall, Community Development Department, Planning Division; 100 Civic Center Drive, Newport Beach, California 92660 during the City’s regular business hours or can be requested in electronic form by contacting the City’s Planning Division. The individual technical studies, reports, and supporting documentation that comprise the Technical Appendices are as follows:
 - A. Initial Study & Appendices, Notice of Preparation, NOC Form, and Written Comments on the NOP
 - B. Planned Community Development Plan
 - C. Air Quality Impact Analysis
 - D. Geotechnical Feasibility Report
 - E. Greenhouse Gas Analysis
 - F1. Phase I Environmental Site Evaluation
 - F2. Phase II Subsurface Investigations
 - G1. Traffic and Parking Evaluation
 - G2. Circulation Plan
 - H. Preliminary Water Quality Management Plan
 - I. Assessment of Sewer Capacity Availability
 - J. Assessment of Water Availability
 - K. City of Newport Beach Cumulative Projects List
 - L. Conceptual Design Exhibits
 - M. Preliminary Construction Management Plan

- **Documents Incorporated by Reference**. CEQA Guidelines § 15150 allows for the incorporation “by reference, all or portions of another document ... [and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand.” Documents, analyses, and reports that are incorporated into this EIR by reference are listed in Section 7.0, *References*, of this EIR. The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of an EIR. Where this EIR incorporates a document by reference, the document is identified in the body of the EIR,



citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this EIR. All references cited in this EIR are available at the web address provided in Section 7.0, *References*, and/or at the City of Newport Beach City Hall, Community Development Department, Planning Division; 100 Civic Center Drive, Newport Beach, California 92660.

2.0 ENVIRONMENTAL SETTING

2.1 REGIONAL SETTING AND LOCATION

The approximately 1.26-acre Project site is located in the City of Newport Beach, in western Orange County, California. Orange County abuts San Diego County to the south, Los Angeles County to the north, San Bernardino County to the northeast, and Riverside County to the east. Orange County is approximately 791 square miles and in 2010 had an average population density of approximately 3,808 persons per square mile (USCB, 2015). According to the California Department of Finance (DOF), the estimated 2015 population of Orange County was 3,147,655 (DOF, 2015b). The Southern California Association of Governments (SCAG) forecast models predict that the population of Orange County will grow to approximately 3,421,000 by the year 2035 (an approximate 273,345 person increase from 2015) (SCAG, 2012b).

From a regional perspective, the Project site is located in the western portion of the City of Newport Beach, to the south of the City of Costa Mesa and to the west of the City of Irvine. John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. State Route 1 (SR-1), also known as East Coast Highway, is located approximately 0.31-mile south of the Project site. MacArthur Boulevard is located approximately 0.3-mile east of the Project site and provides access to California State Route 73 (SR-73), located approximately 2.0 miles northeast of the Project site. The site's location in a regional context is shown on Figure 3-1, *Regional Map*, in EIR Section 3.0, *Project Description*.

2.2 LOCAL SETTING AND SURROUNDING LAND USES

The Project site is located near the center of the City of Newport Beach, adjacent to the south side of the Fashion Island regional shopping center. The site is rectangular in shape and is fronted on the north by Newport Center Drive, on the east by Anacapa Drive, on the south by an existing approximately 38,733 square foot office building with subterranean parking (180 Newport Center Drive) and on the west by an existing two-story office park and associated parking areas (Gateway Plaza) (Project Application Materials, 2015). Newport Harbor is located 0.71-mile to the southwest of the Project site and the Pacific Ocean is located approximately 1.4 miles to the south of the Project site. The subject property encompasses Assessor's Parcel Number 442-231-12, and is located in Section 36 of Township 6 south, Range 10 West, San Bernardino Baseline and Meridian.

The Project site is located within a highly urbanized portion of the City of Newport Beach that is fully developed with a variety of office, retail, entertainment, and service commercial land uses. As shown on Figure 2-1, *Surrounding Land Uses and Development*, the Project site is bordered by Anacapa Drive on the east. Abutting the Project site on the east, at the southeastern corner of Newport Center Drive and Anacapa Drive, is Muldoon's Irish Pub and an office building occupied by a fitness studio, a rehabilitation/sports therapy office as well as other commercial/office-related businesses. The Project site is bordered by Newport Center Drive on the north, beyond which is

Fashion Island, a regional shopping center. Two restaurant buildings currently occupied by Red O and Fig & Olive are located at the southern edge of the Fashion Island parking lot and are directly across Newport Center Drive from the Project site at the intersection with Anacapa Drive. To the south and west of the Project site is a parking lot that serves the adjacent Gateway Plaza office complex, which is comprised of seven two-story low rise office buildings, and associated surface parking.

The nearest sensitive receptor location to the Project site is the Newport Center Women’s Health Center, located approximately 330 feet south of the Project site at 180 Newport Center Drive (Urban Crossroads, 2015a, p. 28). A sensitive receptor is a location where people reside or where populations sensitive to noise levels and other environmental effects could congregate such as schools, day care centers, and health care facilities.

2.3 PLANNING CONTEXT

This Subsection provides a description of the Project site’s land use and zoning designations, as applied by planning documents adopted by the City of Newport Beach.

2.3.1 CITY OF NEWPORT BEACH GENERAL PLAN

The City of Newport Beach’s prevailing planning document is its General Plan, approved November 7, 2006. The City’s General Plan designates the Project site for “CO-R (Regional Commercial Office)” land uses and has an additional designation of Anomaly 35. The CO-R land use designation “...is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses” (Newport Beach, 2006a, p. 3-13). Anomaly 35 indicates that there is a development limit of 199,095 square feet for the Project site’s block (Newport Beach GIS, 2015). General Plan designations surrounding the Project site include Regional Commercial (CR) to the north and Regional Commercial Office (CO-R) to the south, east, and west (Newport Beach, 2006a, Figure LU21).

2.3.2 ZONING

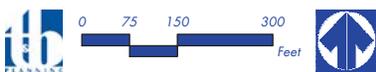
The Project site is within the Office Regional Commercial (OR) Zoning District. Zoning designations surrounding the Project site include PC-56 (North Newport Center Planned Community) to the north, and PC-56 and OR (Office Regional Commercial) to the west and south. Land to the east is zoned OR (Office Regional Commercial) (Newport Beach GIS, 2015).

2.3.3 JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN

JWA is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport. As detailed in the Airport Environs Land Use Plan (AELUP) for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA. The AELUP establishes requirements for notifying the Airport Land Use Commission (ALUC) for Orange County and the Federal Aviation Administration (FAA) of certain construction activities and



Figure 2-1



SURROUNDING LAND USES AND DEVELOPMENT

alterations to existing structures within the AELUP Part 77 Notification Area, to ensure there are no obstructions to navigable airspace. Within the Notification Area boundary, ALUC must be notified of any proposed construction or structural alterations involving a land use or legislative amendment in the AELUP Planning Area, development that exceeds 200 feet above ground level, and all heliports or helistops. Projects that surpass 200 feet above ground level must also file Form 7460-1 with the FAA (OCALUC, 2008, p. 4).

The Project site is located approximately 19,200 feet from the nearest point of the JWA runway. By applying the imaginary surface slope of 100:1, at this distance from the runway, the Project would not penetrate the imaginary surface extending 100 feet outward and one foot upward (slope of 100:1) from the JWA runway at a height of 191 feet. Therefore, the Project does not fall within the AELUP Airport Planning Area and does not require ALUC review. Additionally, the seven-story building proposed by the Project would be 83 feet 6 inches in height, so FAA notification is not required because the structure does not exceed 200 feet in height. (OCALUC, 2008)

2.4 EXISTING PHYSICAL SITE CONDITIONS

Pursuant to CEQA Guidelines § 15125, the physical environmental condition for purposes of establishing the setting of an EIR is the environment as it existed at the time the EIR's NOP was released for public review. The NOP for this EIR was released for public review on January 12, 2016. The following subsections provide a description of the Project site's physical environmental condition ("existing conditions") as of that approximate date. More information regarding the Project's site's environmental setting is provided in the various subsections of EIR Section 4.0, *Environmental Analysis*.

2.4.1 CAR WASH OPERATION

Under existing conditions, the Project site contains an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary convenience market and gas station. Vehicular access to and from the car wash is provided via a shared driveway (reciprocal ingress/egress easement) immediately south of the Project site, which connects to Anacapa Drive along the eastern boundary of the Project site. The car wash building includes an indoor waiting area. There is also an outdoor waiting area with a sound amplification system that broadcasts music. The car wash provides for the hand-washing of vehicles within the wash facility, which uses several mechanical components such as car dryers and vacuums. The car wash operates from 8:00 AM to 5:00 PM seven days per week. The car wash also provides two ancillary uses; several gas fueling pumps operate in the exterior area where cars pull in-to the car wash line, and a small convenience market is located inside the building.

2.4.2 LAND USE

All portions of the Project site are fully developed with the car wash and ancillary gas station and convenience market, and no undeveloped open space or undisturbed areas occur on site. There are 28 ornamental trees on the property. A paved parking area containing 12 parking stalls is located

along the western edge of the Project site, and ornamental landscaping areas occur primarily along the perimeter of the site. Street trees, shrubs, groundcover, and curb-adjacent sidewalks are located along the Project site's frontage with Newport Center Drive and Anacapa Drive. Six street trees are located along the Project site's Anacapa Drive frontage and three street trees are located on the opposite side of Anacapa Drive from the Project site that would be replaced as part of the proposed Project. Three street trees would remain along the Newport Center Drive frontage. Streetlights are located near the intersection of Anacapa Drive and Newport Center Drive. There is an existing private catch basin in the southwest corner of the Project site. Figure 2-2, *Aerial Photograph*, depicts the site's existing conditions as seen from above.

2.4.3 AESTHETICS AND TOPOGRAPHIC FEATURES

Under existing conditions, the Project site is fully developed and exhibits no unique topographic features and very little topographic variation. Elevations on the site range from a low of 158.5 feet above mean sea level (amsl) in the south-southwest corner to a high elevation of 170.3 feet above amsl in the northeast corner of the site (Project Plans, Sheet 1- Title Constraints). The topography has an average elevation of approximately 164 feet amsl. Figure 3-3, *USGS Topographic Map*, in EIR Section 3.0, *Project Description*, depicts the Project site's existing topographic conditions.

The washing and drying operation of the existing car wash on-site is in a single-story building comprised of a concrete structure with windows. The building also accommodates a convenience market. There is an exterior fueling station outside of the building, located where cars line up for the car wash. The car wash building is at an elevation slightly below the grade of Anacapa Drive and Newport Center Drive. Foliage and trees are located along the northern, eastern and western boundaries of the car wash, which partially screens views of the car wash and fueling station from adjacent areas, including the surrounding roadways.

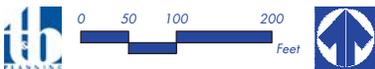
2.4.4 AIR QUALITY AND CLIMATE

The Project site is located in the South Coast Air Basin (SCAB) within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAB is a 6,745-square mile subregion of the SCAQMD, which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, and to the south by the Orange County and Riverside County lines. (Urban Crossroads, 2015a, p. 6)

Existing air quality is measured at established SCAQMD air quality monitoring stations. Monitored air quality is evaluated in the context of ambient air quality standards. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. (Urban Crossroads, 2015a, p. 8) The SCAQMD monitors levels of various criteria pollutants at 30 monitoring stations throughout the air district. In 2013, the most recent year for which SCAQMD monitoring data was available at the time the NOP for this EIR was released, the



Figure 2-2



AERIAL PHOTOGRAPH

federal and state ambient air quality standards (NAAQS and CAAQS) were exceeded on one or more days for ozone (O₃) and particulate matter (PM₁₀ and PM_{2.5}) at most monitoring locations. No areas of the SCAB exceeded federal or state standards for nitrogen dioxide, sulfur dioxide, carbon monoxide, sulfates or lead. (Urban Crossroads, 2015a, p. 10)

Climate change is a global concern. The primary greenhouse gas (GHG) emitted by human activities in the United States is carbon dioxide (CO₂), representing approximately 83 percent of total GHG emissions. Carbon dioxide from fossil fuel combustion, the largest source of GHG emissions in the United States, accounted for approximately 78 percent of the GHG emissions. The California Air Resources Board (CARB) compiles GHG inventories for the State of California. Based upon the 2008 GHG inventory data (i.e., the latest year for which data are available at the time the NOP for this EIR was released) for the 2000-2008 GHG emissions inventory, California emitted 474 metric tons of carbon dioxide equivalent including emissions resulting from imported electrical power in 2008. (Urban Crossroads, 2015b, p. 7)

Refer to *Technical Appendices C and E*, which respectively contain the proposed Project's Air Quality and Greenhouse Gas technical reports, for additional details regarding existing air quality and greenhouse gas levels.

2.4.5 AGRICULTURAL AND FORESTRY RESOURCES

The Project site is developed with urban uses and does not contain agricultural uses. According to mapping conducted by the California Department of Conservation (CDC) as part of the Farmland Mapping & Monitoring Program (FMMP), the Project site is identified as containing "Urban and Built-Up Land." The Project site and surrounding areas do not contain any soils mapped by the CDC as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance (CDC, 2010). Additionally, due to the developed/urban nature of the Project site, no timberland and no forestry resources are located on the Project site.

2.4.6 CULTURAL RESOURCES

As depicted in General Plan EIR Figure 4.4-1, the Project site is not identified as containing any historical resources (Newport Beach, 2006b, Figure 4.4-1). The car wash and ancillary gas station and convenience market were constructed in 1970 (Fero, 2013, p. 9). The existing building is not included on the National Register of Historic Places or on the California Register of Historical Resources, nor is it eligible for listing because it is less than 50 years of age and does not meet any of the eligibility criteria. Due to the developed nature of the Project site, the Project site is very unlikely to contain subsurface archaeological resources because the property's subsurface has already been disturbed. The Project site is underlain by rock associated with the Monterey Formation, which has the potential to contain fossils. However, the Project site is not located within a portion of the City that is identified by the City's General Plan EIR as having the potential to contain significant fossil-bearing soils or rock formations. (Newport Beach, 2006b, p. 4.4-17)

2.4.7 GEOLOGY AND SOILS

The Project site is located on the Newport Mesa, approximately 0.7-mile inland from Newport Harbor. The mesa highland is covered with coastal terrace deposits and is located at the southwestern end of the San Joaquin Hills. Mapping by the State of California indicates the site is underlain by Quaternary-age marine terrace deposits which overlie Miocene-age sedimentary bedrock of the Monterey Formation. (NMG, 2015, p. 4) As with much of the Southern California region, the Project site is located in an area subject to seismic hazards, with the nearest fault, the Newport-Inglewood Fault Zone, located approximately 2.5 miles south of the Project site. The San Joaquin Hills Thrust Fault is located approximately 3.4 miles north of the site. (NMG, 2015, p. 6) The Project site is not located in an Earthquake Fault Zone per the Alquist-Priolo Special Studies Zone Map. Groundwater at the site is estimated to occur at approximately 45 feet below the ground surface, as previous investigations for the adjacent office buildings did not encounter groundwater at a depth of 45 feet (NMG, 2015, p. 6). However, moist soils were found at 41 feet in depth north of the Project site (NMG, 2015, p. 10). Evaluation of on-site data by NMG Geotechnical, Inc. indicates that the Project site is underlain by artificial fill ranging between 9 to 14 feet in thickness, beneath which are marine terrace deposits and bedrock of the Monterey Formation (NMG, 2015, p. 4). Refer to the Geotechnical Feasibility Report in *Technical Appendix D* for more detailed information.

2.4.8 HAZARDS AND HAZARDOUS MATERIALS

Based on aerial and historical photographs, and documents reviewed by Fero Environmental Engineering, Inc. (Fero) in conjunction with their Phase I Environmental Site Assessment (ESA) of the Project site (*Technical Appendix F1*), the Project site was vacant and undeveloped from 1938 through 1963. City of Newport Beach building permit records indicate that a permit was issued to build a new car wash in 1970 (Fero, 2013, p. 9) and 1972 aerial photography shows the existing car wash building and parking lot. (Fero, 2013, p. 10) Three 12,000 gallon underground fuel storage tanks (USTs), four fuel dispensers, and associated piping exist on site. The fueling system is permitted through the Orange County Health Care Agency (OCHCA) and SCAQMD. (Fero, 2013, p. 7) Based on the apparent age of the structure, it is possible that asbestos containing material (ACM) is present in some observed building materials such as flooring or roofing materials such as mastics (Fero, 2013, p. 8). The Project site is listed on the California Water Resources Control Board (CWRCB) Facility Inventory Database (FID), Historic, Underground Storage Tank, and Statewide Environmental Evaluation and Planning Systems (SWEEPS) lists (Fero, 2013, p. 16).

Refer to Subsection 4.6, *Hazards and Hazardous Materials*, of this EIR for a more detailed discussion of the Project site's existing conditions related to hazards and hazardous materials, including information from the Phase II Subsurface Investigation (*Technical Appendix F2*).

2.4.9 HYDROLOGY AND DRAINAGE

Under existing conditions, stormwater runoff generally sheet flows towards the south-southwest portion of the Project site and ties into an existing 10-inch storm drain and catch basin that intercepts

the drainage water. The collected water then discharges into the City of Newport Beach municipal stormwater system located along Civic Center Drive, towards East Coast Highway, where the water is discharged into Lower Newport Bay, and ultimately the Pacific Ocean. (Fusco, 2015, p. 6) A subgrade waste collection system trench is present beneath the car wash, which drains to a water reclamation system/clarifier. Any solids that are built up in the clarifier are pumped out and disposed of off-site as non-hazardous. (Fero, 2013, p. 24)

According to mapping by the Federal Emergency Management Agency (FEMA), the Project site is designated within FEMA Flood Zone “X” (Other Areas)” unshaded, which indicates that the Project site is located outside of the 0.2 percent annual chance flood area (FEMA, 2015).

2.4.10 MINERAL RESOURCES

According to the City’s General Plan EIR, which relies on mapping conducted by the California Geological Survey (CGS) for areas known as Mineral Resources Zones (MRZs), the Project site is mapped as being on the boundary between MRZ-1 and MRZ-3. Areas mapped MRZ-1 are defined as “areas where available geologic information indicates that there is little or no likelihood for presence of significant mineral resources.” Areas mapped MRZ-3 are defined as “areas containing mineral deposits of undetermined significance.” (Newport Beach, 2006b, Figure 4.5-4). No mineral resource extraction activities occur at or near the Project site in the existing condition.

2.4.11 NOISE

Primary sources of noise on-site are from vehicular traffic, operation of the car wash, including the dryer for the vehicles and compressed air used to detail vehicles. Also, the outdoor waiting area includes a sound amplification system that broadcasts music. Primary sources of noise in the Project site’s vicinity include vehicle noise and aircraft noise. Refer to EIR Subsection 4.8, *Noise*, for a more detailed discussion of the Project’s site existing noise setting.

2.4.12 TRANSPORTATION

Primary roadway access to the Project site is provided by a driveway that connects to Anacapa Drive, located along the southeastern Project site boundary, and at driveways on Civic Center Drive, which provide access to the adjoining office parking areas to the south and direct access to the Project site via an ingress/egress easement to the Project site. Local access to the Project vicinity is provided via Newport Center Drive, located north and west of the Project site, Civic Center Drive, located south of the Project site, and Avocado Avenue, located east of the Project site. These local streets provide access to State Route 1 (SR-1) also known as East Coast Highway, located approximately 0.31 miles south of the Project site, which provides access to MacArthur Boulevard, located approximately 0.3 mile east of the Project site. MacArthur Boulevard provides access to California State Route 73 (SR-73), located approximately 2.0 miles northeast of the Project site. Based upon traffic counts conducted for the existing use, the car wash with ancillary gas station and convenience market currently generates approximately 819 daily vehicle trips, 54 of which occur during the morning peak hour and 75 of which occur during the evening peak hour. Refer to EIR Subsection 4.9,

Transportation and Traffic, for a more detailed discussion of the Project site's existing transportation setting.

2.4.13 UTILITIES AND SERVICE SYSTEMS

Water and sewer service are provided to the Project site by the City of Newport Beach. An existing 12-inch water main located within Newport Center Drive provides domestic water service to the Project site via a 6-inch lateral connection. The primary use of water on the site is the car wash operation.

Under existing conditions, sewer service is provided through an existing 15-inch sewer main beneath the Newport Center Drive right-of-way and a 6-inch lateral that connects to an 8-inch sewer main beneath the Anacapa Drive right-of-way. Wastewater is collected by the City's sewer system and conveyed to Orange County Sanitation District (OCSD) Treatment Plant No. 1 in Fountain Valley. A subgrade waste collection system trench is present beneath the car wash, which drains to a water reclamation system/clarifier. Any solids that are built up in the clarifier are pumped out and disposed of off-site as non-hazardous. (Fero, 2013, p. 24) Wastewater is conveyed to the sanitary sewer system.

The Project site also is located in the service territories of the Southern California Gas Company (natural gas) (CEC, 2015a) and Southern California Edison (electricity) (CEC, 2015b). Solid waste disposal services are provided by CR&R Environmental Services (CR&R), a private company under franchise agreement with the City of Newport Beach (Newport Beach Trash & Recycling, 2015).

2.4.14 VEGETATION AND WILDLIFE

The Project site is fully developed with an existing car wash with ancillary convenience market and gas station, a surface parking lot, ornamental landscaping, and hardscape. The landscaping includes ornamental shrubs and 28 mature trees at various locations along the perimeter of the Project site. As indicated in the City of Newport Beach General Plan EIR, the Project site is not identified as containing any sensitive biological resources and is not located within any Environmental Study Areas that have the potential to support sensitive biological resources. (Newport Beach, 2006b, pp. 4.3-10 and Figures 4.3-1 and 4.3-2) The Project site has no potential to contain sensitive vegetation habitats or sensitive plant species. With the exception of nesting birds that could be present in on-site trees during the nesting season, the Project site also has no potential to support sensitive animal species. Refer to EIR Subsection 4.3, *Biological Resources*, for a more detailed discussion of the Project's site existing biological setting.

2.4.15 RARE AND UNIQUE RESOURCES

As required by CEQA Guidelines Section 15125(c), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans, and place special emphasis on resources that are rare or unique to that region and would be affected by the Project. The Project site is fully developed with a car wash with ancillary gas station and



convenience market in the existing conditions. Based on the developed nature of both the Project site and surrounding area, the Project site does not contain any resources that are rare or unique to the region. Refer to EIR subsection 4.7, *Land Use and Planning*, for a discussion of the proposed Project's relationship with the City of Newport Beach's General Plan. The Project proposes a General Plan Amendment; thus, the proposed Project is not consistent with the City's current General Plan.

3.0 PROJECT DESCRIPTION

This section provides all of the information required of an EIR Project Description by CEQA Guidelines § 15124, including a description of the Project's location; Project objectives; primary design components of the Project (site plan, unit mix, vehicle/pedestrian access, etcetera); Project technical characteristics; and proposed discretionary approvals.

The Project site consists of 1.26 acres of developed land in the City of Newport Beach, bounded by Newport Center Drive to the north, Anacapa Drive to the west, and developed properties to the south and east. The Project involves the demolition and removal of existing on-site improvements and redevelopment of the property with a seven-story luxury high-rise condominium building. The existing improvements to be demolished include a car wash with an ancillary gas station, and convenience market, asphalt and concrete parking areas, and ornamental landscaping. The convenience market is part of the waiting area and is used by those waiting for their vehicles to be washed. The redeveloped site is proposed to contain one seven-story building with a gross floor area of 163,260 square feet (s.f.) containing 49 condominium units. The residential units would be comprised of 10 townhomes, 35 residential flats and four penthouses; parking would be enclosed with three additional subterranean levels (Project Application Materials, 2015). Construction would occur over an approximate 18-month duration (Nova, 2015b).

This EIR analyzes the physical environmental effects associated with all components of the Project, including planning, construction, and Project operation. Governmental approvals requested from the City of Newport Beach by the Project Applicant include a General Plan Amendment (No. GP2014-003); Zoning Code Amendment (No. CA2014-008); Planned Community Development Plan (No. PC2014-004); Site Development Review (No. SD2014-006); Tentative Tract Map (No. NT2015-003); and Development Agreement (No. DA2014-002). These applications, as submitted to the City of Newport Beach by the Project Applicant, are herein incorporated by reference pursuant to CEQA Guidelines § 15150 and are available for review at the City of Newport Beach Community Development Department, Planning Division at 100 Civic Center Drive Newport Beach, California 92660.

3.1 PROJECT LOCATION

As depicted on Figure 3-1, *Regional Map*, and on Figure 3-2, *Vicinity Map*, the approximately 1.26-acre Project site is located in the City of Newport Beach, Orange County, California. The Pacific Ocean is located approximately 1.4 miles to the south of the Project site and Fashion Island, a regional shopping center, is located approximately 140 feet to the north, across Newport Center Drive (Google Earth Pro, 2015). The Project site is immediately bounded by Newport Center Drive on the north, Anacapa Drive on the east, and the existing Gateway Plaza office complex and accompanying parking lot on the south and west (Project Application Materials, 2015). The current address of the Project site is 150 Newport Center Drive, Newport Beach, California 92660-6906. The assessor's parcel number (APN) is 442-231-12.

3.2 STATEMENT OF OBJECTIVES

The underlying purpose of the Project is to redevelop an underutilized property in the Newport Center area with multi-family, for-sale luxury high-rise (three + stories) residential units located within walking distance to employment, shopping, entertainment, and recreation. The following is a list of specific objectives that the proposed Project is intended to achieve.

- A. Redevelop an underutilized property in Newport Center.
- B. Redevelop an underutilized property with a use that is financially feasible to construct and operate.
- C. Make efficient use of existing infrastructure by repurposing a property with a higher and better use than currently occurs on the property.
- D. Maximize the surface use of a redeveloped property by accommodating parking underground.
- E. Respond to the demand for luxury, multi-family, high-rise residential development in the City of Newport Beach.
- F. Add for-sale, owner-occupied housing units in Newport Center to diversify the mix of uses and the range of available residential housing unit types.
- G. Introduce a luxury, multi-family residential development in Newport Center that can attract households in the surrounding area that are seeking to downsize from a single-family home, thereby making those single-family homes available for resale.
- H. Provide a new multi-family residential development in Newport Center that is within walking distance of, and has pedestrian connections to, employment, shopping, entertainment, public services, and recreation.
- I. Maintain high-quality architectural design in Newport Center by adding a building that has a recognizable architectural style and that complements the architectural styles that exist in the surrounding Newport Center community.
- J. Implement a residential development that provides on-site amenities for its residents.
- K. Redevelop a property that uses outdated operational technologies with a new use that is designed to be energy efficient and avoid the wasteful use of energy and water.



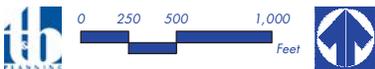
Figure 3-1



REGIONAL MAP



Figure 3-2



VICINITY MAP

3.3 PROJECT'S PRIMARY DESIGN COMPONENTS

A detailed description of the proposed Project is provided in the following Subsections.

3.3.1 SITE PLAN

The Project proposes the construction and operation of one residential building that consists of seven above ground levels and three levels of underground parking. The proposed Site Plan is depicted on Figure 3-3, *Proposed Site Plan*. The Site Plan identifies the location and orientation of the building, required property line setbacks, and the basement footprint. The Site Plan identifies that the building would have a gross floor area of 163,260 square feet. The Project would include 100 residential garage parking stalls (98 stalls required by City Code) and 26 visitor parking stalls (25 stalls required by City Code).

3.3.2 UNIT MIX

The unit mix in the seven-story building would include 10 residential townhomes on levels 1 and 2, 35 residential flats on levels 3 through 6, and four penthouse units on level 7. The townhomes on levels 1 and 2 would range from 3,581 square feet to 5,371 square feet. The residential flats on levels 3 through 6 would range from 1,645 square feet to 3,608 square feet. The penthouse units on level 7 would range from 2,285 square feet to 3,583 square feet. Level 7 also is designed with a club room with an appointed kitchen for catering, a fitness room, and a swimming pool. The club room and fitness are designed to be enclosed and the pool area would be open to the sky. These amenities would be available for use only by residents and their guests. With 49 total residential units on a 1.26-acre property, the density of the Project is 38.9 units per acre.

3.3.3 VEHICLE ACCESS/PARKING

Ingress and egress for residents and their guests would be provided from private driveways that connect to Anacapa Drive, east of the Project site. A guest entrance driveway is proposed with direct access from Anacapa Drive, which includes a porte-cochere and is approximately 26 feet wide at the property line and approximately 26 feet in front of the lobby entrance where the driveway narrows between the two access points. This entry would support drop-off/pick-up for an optional valet parking service for the residents, with mandatory valet service for guests. The entrance and exit driveways along Anacapa are designed as full access driveways, with the entrance driveway allowing left and right turns into the site from Anacapa Drive, and the exit driveway allowing both left and right turns onto Anacapa Drive. The underground guest parking spaces located on level B-1 would be accessed by the valet via a one-way internal ramp at the south end of the driveway. Valet service would exit the garage via the south driveway and return the vehicles to the front entry via the porte-cochere off of Anacapa Drive. For more information, refer to the site circulation plan submitted by the Project Applicant (*Technical Appendix G2*). To minimize short-term parking in the guest entrance driveway, the building's lobby is proposed to have a concierge to provide services to residents such as U.S. mail delivery, incoming and outgoing package delivery, moving van access, receiving food delivery, and meeting guests.

The primary access to the resident parking area is proposed at the southern portion of the building. Entrance/exit driveways would access the building from a shared driveway located south of the Project site that connect with Anacapa Drive. The Project site's Preliminary Title Report states that the Project site is comprised of Parcels A and B and that Parcel B, located to the south of the Project site, contains a non-exclusive easement for ingress and egress over a parcel within the Gateway Plaza property immediately adjacent to the southern and western portion of the Project site. The underlying property owner's authorization would be required for any site improvements to this area. Special land use restrictions (SLURs) exist between the Irvine Company and the existing car wash that provide for an easement for ingress/egress along the southern boundary of the Project site. The easement was established through a grant deed recorded in 1992. The easement restrictions would remain in effect should the proposed Project be approved by the City of Newport Beach.

The Project is designed for three levels of parking below-grade. Level B-1 would be partially at grade on the southern edge to allow tenant access. Each residential unit would have a designated private two-car subterranean garage.

Trash trucks would temporarily park alongside a rolled curb area on the north side of the two-way drive aisle along the southern portion of the proposed building. Adequate width would be required to allow vehicles to bypass the trash trucks using this area. The trash bins would be brought by a scout truck from their regular storage areas in the parking structure basement levels to the southerly residential access drive for pick-up by standard trash disposal trucks. (Kunzman, 2015, p. 2) Moving trucks and delivery vehicles would temporarily park at the guest access point from the two site curb cuts along Anacapa Drive. (Kunzman, 2015, p. 2).

3.3.4 PEDESTRIAN ACCESS

As detailed in the grading plan for the Project site, there is currently an existing 18-foot wide reservation for pedestrian use that is located along the southern property boundary with existing Gateway Plaza office complex. This existing reservation would be modified to a 5-foot width under the proposed Project. The Project would maintain the non-exclusive easement for ingress and egress over the Gateway Plaza property, along the southern boundary of the Project site. Additionally, the Project would maintain pedestrian access via maintenance of the existing three-foot wide sidewalk easement located along Anacapa Drive.

3.3.5 BUILDING FOOTPRINT/HEIGHT

Refer to Subsection 3.5.3 which lists the proposed building setbacks. Above grade setbacks are greater than the setbacks proposed for the parking podium, which would occur below grade and closer to the property lines than the above grade structure. The proposed Planned Community (PC) Development Plan described in Subsection 3.5.3 provides for a 75-foot 6-inch height limit to accommodate the proposed 49 units in a seven-story building. The 150 Newport Center PC Development Plan also provides height exceptions for architectural projections (such as the parapet) up to 2 feet above the height limit and for the building's elevator override and mechanical equipment

8 feet above the height limit. Thus, the maximum height of the building, including rooftop appurtenances, would be 83 feet 6 inches.

3.3.6 BUILDING MASS AND ARCHITECTURAL FEATURES

The proposed building's architectural design breaks the building mass into two building enclaves linked together by a structure of glass and metal. The roof profile design is modulated, to reduce the scale of the structure and to provide visual interest and variety. The central building link would step down in height and include a series of terraced residential amenities to further break the building mass and reinforce the concept of a crystalline bridge visually linking the two residential enclaves.

The building façade is designed to be compatible with surrounding retail and office development in Newport Center. The exterior would be comprised predominately of a pre-cast concrete façade, stainless steel finishes, and glass. Massing offsets, variations of roof line, varied textures, recesses, articulation, and design accents on the elevation would be integrated in order to enhance the building's architectural style. (Newport Beach, 2015c, p. 4)

Along the Project site's western edge, the grade would fall from the north to the south by exposing a portion of the parking podium garage wall. Along the exposed portion of the above-grade parking garage, the design includes a 3-foot-wide landscape area to soften the scale at this edge. Above the garage, the podium deck would have a planter and walkway that extends over the landscape pocket of the western edge. Guard rails are designed with an open design to minimize the bulk and scale of structures at this edge.

A. BUILDING ELEVATIONS

Building elevations are shown on Figure 3-5, *North and South Building Elevations*, and Figure 3-6, *East and West Building Elevations*. The building elevations shown in these figures depict the conceptual architectural characteristics of the building as it would appear from all sides of the Project site. As shown, the building height for each of the perspectives is 75 feet, 6 inches from grade to the top of the roof. Figure 3-7, *Conceptual Architectural Rendering*, shows a conceptual drawing of how the proposed building would look from a bird's eye view, at the southwest corner of the Project site, looking in a northeasterly direction towards Fashion Island. Figure 3-7 is representative of the building elevation and design of the Project. *Technical Appendix J* to this document provides a complete set of conceptual architectural/design renderings for the Project.

B. FLOOR PLANS

The Project's floor plans depict the layout of each of the below grade parking levels (B1-B3) and layout for above grade levels 1-7. Level B1 would contain 17 private garages, 2 resident ADA parking stalls, resident storage areas, stairwells, elevator, 24 visitor parking spaces, service lobby, trash area, main electrical meter room, switch gear room, generator room, and mechanical room. Level B2 would contain a gas meter room, mechanical room, electrical rooms, staircases, resident storage area, elevator access, and 23 private garages. Level B3 would contain stairwells, mechanical

room, elevator access, resident storage, trash storage, and nine private garages. Above grade, there would be 10 residential townhomes on levels 1 and 2 and 35 residential flats on levels 3 through 6. Level 7 would feature four penthouse units, a club room with an appointed kitchen for catering, a fitness room, and an open-air swimming pool.

C. LIGHTING

Full cut-off light fixtures are proposed on the exterior on buildings that would have no light emitted above the horizontal plane of the fixture. Light spillover would not exceed one foot-candle at the subject property line. Lighting of building interior common areas, exteriors and parking entrances would be developed in accordance with City Standards and would be designed and maintained in a manner which minimizes spillover onto adjacent land uses. Nighttime lighting would be limited to only what is necessary for security purposes.

All new outdoor lighting would be designed, shielded, aimed, located, and maintained to shield adjacent uses/properties and to not produce glare onto adjacent uses/properties. Lighting plans would be required by the City and would be prepared in compliance with Chapter 20.30.040 (Outdoor Lighting) of the City of Newport Beach Municipal Code. All lighting and lighting fixtures that are provided would be required to be maintained in accordance with the approved lighting plans.

3.3.7 LANDSCAPE SITE PLAN

Figure 3-8, *Landscape Planting Plan*, depicts the proposed landscape plan for the Project site. As shown, Pink Trumpet Trees and shrubs would be planted along the site's street frontage with Anacapa Drive. Shrubs and trees of various species (Fern Pine, African Tulip Tree, Tipu Tree, and Fruitless Olive Trees) would be planted along the Project site's street frontage with Newport Center Drive. Along the western border of the Project site, landscaping would be comprised of vines and shrubs. Trees and shrubs would also be planted near the southern edge of the Project site. Seat walls would be placed at the northeast, southeast, and southwest corner and a 1,038 square foot dog run would be located along the Project site's frontage with Newport Center Drive, at the northwest corner of the Project site. Pursuant to the Project's Water Quality Management Plan (WQMP) (*Technical Appendix G*), impervious surfaces around the building footprint are minimized by incorporating landscaped areas around the perimeter of the proposed structure. (Fusco, 2015, p. 15) In addition, refer to Subsection 3.4.10, *Off Site Improvements*, for a description of off-site landscaping that would be disturbed and replaced during construction of the Project.

3.3.8 FUTURE POPULATION

According to the California Department of Finance, the City of Newport Beach averages approximately 2.24 persons per household (pph) (DOF, 2015a). Accordingly, the Project's proposal to develop 49 condominium units would result in an increase to the City's population of approximately 110 persons ($49 \times 2.24 = 109.76$ persons).

3.3.9 OPEN SPACE CALCULATIONS

The Project's common open space requirements per the proposed Planned Community Development Plan (PC-Text) are as follows: 75 square feet per dwelling unit for outdoor common open space plus 500 square feet of indoor common open space, which equates to an overall common open space requirement of 4,175 square feet. Private open space requirements are 30 square feet for at least 50 percent of all dwelling units, which equates to an overall minimum private open space requirement of 750 square feet. The Project Applicant proposes a total of 26,243 square feet of open space, 13,392 square feet of which is common open space and 12,851 square feet of which is private open space. (Project Application Materials, 2015, p. A0.1) Thus, the Project design exceeds the City's total open space requirements by over 500 percent.

3.4 PROJECT TECHNICAL CONSTRUCTION CHARACTERISTICS

Prior to the construction of the proposed Project, a final construction management plan is required to be prepared by the Project Applicant and would be reviewed and approved by City of Newport Beach. A preliminary construction management plan has been provided as Appendix M. The following provides a description of the technical characteristics related to the construction of the Project.

3.4.1 DEMOLITION, GRADING, AND EXCAVATION

To construct the Project, existing buildings and associated site improvements located on the property would be demolished and cleared from the site. The existing 8,500-square-foot car wash with an ancillary gas station and asphalt/concrete parking area would be demolished to prepare the site for redevelopment. Demolition activities on-site are projected to result in the creation of approximately 80 tons of construction debris, 240 cubic yards of concrete, and 620 cubic yards of asphalt (Nova, 2015b). Demolition activities would occur over a period of approximately 40 days. Assuming a weight of 1 ton per cubic yard, the demolition phase would require approximately 47 haul trucks to export material. Therefore, this phase of the Project's construction would require approximately 94 haul trips (two-way). (Urban Crossroads, 2016a, p. 212)

The Project's Conceptual Grading Plan is depicted on Figure 3-4, *Conceptual Grading Plan*. The Conceptual Grading Plan identifies proposed elevations for the lower level garage, the proposed building outline at grade level, as well as the boundary for the proposed basement levels. The plan indicates that the Project's grading operation would excavate 51,600 cubic yards of raw cut during the approximately 30 days of the grading phase of Project construction. This phase of the Project's construction would require approximately 2,580 haul trips (172 trips in/out during the 30 days of grading [2,580 haul trips divided by 30 working days = 86 one-way trips or 172 round trips]).

Demolition debris and excavated soils would be disposed of at the Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in Irvine, approximately 15 roadway miles from the Project site (Newport Beach, 2006b, p. 4.14-39). Some demolition materials would also be transported to Dan Copp Crushing, located at 1120 N. Richfield Road in Anaheim, approximately 21 roadway miles from the Project site. Existing steel fuel tanks would be conveyed to a metal

scrapping facility and any remnant liquids, including fuel, would be pumped out and disposed of in compliance with all applicable State of California hazardous materials procedures (Nova, 2015b). The Project would be subject to the City’s Recycling Service Fee pursuant to Municipal Code Chapter 2.30 (Recycle Service Fee), which assists the City in meeting its 50 percent solid waste diversion objective.

3.4.2 ESTIMATED CONSTRUCTION SCHEDULE

Construction is anticipated to commence in 2017 and continue for the duration of 21 months into 2018. Grading and excavation are scheduled to commence the first quarter of 2017 and vertical construction of the residential building is expected seven months from completion of the subterranean parking, which will take approximately 10 months.

Construction would include the following specific phases: demolition, grading, evacuation and shoring; foundation; construction of basement; construction of super structure; waterproofing; installation of exterior finishes; installation of mechanical, electrical, plumbing; installation of interiors; installation of landscape and irrigation; and installation of furniture and equipment. Construction equipment is expected to operate on the Project site between six to eight hours per day, up to six days a week. Because concrete cures most effectively in cool temperatures, the Project Applicant is proposing to deviate from City Municipal Code § 10.28.040 during a period of approximately two days, when construction staging would begin on the site at 6:00 a.m., instead of 7:00 a.m. Refer to Table 3-1, *Construction Duration*, below which shows the construction duration in days by general construction phase.

Table 3-1 Construction Duration

Phase	Duration (working days)
Demolition	40
Site Preparation	4
Grading	30
Building Construction	400
Paving	20
Architectural Coatings	40

Source: (Urban Crossroads, 2015b, Table 3-2)

3.4.3 CONSTRUCTION STAGING

During the demolition phase, all construction equipment would be stored within the Project site. After the demolition phase, the drill rig for the shoring beams, as well as the excavation equipment would be located on-site within the proposed building footprint. Two temporary earthen ramps would be constructed to provide access within the excavated portions of the Project site in order to accommodate on-site equipment staging. The former site of the Coyote Canyon Landfill located at

20661 Newport Coast Drive (approximately 2.5 miles from the Project site) would be utilized as an off-site staging area for trucks during grading activities where trucks will queue prior to accessing the Project site. All construction materials will be stored on-site.

3.4.4 HOURS OF CONSTRUCTION

Construction activities will be restricted to non-holiday weekdays from 7:00 a.m. to 6:30 p.m., per City of Newport Beach Municipal Code § 10.28.040 and in accordance with the Conditions of Approval issued for this Project. Any activity outside of the specified hours shall be authorized in writing by the Building Official with sound mitigation measures such as notification to nearby residents, deactivating the back-up beeping on trucks, and installing sound blankets around the perimeter of the site. As noted previously, the Project Applicant is proposing to deviate from City Municipal Code § 10.28.040 during a period of approximately two days, when work would begin on the site at 6:00 a.m., instead of 7:00 a.m. for the purpose of pouring concrete.

3.4.5 CONSTRUCTION EQUIPMENT

Table 3-2, *Construction Equipment Usage*, indicates the construction equipment assumptions for the Project. To provide a conservative (i.e. worst-case and likely overstated) analysis of potential Project impacts during the construction period, the default equipment mix from the California Emissions Estimator Model (CalEEMod)TM model was used. Based on the small size the Project site, the list of equipment is overstated, but is appropriate to assume for CEQA analysis purposes.

3.4.6 CONSTRUCTION EMPLOYEES AND CONSTRUCTION EMPLOYEE PARKING

The total number of construction personnel at the site would vary depending on the construction activity. It is expected that there would be an average of 40 workers daily at the jobsite during the site work and construction of the parking structure. During construction of the superstructure and the interiors, there would be an average of 80-90 workers on the site. Construction workers would be prohibited from parking on the Project site or in the public right-of-way prior to the construction of the parking garage. During this time, construction workers would be required to park at the Tennis Club of Newport Beach (Tennis Club), located at 1602 East Coast Highway. Shuttles would transfer construction workers from the Tennis Club parking lot to the on-site subcontractor Shuttle Drop-off destination within the Project site. Two or more, ten passenger shuttle vans, as required, would make 6-8 trips each morning and evening and up to 5 trips during the lunch period. Shuttle drop-off and pick-up would not occur within the public right-of-way.

Once the on-site parking garage is completed, workers would be able to park within the completed parking areas on the Project site.

Table 3-2 Construction Equipment Usage

Activity	Equipment	Number	Hours Per Day
Demolition	Concrete/Industrial Saws	1	8
	Rubber Tired Dozers	1	8
	Tractors/Loaders/Backhoes	3	8
Site Preparation	Graders	1	8
	Rubber Tired Dozers	1	7
	Tractors/Loaders/Backhoes	1	8
Grading	Graders	1	6
	Rubber Tired Dozers	1	6
	Tractors/Loaders/Backhoes	1	7
Building Construction	Cranes	1	6
	Forklifts	2	6
	Generator Sets	1	8
	Tractors/Loaders/Backhoes	1	6
	Welders	3	8
Paving	Cement and Mortar mixers	1	6
	Pavers	1	6
	Paving Equipment	1	8
	Rollers	1	7
	Tractors/Loaders/Backhoes	1	8
Architectural Coatings	Air Compressors	1	6

Source: (Urban Crossroads, 2015a), Table 3-3

3.4.7 DEMOLITION HAULING ROUTES AND CONSTRUCTION MATERIALS DELIVERY ROUTES

The proposed Project would require the hauling of demolition materials from the Project site to regional destinations outside of the City of Newport Beach, and would require the hauling of construction materials and equipment to/from the Project site. Materials and equipment would be hauled to and from the Project site via the proposed haul route described below, which would be subject to review and approval by the City’s Traffic Engineer.

The proposed haul route would provide access to and from the Project site to the SR-73 freeway north of the Project site. The haul route (reversed for trucks delivering equipment and materials to the Project site) would exit the Project site and travel north along Anacapa Drive, northeast along

Newport Center Drive, east along San Miguel Drive, and North along MacArthur Boulevard to the SR-73 freeway.

The proposed Project would also utilize a separate route for trucks that would queue at the former site of the Coyote Canyon Landfill located at 20661 Newport Coast Drive during grading activities. Vehicles utilizing this haul route would travel south along Newport Coast Drive, west along San Joaquin Hills Road, southwest along Newport Center Drive, then ultimate south along Anacapa Drive until they reach the Project site.

The majority of the haul trucks that would access the Project site during demolition and site development activities (through the completion of the building foundation) would be dump trucks, cement mixers, and cement boom pumps. Construction of the superstructure and interiors of the proposed building during the later construction phases would primarily require the use of flat-bed delivery trucks and smaller delivery vehicles such as cargo vans. The construction contractor would utilize a flag person during the construction period at the construction vehicle access point in order to prevent obstruction of through traffic lanes adjacent to the Project site.

3.4.8 TEMPORARY ROADWAY LANE CLOSURES

During the construction period, roadway lane closures may be required for brief durations in order to implement utility connections beneath the roadway surfaces along both Anacapa Drive and Newport Center Drive, as determined necessary based on final design plans. These partial roadway closures would only require the closure of up to one traffic lane at any given time; no complete roadway closures would be required.

In addition to utility connections, the temporary lane closure of the westernmost lane along Anacapa Drive (southbound) may be periodically required during the construction period, as needed, in order to accommodate the unloading of construction materials from the street if the Project site cannot accommodate the size of the delivery trucks. The temporary lane closure of the westernmost lane along Anacapa Drive (southbound) may also be required during the construction period in order to accommodate the operation of the concrete boom-pump from the Anacapa Drive frontage, as well as to accommodate crane erection/dismantling, lifting of mechanical pack units, lifting of landscape and hardscape materials to the roof, and public street and right-of-way improvements such as curb, asphalt, sidewalk and landscaping.

The anticipated lane closures would allow temporary use of a lane that is 10 feet, 5 inches of City right-of-way measured from the property line. The temporary lane closures would not extend beyond two weeks in duration for any specific lane closure. A temporary street and sidewalk closure permit would be required for the closure of any portion of the public right-of-way. Additionally, an Engineered Traffic Control Plan which conforms to City of Newport Beach requirements would be required to be prepared by the Project Applicant and approved by the City of Newport Beach prior to any roadway lane closures. The Traffic Control Plan would identify specific measures intended to minimize safety hazards and traffic disruptions along public roadways during the temporary roadway

lane closures. Traffic control during lane closures would be coordinated with the Police Department and Public Works Department, Traffic and Development Services Division, in order to further ensure that street traffic is not obstructed.

3.4.9 SAFETY AND SECURITY

The Project site would be temporarily fenced with a 7-foot high construction fence prior to the start of grading. The fencing would consist of polyethylene mesh covered chain link that would be installed so as to provide a 4-foot path of pedestrian travel. Pedestrian overhead canopies would be installed in areas where demolition of the existing building is 10 feet or less from the fence line.

3.4.10 OFF-SITE IMPROVEMENTS

Existing ornamental street trees would be removed along both sides of Anacapa Drive and new trees and landscaping would be planted on both sides of Anacapa Drive to provide enhanced landscaping as part of the Project. The existing median located immediately south of the Project site would be filled in and landscaped to direct traffic flow in and out of the proposed southern garage entry/exit. (Project Application Materials, 2015) Property owner authorization for the median south of the Project site would be required as a condition of approval for the Project.

Temporary lane closures may be required on Anacapa Drive during short periods of the Project's construction period to connect the proposed Project to the existing utility facilities within the roadways. However, the construction of the proposed Project would not require the complete closure of any public or private streets or roadways during construction.

3.4.11 CONCEPTUAL UTILITY PLAN

The Project plans include a conceptual utility plan (located in *Technical Appendix L [Sheet C.20]*) that depicts the location of existing and proposed electric vaults, sanitary sewer lines, fire hydrants, sewer laterals, water lines, sewer lines, and utility easements. Existing storm drains and private catch basins are also indicated on the plan. The existing sanitary sewer system at the Project site is served by an 8-inch lateral which connects to a 15-inch main within Newport Center Drive flowing at 3.28 percent and a 6-inch lateral which connects to an 8-inch main within Anacapa Drive flowing at 3.80 percent. The Project would include the installation of one new 6-inch sanitary sewer lateral connection to the 8-inch main within Anacapa Drive. The two existing 8-inch and 6-inch laterals would remain and serve the proposed residential building. (C&V, 2015a, p. 1)

In April 2015, a waiver of individual water and sewer connections was requested by the Project Applicant. This waiver was requested to minimize the number of street cuts required for connecting to the existing sewer and water lines in Newport Center Drive and Anacapa Drive and to minimize the number of water meters, backflow preventers and sewer lateral lines and cleanouts requiring maintenance. The waiver was also requested to reduce the impact of the utility services on the landscaping between the street curb and the proposed building.

The existing car wash is served by a 6-inch domestic water service line, which connects to a 12-inch water main located within Newport Center Drive. The Project would utilize the existing 12-inch water main on Newport Center Drive for service. (C&V, 2015b, p. 1) Water service to each of the residential units and the building amenities would be provided by a single 6-inch service line and meter with a backflow preventer, which would connect with existing facilities (12-inch main) within Newport Center Drive. This line would connect to the building where water lines would be distributed to each of the condominium units and building amenities. A separate service and meter would be provided for landscape irrigation. There would be five separate sewer lateral lines running from the building to sewer mains located within Anacapa Drive and Newport Center Drive, each serving up to 10 dwelling units. If recycled water infrastructure is added within Newport Center Drive, the project will be required to connect its landscape irrigation to this system.

The City would maintain the water line within the Newport Center Drive right-of-way and the meter would be located behind the curb. The City would maintain the sewer from the main line in the street to the cleanout located adjacent to the property line within the right-of-way. Maintenance of the private sewer and water lines running from the termination of the City's maintenance to and within the building would be the responsibility of the Project's Homeowners Association (HOA). The HOA would be responsible for the payment of the sewer and water service fees. The contractor is responsible for the proposed work and the payment of encroachment fees.

3.4.12 FIRE HYDRANT PLAN (FIRE PROTECTION)

The Project is designed to comply with the City's fire protection requirements. The Project would utilize the three existing public fire hydrants (two of which are located along Newport Center Drive, one immediately north of the Project site and one north of the building located at 200 Newport Center Drive and one that is located along Anacapa Drive, across the street from the Project site). The Fire Department has reviewed the Project's plans and determined that the three existing fire hydrant locations would be sufficient to serve the Project, as the distance from each hydrant to all areas of the site would not exceed a distance of 400 feet. (Newport Beach Fire Department Life Safety Services Division, 2015)

3.5 PROPOSED DISCRETIONARY APPROVALS

The proposed discretionary approvals for the Project are described below.

3.5.1 GENERAL PLAN AMENDMENT NO. GP2014-003

The City of Newport Beach General Plan assigns land uses to all areas of the City. Under existing conditions, the General Plan designates the Project site for "Regional Commercial Office (CO-R)" land uses and has an additional designation of Anomaly 35. As stated in the General Plan, the CO-R land use designation "...is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses." (Newport Beach, 2006a, p 3-13) Anomaly 35 indicates that there is a development limit of 199,095 square feet for the Project block (Newport Beach GIS, 2015).

The proposed General Plan Amendment No. GP2014-003 would change the land use designation of the Project site from “Regional Commercial Office (CO-R)” to “Multiple Unit Residential (RM).” As stated in the General Plan, the RM land use designation “...is intended to provide primarily for multi-family residential development containing attached or detached dwelling units” (Newport Beach, 2006a, p. 3-12; Newport Beach, 2006b). An anomaly would need to be established with Table LU2 (Anomaly Locations) authorizing an additional development intensity of 49 units in Statistical Area L1 for the Project site.

3.5.2 ZONING CODE AMENDMENT NO. CA2014-008

The City of Newport Beach Zoning Code is contained as Title 20 “Planning and Zoning” of the City’s Municipal Code. Under existing conditions, the Project site is zoned “OR (Office Regional Commercial) Zoning District.” The existing gas station and convenience market are ancillary uses to the car wash, which is permitted via a use permit in the OR zone (Use Permit No. UP1461). Proposed Zoning Code Amendment No. CA2014-008 seeks to apply the “PC (Planned Community District)” zoning designation to the entire 1.26-acre site. According to City Municipal Code Section 20.26.010(B) (Planned Community Zoning District), the PC Zoning District is “...intended to provide for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment...” The PC Zoning District requirements are met by the Project Applicant’s preparation of development standards and plans for the development of the Project site with the proposed 49 condominium units in one building, as discussed below.

The base height limits established in Part 2 of the Municipal Code (Zoning Districts, Allowable Land Uses, and Zoning District Standards) may be increased within specified areas with the adoption of a Planned Community District, adoption of a specific plan, or approval of a planned development permit, or site development review. (Newport Beach, 2015a, Section 20.20.060). The Planned Community Development Plan for 150 Newport Center seeks to increase the height limit typical of the RM Zone (28 feet for flat roof structures and 33 feet for sloped roofs) up to 75 feet 6 inches from established grade to top of the roof with exceptions for architectural projections such as the rooftop parapet, mechanical equipment, and elevator.

3.5.3 PLANNED COMMUNITY DEVELOPMENT PLAN TEXT

The Project Applicant proposes a Planned Community (PC) Development Plan. The establishment of a PC is regulated by Chapter 20.56 (Planned Community Development District Procedures) of the City of Newport Beach Zoning Code. The ordinance allows for the diversification of uses as they relate to each other in a physical and environmental arrangement while ensuring substantial compliance with the spirit, intent, and provisions of the Zoning Code.

Section 20.56.020 (Area Requirements) of the Zoning Code identifies a minimum acreage requirement of 10 acres of improved land area for the establishment of a PC District. However, the Zoning Code Section allows the City Council to waive this requirement and the applicant is requesting such a waiver. The PC Zoning District is a designation given to land for which a PC-Text has been prepared and the PC-Text is the document that identifies land use relationships and

associated development standards for that particular PC District (Newport Beach, 2015a, Section 20.56.010). The Applicant proposes a PC-Text for the Project in an effort to ensure broader coordination and consistency with the surrounding neighborhood, and to include a higher level of architectural quality supporting the Newport Center environment with pedestrian connectivity.

The proposed 150 Newport Center PC Development Plan includes a specific set of standards and procedures for implementation and continuation of dwelling units within Newport Center while ensuring substantial compliance with the spirit, intent, and provisions of the Zoning Code. The proposed 150 Newport Center PC Development Plan is included in its entirety in *Technical Appendix B* to this document.

The Project's proposed PC-Text identifies general conditions and regulations and provides for land use and development regulations for the Project site. Refer to *Technical Appendix B* which contains a copy of the proposed PC-Text. The PC-Text is also available for public review at the City of Newport Beach Planning Division, 100 Civic Center Drive, Newport Beach, CA. The components of the PC-Text are discussed below.

- Introduction and Purpose. This section describes the Project, its location, and the overall intent of the Planned Community development standards.

- Land Use and Development Regulations. The Land Use and Development Regulations of the PC include a Site Plan and Project Summary that identify Project statistics for the general location and placement of the 49 condominiums. The Land Use and Development Regulations state that the maximum allowable number of condominium residential units shall be 49, at a density of 38.9 units per acre. The regulations also state the permitted uses on-site as condominiums (Multi-Family Residential), on-site recreation facilities, valet stations, conference rooms, wine storage, separate dedicated storage areas, and other uses ancillary to residential uses. Telecommunications facilities are permitted in accordance with Chapter 20.49 (Wireless Telecommunications Facilities) of the Newport Beach Municipal Code (NBMC). Land uses that are not listed in the PC-Text are not allowed, except as provided by Chapter 20.12 (Interpretation of Zoning Code Provisions) of the NBMC or as required by State Law. In addition, the Land Use and Development Regulations provide Development Standards for the following:
 - The proposed gross floor area for the Project is 163,260 square feet.
 - The gross floor areas per unit type are: Townhomes on levels 1-2: 3,581 square-foot minimum, 5,371 square-foot maximum. Units on levels 3 through 6: 1,645 square-foot minimum, 3,608 square-foot maximum; and Penthouses on level 7: 2,285 square-foot minimum, 3,583 square-foot maximum).
 - The maximum allowable building height is 75 feet 6 inches to the top of roof. Architectural projections such as the rooftop parapet may exceed the maximum



building height by up to 2 feet and other rooftop appurtenances such as the elevator override and mechanical screens are may exceed the maximum building height up to 8 feet.

- Parking: 2 enclosed private parking spaces per dwelling unit plus 0.5 guest space per dwelling unit, for a total of 25 guest parking spaces.
- Common outdoor space: a minimum of 75 square feet per dwelling unit (i.e. 3,675 square feet of common open space for 49 dwelling units) shall be provided with a minimum dimension of 10 feet and a minimum of 10 percent of the common outdoor open space must be landscaped.
- Common indoor space: at least one community room of at least 500 square feet for use by all residents of the Project.
- Private open space: at least 50 percent of all dwelling units shall provide private open space, on a balcony, patio, or roof terrace, with an area of 30 square feet per dwelling unit.
- Requirements for: landscaping and irrigation; lighting; mechanical equipment; trash service and container storage; temporary uses; construction development provisions; and sign allowances and standards.
- Setback requirements from adjacent roadways and property lines as specified by the PC-Text include the following (Newport Beach, 2015c, pages 7-8):
 - Anacapa Frontage:
Above grade: 22.5 feet (including a 3-foot pedestrian walkway easement)
Below grade: 15 feet
Entry/Valet Canopy: 3 feet
 - Newport Center Drive:
Above grade: 24 feet
Below grade: 15 feet
 - Western property line:
Above grade: 14 feet
Below grade: 3 feet for basement walls
Podium at Level 1: 0 feet
 - Southern property line:
Above grade: 22 feet (including a 5-foot pedestrian walkway easement)
Below grade: 7 feet

Decorative architectural features such as roof overhangs, brackets, cornices, and eaves are permitted to encroach up to 30 inches into a required setback area,

provided that no architectural features project closer than twenty-four inches from a property line and a minimum vertical clearance of at least eight feet above finished grade is maintained. (Newport Beach, 2015c, p. 5)

- Site Development Review. Prior to the issuance of building permits for the Project, a site development review shall be required for the 150 Newport Center PC Development Plan in accordance with the procedures set forth in Section 20.52.080 (Site Development Reviews) of the NBMC. (Newport Beach, 2015c, p. 14)

Where the standards of the PC-Text conflict with the regulations of the NBMC, the regulations contained in the PC-Text would take precedence. The NBMC would continue to regulate all development within the PC when such regulations are not provided within the PC-Text.

3.5.4 SITE DEVELOPMENT REVIEW NO. SD2014-006

Site Development Review No. SD2014-006 is required to fulfill the requirements of NBMC Section 20.52.080 (Site Development Reviews) because the Project would consist of a residential development with five or more dwelling units with a tentative map. The purpose of the site development review is to review the Project plans for compliance with the proposed PC-Text. As part of Site Development Review No. SD2014-006, the City would review the PC-Text and plans, as well as the Project's Tentative Map, to ensure the following objectives are met:

1. Ensure consistency with General Plan policies related to the preservation of established community character, and expectations for high quality development;
2. Respect the physical and environmental characteristics of the site;
3. Ensure safe and convenient access and circulation for pedestrians and vehicles;
4. Allow for and encourage individual identity for specific uses and structures;
5. Encourage the maintenance of a distinct neighborhood and/or community identity;
6. Minimize or eliminate negative or undesirable visual impacts;
7. Ensure protection of significant views from public right(s)-of-way in compliance with Section 20.30.100 (Public View Protection); and
8. Allow for different levels of review depending on the significance of the development project (Newport Beach, 2015a).

3.5.5 TENTATIVE TRACT MAP NO. 17555 (NT2015-003)

The Project Applicant proposes a condominium subdivision map to establish a 49-unit residential condominium tract on the 1.26-acre Project site. Tentative Tract Map No. 17555 provides a legal description for the Project site and shows the location of the following: proposed and existing sewer lines, sewer lateral, existing driveway easements, fire hydrants, domestic and irrigation water lines, fire water lines, electric vaults, and the location of the existing building on-site to be demolished.

3.5.6 DEVELOPMENT AGREEMENT NO. DA2014-002

The Project Applicant and the City of Newport Beach propose to enter into a Development Agreement related to the proposed Project that would provide public benefits should the project be approved. California Government Code Sections 65864-65869.5 authorizes the use of development agreements between any city, county, or city and county, with any person having a legal or equitable interest in real property for the development of the property. The Development Agreement would provide the Project Applicant with assurance that development of the Project may proceed subject to the rules and regulations in effect at the time of Project approval. The Development Agreement also would provide the City of Newport Beach with assurance that certain obligations of the Project Applicant will be met, including but not limited to, how the Project will be phased, the required timing of public improvements, the Applicant's contribution toward funding community improvements, and other conditions.

3.5.7 APPROVALS REQUIRED FROM OTHER AGENCIES

The Project would require a National Pollutant Discharge Elimination System (NPDES) Permit from the Santa Ana Regional Water Quality Control Board (RWQCB) because NPDES permits apply to construction sites of one acre or more (CA RWQCB, n.d., p. 9) and Project construction would disturb more than one acre of land. The Project would require approval from the Orange County Health Care Agency (OCHCA) as this agency oversees the underground storage tank inspection program throughout Orange County including the City of Newport Beach and underground tanks are proposed to be removed from the Project site during the construction process (OCHCA, 2015). Although a portion of the Project site falls within the AELUP Notification Area for JWA, AELUC review is not required because the Project is not within the AELUP Planning Area, would not exceed the FAR Part 77 height restriction of 200 feet, and the Project would not penetrate the 100:1 imaginary surface for notification.

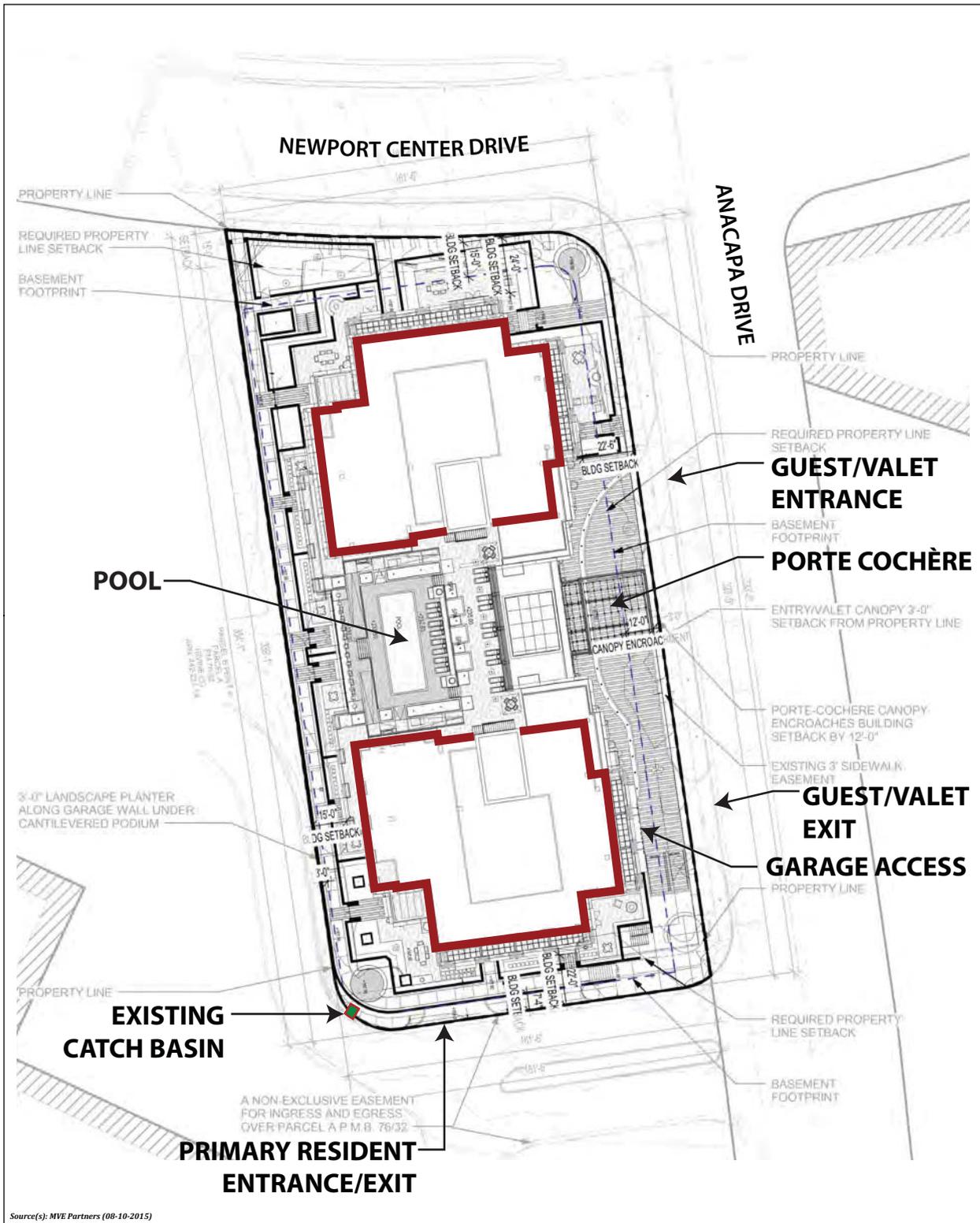
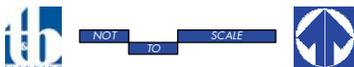


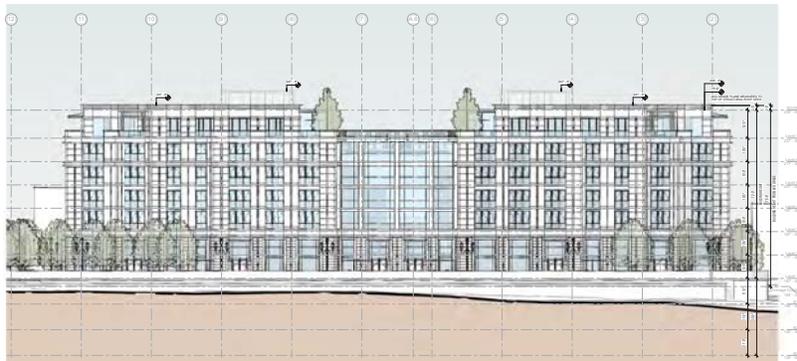
Figure 3-3



PROPOSED SITE PLAN



NORTH BUILDING ELEVATION



SOUTH BUILDING ELEVATION

Figure 3-5





Figure 3-6





Source: © M&P Partners (SP-08-2012)

Figure 3-7



4.0 ENVIRONMENTAL ANALYSIS

4.0.1 SUMMARY OF EIR SCOPE

In accordance with CEQA Guidelines §§ 15126-15126.4, this EIR Section 4.0, *Environmental Analysis*, provides analyses of potential direct, indirect, and cumulatively considerable impacts that could occur from planning, constructing, and operating the proposed Project.

Public comment on the scope consisted of written comments received by the City of Newport Beach in response to the NOP issued for this EIR and oral comments provided by members of the public at the EIR scoping meeting held on January 27, 2016 at 100 Civic Center Drive in the City of Newport Beach. Taking all known information and public comments into consideration, nine primary environmental subject areas are evaluated in this Section 4.0, as listed below. Each subsection evaluates several specific subject matters related to the general topic of the subsection.

- | | |
|--------------------------|-----------------------------------|
| 4.1 Aesthetics | 4.6 Hazards & Hazardous Materials |
| 4.2 Air Quality | 4.7 Land Use / Planning |
| 4.3 Biological Resources | 4.8 Noise |
| 4.4 Cultural Resources | 4.9 Transportation / Traffic |
| 4.5 Geology and Soils | |

Eight environmental subjects were determined by the City of Newport Beach to have no potential to be significantly impacted by the Project, as concluded by the Project's Initial Study (included in *Technical Appendix A* to this EIR) and after consideration of all comments received by the City on the scope of this EIR and documented in the City's administrative record. These eight subjects are discussed briefly in Section 5.0, *Other CEQA Considerations*, and include Agriculture and Forest Resources; Greenhouse Gas Emissions; Hydrology and Water Quality; Mineral Resources; Population and Housing; Public Services; Recreation; and Utilities and Service Systems. Refer to EIR Section 5.0, *Other CEQA Considerations*, for more information about these topics.

Public Resources Code (PRC) § 21100(b)(3) and CEQA Guidelines § 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Accordingly, this EIR also addresses the topic of energy conservation (refer to EIR Section 5.0, *Other CEQA Considerations*).

4.0.2 SCOPE OF CUMULATIVE EFFECTS ANALYSIS

CEQA requires that an EIR contain an assessment of the cumulative impacts that may be associated with a proposed project. As noted in CEQA Guidelines § 15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." "A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects creating related impacts" (CEQA Guidelines § 15130(a)(1)). As defined in CEQA Guidelines § 15355:

‘Cumulative Impacts’ refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

CEQA Guidelines § 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include: “1) a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency [‘the list of projects approach’], or 2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact [‘the summary of projections approach’].”

The cumulative analysis presented in this EIR relies on the list of projects approach. This approach was determined to be appropriate by the City of Newport Beach because the Project area is built out, and the summary of projections approach would not adequately account for ambient and other growth (e.g., redevelopment) in the Project’s cumulative study area. Specific development projects included in the cumulative analysis are listed below in Table 4.0-1, *List of Cumulative Development Projects*. This approach is considered conservative because the cumulative study area encompasses a large area surrounding the Project site and it is unlikely that the Project’s impacts would directly or indirectly interact with impacts from all of the 46 identified past, present, and reasonably foreseeable projects listed, including the proposed projects in Table 4.0-1. The list of projects was compiled in consultation with planning staff from the City of Newport Beach. In instances where a wider or different geographic cumulative effects area is appropriate, the rationale for determining the area is described in the relevant subsection of this EIR Section 4.0 under the subheading “Cumulative Effects.”

4.0.3 IDENTIFICATION OF IMPACTS

Subsections 4.1 through 4.9 of this EIR evaluate the nine environmental subjects warranting detailed analysis in consideration of public comment on this EIR’s NOP. The format of discussion is standardized as much as possible in each section for ease of review. The environmental setting is discussed first, followed by a discussion of the Project’s potential environmental impacts based on specified thresholds of significance used as criteria to determine whether potential environmental

effects are significant. The thresholds of significance used in this EIR are based on the thresholds presented in CEQA Guidelines Appendix G. The thresholds are intended to assist the reader of this EIR in understanding how and why this EIR reaches a conclusion that an impact would or would not occur, is significant, or is less than significant.

Serving as the CEQA Lead Agency for this EIR, the City of Newport Beach is responsible for determining whether an adverse environmental effect identified in this EIR should be classified as significant or less than significant. The standards of significance used in this EIR are based on the independent judgment of the City of Newport Beach, taking into consideration CEQA Guidelines Appendix G, the City of Newport Beach's Code of Ordinances and adopted City policies, the judgment of the technical experts that prepared this EIR's Technical Appendices, performance standards adopted, implemented, and monitored by regulatory agencies, significance standards recommended by regulatory agencies, and the standards in CEQA that trigger the preparation of an EIR.

As required by CEQA Guidelines § 15126.2(a), this EIR identifies direct, indirect, cumulative, short-term, long-term, on-site, and/or off-site impacts of the proposed Project. A summarized "impact statement" is provided in each subsection following the analysis. The following terms are used in this EIR to describe the level of significance related to the physical conditions within the area affected by the proposed Project:

- No Impact: An adverse change in the physical environment would not occur.
- Less-than-Significant Impact: An adverse change in the physical environment would occur but the change would not be substantial or potentially substantial and would not exceed the threshold(s) of significance presented in this EIR.
- Significant Impact: A substantial or potentially substantial adverse change in the physical environment would occur and would exceed the threshold(s) of significance presented in this EIR, requiring the consideration of mitigation measures.

Each subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations) that the Project is required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. The following terms are used in this EIR to describe the level of significance following the application of recommended mitigation measures:

- Less-than-Significant Impact with Mitigation: A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR; however, the impact can be avoided or reduced to a less than significant level through the application of feasible mitigation measures.

- Significant and Unavoidable Impact: A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR. Feasible and enforceable mitigation measures that have a proportional nexus to the Project's impact are either not available or would not be fully effective in avoiding or reducing the impact to below a level of significance.

For any impact identified as significant and unavoidable, the City of Newport Beach would be required to adopt a statement of overriding considerations pursuant to CEQA Guidelines § 15093 in order to approve the Project despite its significant impact(s) to the environment. The statement of overriding considerations would list the specific economic, legal, social, technological, and other benefits of the Project, supported by substantial evidence in the Project's administrative record, that outweigh the unavoidable impacts.

Table 4.0-1 List of Cumulative Development Projects

Project	Proposed Land Uses/Project Description	Location	Determination/Status	Discretionary Actions
West Newport Community Center (15F17)	Refurbishment or replacement of the West Newport Community Center. The current center is one of several public buildings on the west side being reviewed for appropriate use and potential relocation.	TBD	Project design architect was selected in November of 2015. Project is on hold at the direction of City Manager's Office. CEQA determination TBD	<ul style="list-style-type: none"> • Capital Improvement Program, City Council
Old Newport Blvd./West Coast Hwy Widening (15R19)	Widens the westbound side of West Coast Highway at Old Newport Boulevard to accommodate a third through lane, a right turn pocket, and a bike lane. Realignment of Old Newport Boulevard maximizes the right turn pocket storage length and improves roadway geometrics.	Intersection of Old Newport Boulevard and West Coast Highway	Consultant was selected for project design in March of 2016. Negative Declaration draft is under review. City is requesting lead agency status from CalTrans.	<ul style="list-style-type: none"> • IS/Negative Declaration • Capital Improvement Program, City Council
Lower Sunset View Park Bridge, Parking Lot and Park (15R09)	Possible pedestrian overcrossings, parking, and park uses for Lower Sunset View Park.	Intersection of West Coast Highway and Superior Avenue	An RFP for design services was sent in December of 2015. CEQA determination TBD.	<ul style="list-style-type: none"> • Capital Improvement Program, City Council
Balboa Island Seawall Reconstruction (15H11)	New seawall along the Grand Canal and on the west end of Balboa Island.	Balboa Island	Project initiated in 2011. A consultant has been selected for the project design. The RFP process has not yet been initiated for the MND.	<ul style="list-style-type: none"> • Mitigated Negative Declaration • Capital Improvement Program, City Council

Project	Proposed Land Uses/Project Description	Location	Determination/Status	Discretionary Actions
Arches Storm Drain Diversion (16X11)	Arches drain outlet is the endpoint for two large storm drains that collect and deliver runoff from neighboring areas to Newport Harbor. The west storm drain collects runoff from Hoag Hospital and areas upstream and the east storm drain runs along Old Newport Boulevard and into Costa Mesa upstream of 15th Street. A conceptual plan to divert dry weather flows from these two sub-watersheds to the sanitary sewer system has been prepared.	Newport Boulevard north of Coast Highway	Project initiated in 2015. CEQA determination TBD. Anticipated project start date, September 2016.	<ul style="list-style-type: none"> • Capital Improvement Program, City Council
Bayview Heights Drainage Treatment (15X11)	Restores a drainage reach subject to erosion and creates a wetland at the end of the reach to benefit environmental water quality.	Headlands area of Upper Bay downstream of Mesa Drive	City Council authorized project in May of 2015. Agency permit applications were submitted March of 2016. CEQA determination TBD.	<ul style="list-style-type: none"> • Capital Improvement Program, City Council
Big Canyon Rehab Project (15X12)	Divert about one third of the dry-weather flow from the creek into a bioreactor. The bioreactor strips selenium and other impurities from the flow. Clean flow is returned to the creek to reduce the concentration of pollutants within the stream by 30-35 percent. Storm flows from Jamboree Road also will be directed to the top level of this bioreactor/wetlands to strip roadway pollutants from the flow before the flow rejoins the creek. Partial streambed and canyon restoration are components of this project.	Big Canyon, downstream of Jamboree Road and south of Big Canyon Creek	Resource agency applications submitted March of 2016. Draft MND issued for public comment March 4, 2016.	<ul style="list-style-type: none"> • Mitigated Negative Declaration • Capital Improvement Program, City Council

Project	Proposed Land Uses/Project Description	Location	Determination/Status	Discretionary Actions
Bay Crossings Water Main Replacement (16W12)	Replaces deteriorating water transmission mains pursuant to the Water Master Plan and Bay Crossing Water Transmission Study.	Newport Harbor	A consultant has been selected for the project design. CEQA determination TBD.	<ul style="list-style-type: none"> • Capital Improvement Program, City Council
CenterPointe Senior Living (PA2015-210)	General Plan Amendment, Planned Community Text Amendment, Conditional Use Permit, and Major Site Development Review for a new 109,633-square-foot convalescent and congregate care facility with 133 to 144 beds (approximately 128 units). As proposed, the facility will be developed with one level of subterranean parking and five levels of living area. The project site is currently developed with a single-story restaurant and supporting surface parking area.	101 Bayview Place	Application submitted on 11/23/2015. CEQA RFP sent – response received. Under evaluation.	<ul style="list-style-type: none"> • General Plan Amendment No. GP2015-004 • Planned Community Text Amendment No. PD2015-005 • Site Development Review No. SD2015-007 • Conditional Use Permit No. UP2015-047 • Mitigated Negative Declaration
Uptown Hotel (PA2015-208)	Development of up to 180 hotel units and 15,000 sf. of retail	4311 Jamboree Rd.	Application submitted. Environmental evaluation is underway.	<ul style="list-style-type: none"> • General Plan Amendment • Planned Community Development Plan Amendment • Traffic Study • Development Agreement • Addendum to EIR for Uptown (PA2011-134)

Project	Proposed Land Uses/Project Description	Location	Determination/Status	Discretionary Actions
Museum House Residential Tower (PA2015-152)	100 Unit residential tower to replace the 24,000 square foot Orange County Museum of Art.	850 San Clemente Drive	Close of comment period on the NOP was March 7, 2016. Preparation of the EIR is underway.	<ul style="list-style-type: none"> • General Plan Amendment No. GP2015-001 • Code Amendment No. CA2015-008 • Planned Community Text Amendment No. PC2015-001 • Site Development Review • Development Agreement • Traffic Study • Environmental Impact Report
Little Corona Infiltration (PA2015-096) (15X14)	Installation of a diversion and infiltration device on a public beach area.	Little Corona Beach	Draft MND issued for public comment on January 15, 2016.	<ul style="list-style-type: none"> • Mitigated Negative Declaration • Capital Improvement Program, City Council
AutoNation (PA2015-095)	Site Development Review, Conditional Use Permit, and Traffic Study for the construction and operation of a 33,926 SF automobile sales and service facility including a showroom, outdoor vehicle display areas, offices, service facility, and vehicle inventory storage and employee parking on the roof of the building. Variance for portions of the building to exceed the maximum building height of 35 feet and a Tentative Parcel Map to consolidate 11 existing lots creating one lot.	320-600 West Coast Highway	Application resubmitted January 2016. Application complete. MND is under preparation.	<ul style="list-style-type: none"> • Use Permit No. UP2015-025 • Site Development Review No. SD2015-002 • Variance No. VA2015-002 • Tentative Parcel Map No. NP2015-010

Project	Proposed Land Uses/Project Description	Location	Determination/Status	Discretionary Actions
Koll Newport Residential (PA2015-024)	Development of mixed use residential of up to 260 units, 3,019 sf. retail and one-acre park.	4400 Von Karman Ave.	Application submitted and deemed incomplete.	<ul style="list-style-type: none"> Planned Community Development Plan Amendment Site Development Plan Traffic Study Tentative Tract Map Development Agreement Environmental Impact Report
Newport Place Residential (PA2014-150)	A mixed-use residential project consisting of up to 384 units and 5,677square feet of retail use on a 5.7-acre property	1701 Corinthian Way, 1660 Dove St., 4251, 4253, and 4255 Martingale Way, 4200, 4220 & 4250 Scott Drive. Generally bounded by Corinthian Wy., Martingale Dr., Dove St. and Scott Dr.	Application submitted. Draft MND is completed and being circulated for public comment. Public hearing is tentatively scheduled for June 9, 2016.	<ul style="list-style-type: none"> Planned Development Permit Lot Merger Affordable Housing Implementation Plan Mitigated Negative Declaration
Newport/32nd modification (PA2014-134)	The project adds an additional southbound through lane along Newport Boulevard from Via Lido to 32nd Street, terminating as a right-turn only lane at 32nd Street. Proposed modifications include a raised, landscaped median, 6-foot-wide bike lanes along both sides of the roadway, and the relocation of 27 curbside public parking spaces on Newport Boulevard to a proposed new public parking lot the northwest corner of Newport Boulevard and 32nd Street and demolition of the former bank building.	Newport Boulevard from Via Lido to 30th Street and 3201 Newport Boulevard	City approval in October 2014 Coastal Development Permit issued February 2016	<ul style="list-style-type: none"> Capital Improvement Program, City Council Mitigated Negative Declaration

Project	Proposed Land Uses/Project Description	Location	Determination/Status	Discretionary Actions
ExplorOcean (PA2014-069)	Demolition of an existing one-story, 26,219 square foot commercial building and a 55-space subterranean parking garage; and the construction of a 70,295 square-foot, 4-story ocean literacy facility located on the 600 East Bay parcel; removal of a 63-metered space surface parking lot (aka: Palm Street Parking Lot) located on the 209 Washington Street, 600 and 608 Balboa Avenue, and 200 Palm parcels and the construction of a 388-space, 141,000 square foot, 5-level off-site parking structure; and a 6,500 square footage floating classroom to be located on the waterside of the project.	600 East Bay, 209 Washington Street, 600 and 608 Balboa Avenue, and 200 Palm	Application submitted 04/22/2014. On hold per applicant's request.	<ul style="list-style-type: none"> • General Plan Amendment • Coastal Land Use Plan Amendment • Zoning Code Amendment (Zone Change) • Planned Community Development Plan Adoption • Transfer Development Allocation • Site Development Review • Conditional Use Permit • Traffic Study pursuant to City's Traffic Phasing Ordinance (TPO) • Tentative Parcel Map and Alley Vacation • Harbor Development Permit • Coastal Development Permit (by California Coastal Commission) • Environmental Impact Report
Back Bay Landing (PA2011-216)	Request for legislative approvals to accommodate the future redevelopment of a portion of the property with a mixed-use waterfront project. The Planned Community Development Plan would allow for the development of a new enclosed dry stack boat storage facility for 140 boats, 61,534 square feet of visitor-serving retail and recreational marine facilities, and up to 49 attached residential units.	300 E. Coast Highway Generally located at the northwesterly corner of east Coast Highway and Bayside Drive	The project was approved by City Council on February 11, 2014. The Coastal Land Use Plan Amendment for the project was approved by the California Coastal Commission on December 10, 2015, subject to the City accepting Suggested Modifications to the amendment. Approved by City Council on April 12, 2016.	<ul style="list-style-type: none"> • General Plan Amendment • Coastal Land Use Plan Amendment • Code Amendment • Planned Community Development Plan • Lot Line Adjustment • Traffic Study • Environmental Impact Report

Project	Proposed Land Uses/Project Description	Location	Determination/Status	Discretionary Actions
Balboa Marina Expansion (PA2012-103) (PA2015-113)	<p>City of Newport Beach Public Access and Transient Docks and Expansion of Balboa Marina</p> <ul style="list-style-type: none"> • 24 boat slips • 14,252 SF restaurant • 664 SF marina restroom 	201 E. Coast Highway	IS/MND was approved by City Council on November 25, 2014. An approval in concept was issued for the waterside component. The landside component was approved by the City in February 2016.	<ul style="list-style-type: none"> • IS/MND • Site Development Review • Conditional Use Permit CDP (Coastal Commission)
Newport Harbor Yacht Club (PA2012-091)	Demolition of the approximately 20,500 square foot yacht club facility and construction of a new 23,163 square foot facility. The yacht club use will remain on the subject property.	720 West Bay Avenue, 800 West Bay Avenue, 711-721 West Bay Avenue, and 710-720 Balboa Boulevard	Project approved by the City February 2014. Coastal Land Use Plan Amendment application withdrawn from California Coastal Commission in September 2015. Coastal Commission considers a Coastal Development Permit for the replacement yacht club on March 10, 2016.	<ul style="list-style-type: none"> • General Plan Amendment • Coastal Land Use Plan Amendment • Zoning Code Amendment • Planned Development Permit • Conditional Use Permit
Newport Banning Ranch (PA2008-114)	Development of 1,375 residential dwelling units, a 75-room resort inn and ancillary resort uses, 75,000 square feet of commercial uses, approximately 51.4 gross acres of parklands, and approximately 252.3 gross acres of permanent open space.	Generally located north of West Coast Highway, south of 19th Street, and east of the Santa Ana River	The City Council approved the project and certified the Final EIR in July 2012. The applicant has a complete coastal development permit application before the Coastal Commission. As currently proposed, the project consists of 895 residential dwelling units, a 75-room coastal inn, a 20-bed hostel, 45,100 square feet of commercial use, and 323 acres of permanent open space.	<ul style="list-style-type: none"> • Development Agreement • General Plan Amendment to the Circulation Element • Code Amendment • Pre-annexation Zone Change • Planned Community Development Plan • Master Development Plan • Tentative Tract Map • Affordable Housing Implementation Plan • Traffic Phasing Ordinance • Traffic Study • Environmental Impact Report

Project	Proposed Land Uses/Project Description	Location	Determination/Status	Discretionary Actions
<p>AELUP: Airport Environs Land Use Plan; CDP: Coastal Development Permit; CUP: Conditional Use Permit; cy: cubic yards; DA: Development Agreement; DTSP: Downtown Specific Plan; EIR: Environmental Impact Report; FAA: Federal Aviation Administration; GPA: General Plan Amendment; gsf: gross square feet; HBGS: Huntington Beach Generating Station; I-405: Interstate 405 freeway; IBC: Irvine Business Complex; IS: Initial Study; ITC: Irvine Technology Center; LAFCO: Local Agency Formation Commission; LCP: Local Coastal Program; MCAS: Marine Corps Air Station; MND: Mitigated Negative Declaration; ND: Negative Declaration; PA: Planning Area; PC: Planned Community; sf: square feet; SP: Specific Plan; SR-73: State Route 73; TDR: transfer of development rights; TPM: Tentative Parcel Map; TTM: Tentative Tract Map; VTTM: Vesting Tentative Tract Map; ZC: Zone Change</p>				

Table 4.0-1 List of Cumulative Development Projects (Continued)

Project	Proposed Land Uses	Location	Determination/Status	Discretionary Actions
ENC Preschool (PA2015-079)	Environmental Nature Center Preschool	745 Dover Drive	Planning Commission Approved 01/21/2016. Class 32 CEQA Exemption.	<ul style="list-style-type: none"> • Minor Use Permit No. UP2015-020 • Traffic Study No. TS2015-001
Park Avenue Bridge Replacement (PA2014-135)	Demolish and replace Park Avenue bridge that connects Balboa Island and Little Balboa Island.	Balboa Island	MND adopted/approved by City Council November 25, 2014. Tentative Construction Start Date – March 2016	<ul style="list-style-type: none"> • Mitigated Negative Declaration No. ND2014-002
Birch Newport Executive Center (PA2014-121)	The project includes the re-subdivision of four lots into three lots for commercial development and for condominium purposes, and the construction of two, 2-story medical office buildings totaling 64,000 square feet in gross floor area and a 324-space surface parking lot.	20350 & 20360 Birch Street (Formerly 20352 – 20412 Birch St)	Application submitted on 08/05/2014. Application and Addendum to MND approved by Planning Commission on 02/19/2015. Rough grading permits issued February 25, 2016.	<ul style="list-style-type: none"> • Site Development Review No. SD2014-005 • Minor Use Permit No. UP2014-032 • Traffic Study No. TS2014-006 • Parcel Map No. NP2014-017 • Addendum to Mitigated Negative Declaration (PA2006-280)

Project	Proposed Land Uses	Location	Determination/Status	Discretionary Actions
Ebb Tide (PA2014-110)	The project includes a Tentative Tract Map application to subdivide a 4.7-acre site for 83 residential lots and a Site Development Review application for the construction of 83 single-unit residences, private streets, common open space, and landscaping. The Planned Community Development Plan is proposed to establish guidelines for development of the project site consistent with the General Plan. The Code Amendment is proposed to amend the Zoning Map to change the Zoning District from Multiple-Unit Residential (RM) to Planned Community (PC).	1560 Placentia Drive	Application submitted on 06/20/2014. The project was approved and the MND was adopted by the Planning Commission on August 6, 2015.	<ul style="list-style-type: none"> • Tentative Tract Map No. NT2014-002 • Traffic Study No. TS2014-007 • Planned Development Permit No. PL2015-001 • Mitigated Negative Declaration No. ND2015-002
Lido House Hotel at the former city hall complex (PA2013-217)	General Plan Amendment, Coastal Land Use Plan Amendment, and Zoning Amendment to change site from Public Facilities to Visitor-serving commercial and increase the allowable building height. Demolition of former city hall buildings and the construction of a 130-room upscale hotel. Fire Station #2 to remain at current location.	3300 Newport Boulevard and 475 32 nd Street	Project approved by the City September 2014. Coastal Development Permit issued February 2016. Demolition and construction scheduled to start May 2016.	<ul style="list-style-type: none"> • General Plan Amendment • Coastal Land Use Plan Amendment • Zoning Code Amendment • Site Development Review • Conditional Use Permit • Ground Lease • Environmental Impact Report
Westcliff Medical (PA2013-154)	Construction of two building and a three-level parking structure, an addition to an existing building, and the demolition of 25,339 square feet of building area. The project would result in four buildings totaling 73,722 square feet. The total amount of off-street parking would be 382 spaces.	2011, 2043, 2121, and 2131 Westcliff Drive. Bounded by Westcliff Drive, Irvine Avenue, and Sherington Place.	Class 32 CEQA exemption. June 19, 2014; Planning Commission Approved. Demolition permit issued September 2014.	<ul style="list-style-type: none"> • Site Development Review • Traffic Study • Lot Merger

Project	Proposed Land Uses	Location	Determination/Status	Discretionary Actions
Lido Villas (DART) (PA2012-146)	Request for the demolition of an existing church and office building and legislative approvals for the development of 23 attached three-story townhome condominiums.	3303 and 3355 Via Lido Generally bounded by Via Lido, Via Oporto, and Via Malaga.	Application approved November 12, 2013. CLUP Amendment approved by CCC on March 12, 2014. CDP application Approved by CCC on 10/09/2014. Submitted for plan check December 22, 2014, building permit approval pending recordation of tract map.	<ul style="list-style-type: none"> • General Plan Amendment • Coastal Land Use Plan Amendment • Zoning Code Amendment • Planned Community Development Plan • Site Development Review • IS/Mitigated Negative Declaration • Tentative Tract Map
San Joaquin Plaza Apartments (PA2012-020)	Amendment to the North Newport Center Planned Community (NNCPC), which is the zoning document that establishes land uses, development standards, and procedures for development within seven sub-areas of the Newport Center Area of the City. Primarily the request involves increasing the residential development allocation within the NNCPC from 430 dwelling units to a total of 524 dwelling units (increase of 94 units) and allocating the units to the San Joaquin Plaza sub-area.	1101 San Joaquin Hills Road	The project was approved by the City Council on August 14, 2012. Under construction.	<ul style="list-style-type: none"> • Transfer of Development • Planned Community Text Amendment • Development Agreement • Traffic Study • EIR Addendum
Uptown Newport Mixed Use Development (PA2011-134)	Development of 1,244 residential units and 11,500 sf. of commercial retail	4311 & 4321 Jamboree Rd	EIR, Tentative Tract Map, Traffic Study, and AHIP were approved by City Council on 2/26/2013. The PC Development Plan and Development Agreement were approved on 3/12/2013. Rough grading plans have been issued for Phase 1 development.	<ul style="list-style-type: none"> • PC Development Plan Amendment and Adoption • Tentative Tract Map • Traffic Study (TPO) • AHIP • DA • Airport Land Use Commission • Environmental Impact Report

Project	Proposed Land Uses	Location	Determination/Status	Discretionary Actions
MacArthur at Dolphin-Striker Way (PA2010-135)	Demolition of a 7,996-sf restaurant and development of 12,351 sf commercial retail.	4221 Dolphin-Striker Way	Approved by the City Council on October 25, 2011. PC Development Plan approved on November 22, 2011. The project is completed. The freestanding building pad is constructed but not occupied.	<ul style="list-style-type: none"> • PC Development Plan Amendment • Transfer of Development Rights • Traffic Study (TPO) • CUP • Waiver of DA • Modification Permit • Mitigated Negative Declaration
10 Big Canyon (PA2010-092)	Mitigated Negative Declaration for rough grading for development of a single-family residence.	10 Big Canyon	IS/MND approved 12/20/2011. Project has not been constructed.	<ul style="list-style-type: none"> • IS/MND
D.I.S.C. 3501 Jamboree Rd and 301 Bayview Circle (PA2010-062)	Amendment to Bayview Planned Community (PC-32) text to add outpatient surgery and medical office as permitted uses and to add a parking requirement of 1/200 square feet for such uses. Includes Traffic study pursuant to TPO for conversion of 38, 759 square feet of general office and retail to outpatient surgical center.	3501 Jamboree Rd. and 301 Bayview Circle	On June 22, 2010 City Council approved Resolution No. 2010-070 finding that Traffic Study No. TS2010-002 complies with the TPO and on July 6, 2010 approved Ordinance No. 2010-12 approving Planned Community Amendment No. PD2010-004.	<ul style="list-style-type: none"> • PC Amendment • Traffic Study complies with TPO

Project	Proposed Land Uses	Location	Determination/Status	Discretionary Actions
Plaza Corona del Mar (PA2010-061)	Development of 1,750 sf new office space and six (6) detached townhomes.	3900-3928 East Coast Highway	Application approved by Planning Commission on 1/03/13. Staff Approval No. SA2013-015 (PA2013-245) approved December 10, 2013 and Staff Approval No. SA2014-April 10, 2015 to allow the reconstruction of Gallo's and reduction of commercial scope. Submitted for plan check June 30, 2014. CEQA Class 32 exemption.	<ul style="list-style-type: none"> • Site Development Review • Variance • Conditional Use Permit • Tentative Tract Map • Modification Permit
Newport Beach Country Club Inc (PA2008-152)	Demolition of existing golf course and clubhouse to construct of a new 51,213 sf golf clubhouse and ancillary facilities including a cart barn and bag storage.	1600 -East Coast Highway; northwest of Pacific Coast Highway and Newport Center Drive	This project was approved by the City Council on 02/28/2012. CDP issued 12/12/12, Amended 09/3/14. Currently under construction with completion expected in September/October 2016.	<ul style="list-style-type: none"> • General Plan Amendment • Planned Community (PC) Text Adoption • Temporary Use Permit • Development Agreement • CDP (CCC) • Mitigated Negative Declaration
Old Newport GPA Project (PA2008-047)	Demolition of 3 existing buildings to construct a new 25,000-sf medical office building.	328, 332, and 340 Old Newport Blvd	IS/MND and project approved on March 9, 2010. Demolition and grading permits issued March 6, 2015.	<ul style="list-style-type: none"> • Modification Permit • Traffic Study • Use Permit • GP Amendment • Mitigated Negative Declaration
Marina Park Project (PA2008-040)	Development includes a public park and beach with recreational facilities; restrooms; a new Girl Scout House; a public short-term visiting vessel marina and sailing center; and a new community center with classrooms, and ancillary office space.	1600 Balboa Blvd; west of 15 th St and east of 19 th St	The Final EIR was certified and the project approved by the City on May 11, 2010. The project is complete.	<ul style="list-style-type: none"> • EIR • General Construction Activity Storm Water (NPDES) Permit (RWQCB) • CDP (CCC) • Section 401 Certification (RWQCB) • 404 Permit (ACOE)

Project	Proposed Land Uses	Location	Determination/Status	Discretionary Actions
Hoag Memorial Hospital Presbyterian Master Plan Update Project (PA2007-073)	Reallocation of up to 225,000 sf of previously approved (but not constructed) square footage from the Lower Campus to the Upper Campus.	1 Hoag Dr; northwest of West Coast Hwy and Newport Blvd	Final EIR certified and project approved on May 13, 2008. No new major development has been constructed or is planned in the near future.	<ul style="list-style-type: none"> EIR GP Amendment Planned Community Development Plan (PC) Text Amendment Development Agreement Amendment CDP (CCC)
Koll Center Office Building (PA2006-095) (PA2007-046)	A request to construct a 21,311 square foot, two-story office building over a subterranean parking garage on a 1.49-acre site	4450 MacArthur Boulevard	MND and project approval in January 2007. Under construction, building permits issued March, 2014.	<ul style="list-style-type: none"> General Plan Amendment Planned Community Development Plan Amendment Tentative Parcel Map Mitigated Negative Declaration
AERIE Project (PA2005-196)	Residential development including the following: (a) the demolition of the existing residential structures on the 1.4-acre site; (b) the development of 8 residential condominium units; and (c) the replacement, reconfiguration, and expansion of the existing gangway platform, pier walkway, and dock facilities on the site.	201–207 Carnation Ave and 101 Bayside Pl; southwest of Bayside Drive between Bayside Pl and Carnation Ave, Corona del Mar	Final EIR was certified and project approved by the City on July 14, 2009. A CDP has been approved by the Coastal Commission. Project is under construction with completion anticipated by the end of 2016.	<ul style="list-style-type: none"> EIR GP Amendment Coastal Land Use Plan (CLUP) Amendment Zone Change Tract Map Modification Permit CDP (CCC)
Meridian (Santa Barbara) Condominiums Project (PA2004-169)	79 condominium units totaling approximately 205,232 net sf; approximately 97,231 gross sf of subterranean parking structures for a total of 201 parking spaces on site; approximately 79,140 sf of open space and approximately 21,300 sf of recreational area.	Santa Barbara Drive west of Fashion Island (900 Newport Center Drive) and 1001 Santa Barbara Drive	IS/MND and project approved in January 2006. The CDP has been approved by the Coastal Commission. Phase 1 (26 units) is completed. Construction has been completed.	<ul style="list-style-type: none"> IS/MND GP Amendment CLUP Amendment Code Amendment Parcel Map TTM Modification Permit CDP (CCC)

Project	Proposed Land Uses	Location	Determination/Status	Discretionary Actions
Newport Marina – ETCO Development (PA2001-210)	A mixed use development consisting of 27 residential units and approximately 36,000 square feet of retail and office uses	2300 Newport Boulevard	FEIR certified in February 2006. Tentative Tract Map extended in October 2010. The project is under construction and is anticipated to be complete by the end of 2016.	<ul style="list-style-type: none"> • Site Plan Review • Use Permit • Tentative Tract Map • Environmental Impact Report
Mariner’s Pointe (PA2010-114)	A 19,905-sf, two-story commercial building and a three-story parking structure.	200-300 West Coast Highway	An IS/MND was released for public review on April 11, 2011. The MND was certified and the project approved by the City Council on August 9, 2011. Construction completed on October 30, 2014, and tenants are beginning to occupy suites. (43% occupied).	<ul style="list-style-type: none"> • GP Amendment • Code Amendment • CUP • Variance • Site Development Review • Traffic Study • Mitigated Negative Declaration
Newport Business Plaza Project (PA2008-164)	Demolition of 2 existing connected buildings to construct a new 46,044 gross square foot business plaza.	4699 Jamboree Road and 5190 Campus Drive	The City Council approved the project on January 25, 2011. The project has not been constructed.	<ul style="list-style-type: none"> • GP Amendment • PC text amendment • Tentative Parcel Map • Mitigated Negative Declaration
PRES Office Building B Project (PA2007-213)	Increase the maximum allowable entitlement by 11,544 gross sf; increase the maximum allowable entitlement in office suite B by 9,917 net sf to allow for development of a new 2-level office building over a ground-level parking structure.	4300 Von Karman Ave	An IS/MND was released for public review on May 19, 2010. The MND was certified and the project approved by the City Council on February 22, 2011. Project has not been constructed.	<ul style="list-style-type: none"> • GP Amendment • PC Text Amendment • Parcel Map • Mitigated Negative Declaration

Project	Proposed Land Uses	Location	Determination/Status	Discretionary Actions
<p>AELUP: Airport Environs Land Use Plan; CDP: Coastal Development Permit; CUP: Conditional Use Permit; cy: cubic yards; DA: Development Agreement; DTSP: Downtown Specific Plan; EIR: Environmental Impact Report; FAA: Federal Aviation Administration; GPA: General Plan Amendment; gsf: gross square feet; HBGS: Huntington Beach Generating Station; I-405: Interstate 405 freeway; IBC: Irvine Business Complex; IS: Initial Study; ITC: Irvine Technology Center; LAFCO: Local Agency Formation Commission; LCP: Local Coastal Program; MCAS: Marine Corps Air Station; MND: Mitigated Negative Declaration; ND: Negative Declaration; PA: Planning Area; PC: Planned Community; sf: square feet; SP: Specific Plan; SR-73: State Route 73; TDR: transfer of development rights; TPM: Tentative Parcel Map; TTM: Tentative Tract Map; VTTM: Vesting Tentative Tract Map; ZC: Zone Change</p>				



4.1 AESTHETICS

This Subsection characterizes the existing aesthetic conditions at the Project site and discusses views of the Project site from surrounding public vantage points. Potential visual and aesthetic changes that may result from Project implementation are discussed and addressed. The information sources relied upon to prepare this Subsection include field observations of the Project site and surrounding area by T&B Planning, Inc. on numerous occasions between May 2015 and March 2016; photographs collected by T&B Planning in May 2015 (Nevill, 2015); aerial photography (Google Earth, 2015); view simulations created by MVE Partners (MVE Partners, 2015); Project application materials on file with the City of Newport Beach and described in Section 3.0 of this EIR; and information provided in technical reports appended to this EIR. This Subsection also is based in part on information contained in the Natural Resources Element of the City of Newport Beach General Plan (Newport Beach, 2006a), and the Aesthetics section of the certified Final General Plan 2006 Update EIR (SCH # 2006011119) (Newport Beach, 2006b).

4.1.1 EXISTING CONDITIONS

A. Site and Surroundings

The approximately 1.26-acre Project site is located in the City of Newport Beach, in western Orange County, California. Newport Beach is situated on a coastal plain, and is bounded to the east and north by developed urban areas in the adjacent cities of Costa Mesa, Huntington Beach, and Irvine. The City of Laguna Beach is located to the south and the Pacific Ocean is located to the west. Visual resources within the City of Newport Beach predominantly include a combination of hills, canyons, bluffs, and water features. Development in the City has been designed to take advantage of these resources by capitalizing on views from elevated geographic features and nearby vantage points. The rolling hills of Crystal Cove State Park are visible to the southeast of Newport Beach, while the Pacific Ocean and Catalina Island located approximately 26 miles offshore, provide the visual backdrop to the southwest. The Upper and Lower Newport Bay bisects the City, and includes a unique system of estuaries, beaches, the harbor, coastal bluffs, and waterways, which are valuable visual resources in the City. From elevated vantage points, distant views to the north include the San Joaquin Hills, Santa Ana Mountains, while distant views to the northwest on clear days include the Palos Verdes Peninsula and San Gabriel Mountains in Los Angeles County.

The Project site is located near the center of the City of Newport Beach, adjacent to the south side of the Fashion Island regional shopping center. The site is rectangular in shape and is fronted on the north by Newport Center Drive, on the east by Anacapa Drive, on the south by an existing approximately 38,733 square foot office building with subterranean parking (180 Newport Center Drive), and on the west by an existing two-story office park (Gateway Plaza) and associated parking areas (Project Application Materials, 2015). Newport Harbor is located 0.71-mile to the southwest, and is not visible from the Project site due to intervening development and topography.

Under existing conditions, the Project site is fully developed with an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary convenience market and gas

station. There are currently 28 ornamental trees on the property. A paved parking area is located along the western edge of the Project site, and ornamental landscaping areas occur primarily along the perimeter of the site. Street trees, shrubs, groundcover, and curb-adjacent sidewalks are located along the Project site's frontage with Newport Center Drive and Anacapa Drive. Three street trees are located along the portion of Newport Center Drive that fronts the Project site, six street trees are located along the portion of Anacapa Drive that fronts the Project site, and three street trees are located on the opposite side of Anacapa Drive from the Project site that would be replaced by the proposed Project. Streetlights are located near the intersection of Anacapa Drive and Newport Center Drive to the immediate northeast of the Project site.

The Project site is located in a highly urbanized portion of the Newport Center area, which is a fully developed area anchored by the Fashion Island regional shopping center and a variety of office, retail, entertainment, and service commercial land uses located on the periphery of Fashion Island. As shown on Figure 2-1, *Surrounding Land Uses and Development*, the Project site is bordered by Newport Center Drive on the north. Two restaurant buildings (currently occupied by Red-O and Fig & Olive), are located at the southern edge of the Fashion Island parking lot and are directly across Newport Center Drive from the Project site at the intersection with Anacapa Drive. The Fashion Island regional shopping center is located further to the north beyond the restaurants and parking areas. Abutting the Project site on the east, at the southeastern corner of Newport Center Drive and Anacapa Drive, is Muldoon's Irish Pub and an office building occupied by a fitness studio, a rehabilitation /sports therapy office as well as other commercial/office-related businesses. To the south and west of the Project site is a parking lot that serves the adjacent Gateway Plaza office park.

To illustrate the existing visual conditions of the Project site, five representative photographs were collected in May 2015 at public viewing locations surrounding the property. A field visit by T&B Planning in January 2016 verified that no substantive visual changes were made to the property and immediately surrounding properties between May 2015 when the photographs were collected and January 2016 when the Notice of Preparation (NOP) for this EIR was issued for public review. Figure 4.1-1, *Site Photos Key Map*, depicts the location of the five photographs shown on Figure 4.1-2, *Site Photographs 1 through 3*, and Figure 4.1-3, *Site Photographs 4 through 5*. The photographs depict representative visual characteristics of the property as seen from surrounding public viewing areas at a viewing height of approximately 5 feet 6 inches and are described below.

- Photograph 1 (Figure 4.1-2). Photograph 1 was taken from the northwest corner of the Project site looking northeast to southwest, and is representative of the view of the site as seen by an observer traveling east along Newport Center Drive. The far left side of the photograph shows Newport Center Drive, the adjacent sidewalk and landscaping, and the intersection of Newport Center Drive and Anacapa Drive located adjacent to the eastern portion of the site. In the left-central area of the photograph, the building currently occupied by Muldoon's Irish Pub (located to the east of the Project site across Anacapa Drive) is also partially visible. The Project site comprises the majority of the center of the photograph. On the left edge of the Project site, signage and landscaping is visible.

The existing ancillary gas station canopy structure is shown in the foreground in the right-central portion of the photograph, with the car wash structure shown in the left-central portion of the photograph. As the photograph shows, views of the existing on-site structures from the adjacent public right-of-way along East Newport Center Drive are partially obstructed by landscaping and a concrete wall. The parking lot associated with the Gateway Plaza office center located to the adjacent west of the Project site is visible in the far right portion of the photograph.

- Photograph 2 (Figure 4.1-2). Photograph 2 was taken from the northeast corner of the Project site looking southeast to northwest. The photograph represents the view of the Project site that is experienced by an observer from the sidewalk located at the intersection of Anacapa Drive and Newport Center Drive, looking toward the southwest. In the left portion of the photograph, Anacapa Drive is visible. The landscaping and sidewalk within the public right-of-way along Anacapa Drive is visible in the left-central area of the photograph. The landscaped areas located on the northeast portion of the site are visible in the foreground of the central part of the photograph, which include a flagpole and signage associated with the adjacent Gateway Plaza office park. Beyond the landscaping, the top portion of the car wash structure is visible; views of the building from this perspective are partially obstructed due to the sloped topography of the site, as well as the lush landscaping in the foreground. The car wash building is characterized as a single level structure comprised of grayish concrete walls with red brick accenting. A sign labeled “Auto Wash” consisting of red plastic face block lettering approximately 2-foot in height is featured on the top portion of the north-facing wall of the car wash building. To the right of the car wash building, the gas station canopy is visible. An asphalt-paved parking/automobile queue area is visible in the right-central area of the photograph. The sidewalk and landscaped right-of-way and the adjacent Newport Center Drive are visible in the far right portion of the photograph.
- Photograph 3 (Figure 4.1-2). Photograph 3 is a panorama photograph of the Project site taken from east of the site across Anacapa Drive. Anacapa Drive is visible in the foreground (the photograph is partially distorted to capture the panoramic view, resulting in the apparent distortion of the street centerline). Beyond Anacapa Drive, the adjacent landscaping and sidewalk right-of-way are visible, with the Project site located just beyond the right-of-way. In the left portion of the photograph, the car wash’s vehicle drying/parking area is visible. The remainder of the views of the Project site in the photograph consist of the car wash building that occupies the majority of the eastern portion of the site, and a patio/waiting area for customers located on the central portion of the site. The red brick accenting on the east-facing wall of the car wash structure is visible. The right side of the photo is dominated by a mixture of lush palm street trees and street lights located along Newport Center Drive and Fashion Island shopping center parking areas located to the north of the project site. A high rise building associated with

the Newport Beach Marriott hotel is visible beyond the northwestern portion of Fashion Island in the far right portion of the photograph.

- Photograph 4 (Figure 4.1-3). Photograph 4 was taken from the Gateway Plaza egress driveway, located to the adjacent southeast of the Project site, looking northwest to north. The ingress/egress driveway and associated landscaping and signage serving the Gateway Plaza office park are visible in the foreground of the photograph. In the left side of the photograph, the on-site vehicle drying/parking area is visible. The landscaped area on the southeast portion of the site is visible in the central portion of the photograph, with the car wash building and gas station visible farther to the north. A second sign labeled “Auto Wash” consisting of red plastic face block lettering is visible on the top portion of the south-facing wall of the car wash building. The landscaping, street lights, and sidewalk within the public right-of-way along Anacapa Drive are visible in the right-central area of the photograph, with Anacapa Drive visible in the right portion of the photograph. Portions of the Red O and Fig & Olive restaurants are visible in the right-central portion of the photograph, with a high-rise office building located northeast of Fashion Island visible farther to the north. The Muldoon’s Irish Pub building and the associated parking lot are visible in the far right of the photograph.
- Photograph 5 (Figure 4.1-3). Photographs 5 was taken from the western portion of the ingress/egress driveway located to the adjacent south of the Project site, looking northwest to north from beyond the southwest corner of the site. In the foreground, the ingress/egress driveway associated with the Gateway Plaza office park located to the adjacent west of the Project site is visible. The landscape buffer area between the off-site roadway and the Project site are visible in the far left of the photograph. The central part of the photograph includes a view of the ingress/egress driveway that serves the on-site car wash and ancillary convenience market and gas station. North of the driveway, the asphalt-paved vehicle drying/parking area is visible, with the gas station canopy structure visible farther to the north. In the right-central part of the photograph, the customer waiting area/patio is visible. The vehicle drying area continues into the right of the photograph, with the primary car wash structure visible in the far right portion of the photograph. The roof of the Red-O restaurant building and several high-rise office buildings located northeast of Fashion Island are visible in the background of the central portion of the photograph. The Muldoon’s Irish Pub building is visible in the far right area of the photograph

Under existing conditions, the Project site features security lighting within the parking areas. Artificial light within the Project site’s vicinity is associated with the adjacent street lighting and vehicle headlights along Newport Center Drive and Anacapa Drive to the north and east, respectively. Artificial lighting associated with the surrounding office and commercial land uses also is visible from the Project site in all directions.

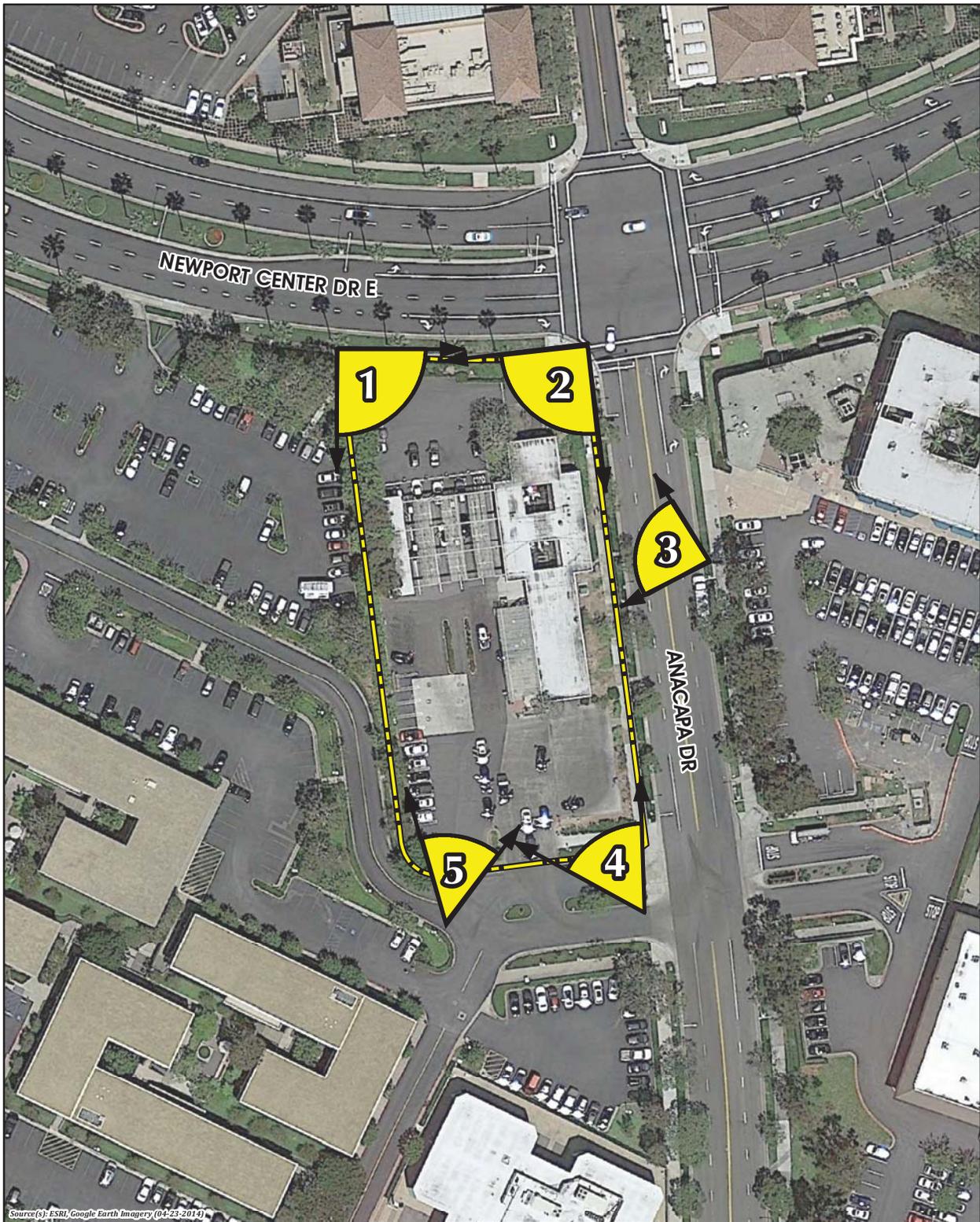
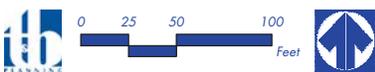


Figure 4.1-1



SITE PHOTOS KEY MAP



Site Photograph 1: From Northwest Corner of Project Site looking Northeast to Southwest.



Site Photograph 2: From Northeast Corner of Project Site looking Southeast to Northwest.



Site Photograph 3: East of Project Site, along Anacapa Drive, looking Southwest to Northwest.

Figure 4.1-2



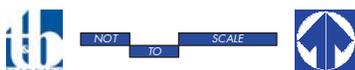


Site Photograph 4: From Southeast Corner of Project Site looking Northwest to North.



Site Photograph 5: From Southwest Corner of Project Site looking Northwest to North.

Figure 4.1-3



SITE PHOTOGRAPHS 4 THROUGH 5

4.1.2 REGULATORY SETTING

A. Local Regulations

1. *City of Newport Beach General Plan*

The Natural Resources Element of the City of Newport Beach General Plan discusses aesthetics and visual resources, and includes goals and policies pertaining to protection of the City’s visual resources. The following goals and policies are applicable to the proposed Project:

- Goal NR 20: “Preservation of significant visual resources (Newport Beach, 2006a, p. 10-36).”
- Policy NR 20.1: “Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3 (Newport Beach, 2006a, p. 10-36).”
- Policy NR 20.2: “Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate (Newport Beach, 2006a, p. 10-36).”
- Policy NR 20.3: “Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future:
 - Avocado Avenue from San Joaquin Hills Road to Coast Highway
 - Back Bay Drive
 - Balboa Island Bridge
 - Bayside Drive from Coast Highway to Linda Island Drive
 - Bayside Drive at Promontory Bay
 - Coast Highway/Santa Ana River Bridge
 - Coast Highway/Newport Boulevard Bridge and Interchange
 - Coast Highway from Newport Boulevard to Marino Drive (Bayshores)
 - Coast Highway/Newport Bay Bridge
 - Coast Highway from Jamboree Road to Bayside Drive
 - Coast Highway from Pelican Point Drive to city limits
 - Eastbluff Drive from Jamboree Road to Backbay Drive
 - Irvine Avenue from Santiago Drive to University Drive
 - Jamboree Road from Eastbluff Drive/University Drive to Bayview Way
 - Jamboree Road in the vicinity of the Big Canyon Park
 - Jamboree Road from Coast Highway to Bayside Drive
 - Lido Isle Bridge
 - MacArthur Boulevard from San Joaquin Hills Road to Coast Highway
 - Marguerite Avenue from San Joaquin Hills Road to Fifth Avenue
 - Newport Boulevard from Hospital Road/Westminster Avenue to Via Lido
 - Newport Center Drive from Newport Center Drive E/W to Farallon

- Drive/Granville Drive
 - Newport Coast from Pelican Hill Road North to Coast Highway
 - Ocean Boulevard
 - Pelican Hills Road South
 - San Joaquin Hills Road from Newport Ridge Drive to Spyglass Hill Road
 - San Miguel Drive from San Joaquin Hills Road to MacArthur Boulevard
 - State Route 73 from Bayview Way to the easterly City limit
 - Superior Avenue from Hospital Road to Coast Highway
 - University Drive from Irvine Avenue to the Santa Ana—Delhi Channel
 - Vista Ridge Road from Ocean Heights to Altezza Drive (Newport Beach, 2006a, pp. 10-36- 10-39).”
- Policy Goal NR 21: “Minimize visual impacts of signs and utilities. (Newport Beach, 2006a, p. 10-39).”

The Land Use Element of the General Plan also contains land use policies that pertain to aesthetics and visual quality for new development, which includes the following:

- Policy LU 3.2 (Growth and Change): “Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. (Newport Beach, 2006a, p. 3-9)”

The following land use policies are specific to the Fashion Island area:

- Policy LU 6.14.4 (Development Scale): “Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway (Newport Beach, 2006a, p. 3-96).”
- Policy LU 6.14.5 (Urban Form): “Encourage that some new development be located and designed to orient to the inner side of Newport Center Drive, establishing physical and visual continuity that diminishes the dominance of surface parking lots and encourages pedestrian activity (Newport Beach, 2006a, p. 3-96).”
- Policy LU 6.14.7 (Fashion Island Architecture and Streetscapes): “Encourage that new development in Fashion Island complement and be of equivalent or higher design quality than existing buildings. Reinforce the existing promenades by encouraging retail expansion that enhances the storefront visibility to the promenades and provides an enjoyable retail and pedestrian experience. Additionally, new buildings shall be located on axes connecting

Newport Center Drive with existing buildings to provide visual and physical connectivity with adjoining uses, where practical (Newport Beach, 2006a, p. 3-97).”

B. City of Newport Beach Municipal Code

The Project is subject to the building and development standards specified in the City’s Municipal Code. Section 20.30.070 (Outdoor Lighting) of the Municipal Code establishes the following outdoor lighting standards applicable to all new development in the City, including the proposed Project:

“All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.” (City of Newport Beach, 2015)

The Project is subject to Zoning Code Section 20.30.100 (Public View Protection), which provides regulations to preserve significant visual resources (public views) from public view points and corridors. The provisions of this section shall apply only to discretionary applications where a project has the potential to obstruct public views from public view points and corridors, as identified on General Plan Figure NR 3 (Coastal Views), to the Pacific Ocean, Newport Bay and Harbor, offshore islands, the Old Channel of the Santa River (the Oxbow Loop), Newport Pier, Balboa Pier, designated landmark and historic structures, parks, coastal and inland bluffs, canyons, mountains, wetlands, and permanent passive open space. (City of Newport Beach, 2015) Additionally, the City of Newport Beach adopted a Sight Plane Ordinance in 1971 (Ordinance 1371), which provided height limitations for buildings within the Civic Center site, establishing a “Civic Center Sight Plane.” In 1975, the Corporate Plaza Planned Community was adopted by Ordinance 1596 for the Civic Center site, and the sight plane was expanded to cover the entire Corporate Plaza Planned Community area, within the area bounded by East Coast Highway, Avocado Avenue, Farallon Drive and Newport Center Drive. The purpose of the ordinance is to ensure that buildings remain low in stature to preserve ocean views. Buildings and structures within this area are limited to 32 feet in height and must not exceed the sight plane established by Ordinance 1596. (Newport Beach, 2008, p. 1)

4.1.3 BASIS FOR DETERMINING SIGNIFICANCE

The proposed Project would result in a significant impact to aesthetic resources if the Project or any Project-related component would:

- a. Have a substantial adverse effect on a scenic vista;*
- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;*
- c. Substantially degrade the existing visual character or quality of the site and its surroundings; or*

- d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views.*

Thresholds a) through d) are taken directly from Appendix G of the State CEQA Guidelines. The use of these thresholds for the evaluation of Project-related impacts is intended to ensure that the proposed Project's impacts to aesthetic resources are appropriately evaluated and that feasible mitigation measures are applied for any impacts that are determined to be significant. Regarding the determination of significance under Threshold a), if a scenic vista(s) would be adversely affected as seen from a public viewing location(s), such as a public road, park, and/or other publicly-owned property at which the general public is known to use or congregate, the impact will be regarded as significant. Effects to scenic vistas from private properties will not be considered significant in this EIR because the City's General Plan calls for the protection of public views (refer to General Plan Policies NR 20.1, NR 20.2, and NR 20.3) and the City does not have any ordinances or policies in place that protect views from privately-owned property. Regarding the determination of significance under Threshold c), if the character or quality of the Newport Center area, including both publicly- and privately-owned properties, would be degraded, the impact will be regarded as significant. In this context, "degrade" will mean the introduction of physical features that would have a demonstratively inconsistent character and/or would be constructed with inferior design characteristics than currently found in the Newport Center area, based on the independent judgment of the City of Newport Beach.

4.1.4 IMPACT ANALYSIS

Threshold a. Would the Project have a substantial adverse effect on a scenic vista?

Less-than-Significant Impact. Many natural features such as the Pacific Ocean and Newport Bay provide open coastal views from public view points in the City of Newport Beach. The Project site is developed with a car wash, ancillary convenience market and gas station building, and a surface parking lot that is surrounded by urban development. Figures 4.1-1 through 4.1-3 in the City's General Plan EIR show prominent coastal viewing locations throughout the City as identified through public view points and coastal view roads (Newport Beach, 2006b, page 4.1-2). Additionally, Figure NR3, *Coastal Views*, of the Natural Resources Element of the City's General Plan shows that the closest Coastal View Road to the Project site is a portion of Newport Center Drive that runs parallel to Anacapa Drive, about 800 feet west of the Project site. As depicted in Figure 4.1-4, *Coastal Views Map (Harbor Area)*, the Project site is not located at or near a designated public view point or adjacent to a coastal view road. Additionally, neither Newport Bay nor the Pacific Ocean are visible from the Project site at the ground-level or from immediately surrounding public viewing areas.

The proposed Project would be located near several designated Public View Corridors within the Newport Center Area, including view corridors along: Avocado Avenue, MacArthur Boulevard, Newport Center Drive, and San Miguel Drive. The view corridor along Avocado occurs between San Joaquin Hills Road to East Coast Highway with views to the southwest toward the Pacific Ocean. The proposed Project would be screened from views from Avocado Avenue due to

intervening development and landscaping. The view corridors along MacArthur Boulevard from San Joaquin Hills Road to East Coast Highway and along Newport Center Drive are discussed in detail below, which indicates that the proposed Project would not inhibit views of the Pacific Ocean along either view corridor. Finally, the view corridor along San Miguel Drive from San Joaquin Hills Road to MacArthur Boulevard occurs east of the Project site with views of the Pacific Ocean toward the west/southwest. Although the proposed Project would be constructed within the general direction of views of the Pacific Ocean from San Miguel Drive, the proposed Project would be substantially screened from views along this view corridor by existing buildings and landscaping east of the Project site. Views of the lower floors of the building would be completely screened by intervening buildings and landscaping and where views of the uppermost floors are intermittently possible, a viewer would see the top two floors of the building.

Public views of the Pacific Ocean within the Newport Center area are limited to views along Newport Center Drive looking toward the west and south (a portion of which is designated as a Coastal View Road). Due to the topography and existing development within the immediate vicinity of the Project site, views of the Pacific Ocean from Newport Center Drive do not occur along the Project site's frontage with Newport Center Drive. The portion of Newport Center Drive that provides views of the Pacific Ocean occurs west of the Project site, with views toward the ocean available to the west, away from the Project site. From the east, the Project's proposed seven-story building would be partially visible from the Coastal View Road that occurs along MacArthur Boulevard approximately 0.30 mile to the east of the Project site, looking west. The upper two floors of the proposed building would be visible in the distance from near the intersection of San Miguel Drive and MacArthur Boulevard, where the topography is higher than that of the Project site. For motorists traveling southwest on MacArthur Boulevard (toward the Pacific Ocean), the upper two floors of the proposed building would be partially visible in the distance, although most of the building would be screened from view to motorists on MacArthur Boulevard by intervening landscaping and structures, such as the various 2- to 5-story buildings located along the west side of Avocado Avenue (between Civic Center Drive and San Nicolas Drive), and both sides of San Miguel Drive (between Avocado Avenue and Newport Center Drive). From this vantage point, because of the intervening trees and development, only the two uppermost floors of the building would be visible in the distance. Additionally, motorists along MacArthur Boulevard would only be able to view the proposed building's two uppermost floors by looking due northwest (looking toward the far right from southwest-bound vehicles). From this location, the Pacific Ocean is visible looking due south and slightly southwest, and not due northwest in the direction of the Project site. Accordingly, the distant views of the proposed building due northwest would not substantially affect views of the Pacific Ocean along this view corridor. The impact to scenic views from this location would, therefore, be less than significant.

Figure 4.1-5, *View Simulation- View 1*; Figure 4.1-6, *View Simulation- View 2*; Figure 4.1-7, *View Simulation- View 3*; and Figure 4.1-8, *View Simulation- View 4*, depict the Project's proposed building elevations and provide visual representations of the expected appearance of the proposed building from various locational perspectives that offer a public view. These view simulation

exhibits represent simulated views that would be experienced by a pedestrian looking toward the Project site in daytime hours at 6 feet above the ground surface from various viewpoints along Newport Center Drive and MacArthur Boulevard. These simulated views are described as follows:

- View 1 from Newport Center Drive looking southeast toward the Project site (Figure 4.1-5): The proposed building is partially obscured from view by intervening street trees that exist along Newport Center Drive. The three uppermost floors of the proposed building are visible in the distance and the scale and height of the building is not out of scale with the Red O restaurant located at 143 Newport Center Drive, which is partially visible within the adjacent area of Fashion Island.
- View 2 from the Newport Center Drive/Anacapa Drive intersection looking south toward the Project site (Figure 4.1-6): The proposed building is prominently visible adjacent to Newport Center Drive and Anacapa Drive. Street trees partially obstruct portions of the lower two floors and the northern façade of the structure. The architectural articulation of the proposed building is designed with light colored building materials and glazed windows. The variation in the setback configuration at the northeastern portion of the building reduces the perceived building mass of the structure from this viewpoint. Similarly, the setback variation in the central portion of the building provides a perceived visual separation of the northern and southern portions of the building, appearing as though there are two separate buildings from this vantage point. The seven-story structure is the only visible building in this view, with no other large or prominent buildings featured in the foreground or background. The Pacific Ocean is not visible from this location.
- View 3 from Newport Center Drive looking southwest toward the Project site (Figure 4.1-7): The proposed building is partially visible in the distant background. Intervening trees, landscaping on privately owned parcels, and existing buildings screen most of the Project's proposed building from view, with only the uppermost two floors visible. The height and scale of the proposed building is not out of scale with existing commercial buildings located along the southern half of Newport Center Drive.
- View 4 from MacArthur Boulevard looking northwest toward the Project site (Figure 4.1-8): Existing vegetation and structures mostly obscure views of the proposed building, which appears in the distant background. The uppermost 1-to-2 floors of the building are visible, with trees and other buildings appearing taller than the proposed building based



Figure 4.1-4





View 1 - Existing Conditions



View 1 - Proposed Conditions



Key Map

Figure 4.1-5





View 2 - Existing Conditions



View 2 - Proposed Conditions



Key Map

Figure 4.1-6





View 3 - Existing Conditions



View 3 - Proposed Conditions



Key Map

Figure 4.1-7





Figure 4.1-8



on the perspective of the viewer. The ocean is visible from this location due south/southwest (or to the left of this perspective) and the building does not obstruct the ocean view.

The Project site is not located within an area that is subject to the City's Sight Plane Ordinance. The properties that are subject to the Sight Plane Ordinance are generally located south of Civic Center Drive, west of MacArthur Boulevard, north of East Coast Highway and northwest of the intersection of Newport Center Drive and East Coast Highway, which are located to the south and west of the Project site (closer to the Pacific Ocean than the Project site). Refer to Figure 4.7-1, *Sight Plane Ordinance 1371 Map*, in EIR Subsection 4.7, *Land Use*. Because the Project site is located north and east of the geographic area covered by the Sight Plane Ordinance, the Project has no potential to conflict with the ordinance. In addition, the development of the proposed Project would have no potential to obstruct ocean views available from structures that fall within the geographic area covered by the Sight Plane Ordinance because the Project site is located approximately 600 feet north of the Sight Plane Ordinance boundary.

The development of a seven-story building on the 1.26-acre Project site would not substantially and adversely affect views to other, more distant scenic vistas available from public viewing areas, including but not limited to views to the northeast (San Joaquin Hills and Santa Ana Mountains) and views to the northwest (the Palos Verdes Peninsula in Los Angeles County). The San Joaquin Hills are located approximately five miles from the Project site and the peak of the Santa Ana Mountains and the Palos Verdes Peninsula are located more than 20 miles from the Project site, and the San Gabriel Mountains (visible on clear days from the Newport Center area) are located approximately 50 miles north of the Project site. Due to the distance to these features, they are seen as large features as part of the distant horizon view. Looking east toward the hills and mountains from lower elevations, the Project's building would be lower in stature than the horizon; hill and mountain views would remain visible beyond the building. Looking north towards the Palos Verdes Peninsula from higher elevations; the Project's building on a 1.26-acre site has no potential to substantially block a wide horizon view located more than 20 miles in the distance. Although the Project's building would appear in the foreground of distant views, the presence of the building has no potential to result in a substantial adverse effect on a scenic vista as seen from public view points. As such, impacts associated with this issue would be less than significant.

During construction activities, construction equipment, including cranes, would be used that may temporarily be visible on the skyline when looking across the Project site from any direction. However, the use of such construction equipment would be temporary in duration and the equipment would be removed at the end of the construction period. Equipment such as cranes would not be of any substantive mass to block or substantially obscure a scenic view. Accordingly, there would be no substantial change to scenic views available to the public during the Project's construction, and impacts would be less than significant with regard to this topic.

Threshold b. Would the Project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

Less-than-Significant Impact. Although there are no State scenic highways in the City of Newport Beach, State Route 1 (East Coast Highway), is identified as Eligible for State Scenic Highway designation (Newport Beach, 2006b, pp 4.1-13 and Caltrans, 2011). Due to intervening development and topography, no portion of East Coast Highway is visible from the Project site under existing conditions; however, given that the Project's building would be seven stories tall, the uppermost 3-4 floors of the proposed structure may be visible from portions of East Coast Highway in the viewshed looking north toward Fashion Island. As the proposed Project would occur north of East Coast Highway and would be located in a highly urbanized area in the general vicinity of other similarly sized buildings in the Newport Center area, the Project would not represent a substantial change in the views seen from East Coast Highway toward the Project site. Therefore, the Project would not result in adverse impacts to views of scenic resources experienced from East Coast Highway.

The Project site is fully developed under existing conditions and does not contain any scenic resources including rock outcroppings or historic buildings listed on or eligible for the National Register of Historic Places. Existing trees located on the site are limited to street trees along the site's public roadway frontages (Newport Center Drive and Anacapa Drive), 28 ornamental trees, as well as some on-site hedges/plants that are typical for commercial developments in the Project vicinity. As described in Section 3.0, *Project Description*, the Project Applicant proposes to replace the street trees provided along both street frontages on Anacapa Drive. Accordingly, the Project would not substantially damage any scenic resources within a State scenic highway and no impacts associated with this issue would occur. The Project would not substantially damage any scenic resources within a State scenic highway, because there are no State scenic highways in the City of Newport Beach, and there are no existing scenic resources located on the Project site. Therefore, the Project would result in less-than-significant impacts associated with this topic.

Threshold c. Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?

Less-than-Significant Impact. The Project proposes to redevelop a 1.26-acre property that currently contains a car wash with ancillary gas station and convenience market. The Project would remove the existing improvements and in their place construct a seven-story residential structure with a classically-designed, contemporary architectural style. The proposed building is designed to feature highly articulated vertical elements on the façade that would reveal clean roof lines and two enclaves to give the appearance of two separate towers. Upper portions of the building would be set back at varying distances from the abutting roadways and parking areas to reduce the mass of the building as perceived by pedestrians and motorists in the Project site's vicinity (see setback information provided below). As detailed in Exhibits 1 and 2 of *Technical Appendix L, Conceptual Design Exhibits*, of this EIR, the proposed building is designed with varying setbacks from Anacapa Drive and Newport Center Drive. The proposed building setbacks are as follows:

Newport Center Drive - Building Setback:

- 15 feet below podium
- 24 feet above podium
- 25 feet, 9 inches (level 4)
- 33 feet, 3 inches (level 7)

Anacapa Drive Frontage - Building Setback:

- 15 feet below podium
- 22 feet, 6 inches above podium
- 24 feet, 3 inches (level 4)
- 31 feet, 6 inches (level 7)

Anacapa Drive Frontage - Porte-Cochere Canopy Setback: 15 feet

Mechanical equipment and elevator overrides would be further set back in order to decrease the visual bulk and scale of these structures at the roof area. Incorporation of the proposed articulated architectural design elements would ensure that the proposed building mass would not appear to be a single monolithic structure, but rather appear as two smaller structures.

The proposed Planned Community (PC) Development Plan includes architectural design standards as follows (Newport Beach, 2016a, p. 4):

All development shall be designed with the highest quality architectural standards and shall be compatible with the surrounding uses in Newport Center. The development will be well designed with coordinated, cohesive architecture and exhibit a high level of architectural and landscape quality in keeping with the PCDP's prominent location in Newport Center. Massing offsets, variations of roof line, varied textures, recesses, articulation, and design accents on the elevation shall be integrated to enhance the expression of a unique and sophisticated architectural style. In keeping with this philosophy, the exterior will be comprised predominately of a pre-cast concrete façade, stainless steel finishes, and glass.

Compliance with these design standards would be ensured through the City's review of the Site Development Review application and future review of building permits. Compliance with the requirements of the PC-text would ensure that the development of the site would occur in a manner that would not substantially degrade the existing visual character or quality of the Project site and its surroundings. The existing car wash building that is located on the Project site is approximately 12.5 feet high. The Project proposes a new seven-story building that would be 75 feet 6 inches to the top of roof. Architectural projections such as the rooftop parapet may extend up to two feet higher than the roof, and other rooftop appurtenances centered on the roof area such as the elevator override and mechanical screens may extend up to eight feet higher than the roof. As detailed in the PC-text for the Project, the proposed seven-story building is limited to a maximum height of 83 feet 6 inches

(which includes the height of building in addition to the elevator override and rooftop mechanical equipment). In comparison, the height of existing structures in the vicinity of the Project site are as follows:

- Block 100 office buildings to the southwest: approximately 24 feet 11 inches in height
- Movie theater to the northeast: approximately 42 feet 6 inches with architectural projections ranging from 52 feet to 63 feet 6 inches in height
- Block 200 buildings across Anacapa Drive: range from approximately 22 feet to 74 feet 4 inches in height
- Restaurant buildings (currently Red O and Fig & Olive) to the north across Newport Center Drive: approximately 32 to 33 feet in height

The Newport Beach Municipal Code limits building heights (City of Newport Beach, 2016b) in the immediately surrounding area to a maximum of 32 feet for properties to the east across Anacapa Drive, to 50 feet for Block 100 (the designated block in which the proposed Project is located), and to 75 feet for mall buildings in Fashion Island. Although the Project's proposed building would be taller than existing buildings on immediately adjacent properties, the new building would be comparable with the height of other existing buildings and height limits in the Newport Center area. The General Plan Land Use Element includes Policy LU 6.14.14 (Development Scale) that encourages the concentration of the greatest building mass and height in Newport Center in the northeasterly section along San Joaquin Hills Road with a progressive scaling down of building mass and height toward the southwesterly edge along East Coast Highway. As discussed in Section 4.7, *Land Use and Planning*, the Project's proposed building would be lower in height and mass when compared to the existing office towers 21 stories (300 feet) in height located along San Joaquin Hills Road in the northern portion of Newport Center. Additionally, within Newport Center, there are 13 buildings that are seven stories or taller (greater than 100 feet), primarily located north of San Miguel Drive and Santa Barbara Drive. On the south end of Newport Center (south of San Miguel Drive), existing buildings range from 21-74 feet in height. The building is proposed to be constructed with high-quality materials in an architectural design that complements surrounding development. Refer to EIR Section 3.0, *Project Description*, for more information about the building's design elements.

As part of the Project's conceptual design exhibits, a shade and shadow rendering (refer to *Technical Appendix L, Conceptual Design Exhibits*) was prepared to depict the location of shadows cast by the existing car wash (existing conditions) and shadows that would be cast by the proposed Project. As shown in the shade and shadow rendering, the winter solstice would represent the worst case scenario in regards to the potential for shade and shadow impacts because it is the day of the year when the sun angle is lowest, causing the longest shadow-casting effect. Shadows from the proposed seven-story building would fall across Anacapa Drive and Newport Center Drive but would not fall on any adjacent buildings.

Fashion Island, a regional shopping center located immediately adjacent to the Project site across Newport Center Drive, provides views of the Pacific Ocean for customers at several locations. Any

ocean views from the Fashion Island shopping center that would be affected by the Project occur within private property and as such, the Project would not substantially affect scenic views from viewing locations on public property. Development of the Project could potentially block some views of the Pacific Ocean for those persons employed at or visiting open space areas at the south edge of Fashion Island shopping center located northwest of the Project site. However, views of the Pacific Ocean from the Fashion Island parking lot and corridors, located north of the Project site on private property but accessible to the public, are partially or fully obscured by existing buildings and trees. Additionally, the Fashion Island shopping center provides several locations within the privately owned and operated retail areas from which views of the Pacific Ocean are prominent and would not be substantially affected by the proposed Project because the limited scale of the Project's building would not fully block views of the Pacific Ocean to the south of Fashion Island. Additionally, the location of the Project southeast of Fashion Island would avoid any potential to affect views toward the Pacific Ocean that occur west of Fashion Island. Accordingly, the proposed Project would not substantially affect views of scenic vistas from Fashion Island, and impacts associated with this issue would be less than significant.

Due to the Project's location in a highly urbanized area, development of the proposed Project would be visible from surrounding public and private properties, including but not limited to public roads, the Fashion Island shopping area, and properties containing low-, mid- and high-rise buildings located around the Project site. Views of the proposed building's exterior façade would be available from surrounding properties and views of the proposed building's exterior façade and roof would be available from nearby high-rise structures (such as the Island Hotel and nearby office buildings) located north of the Project site, as well as other properties located at a higher elevation. As previously mentioned, the proposed building is proposed to be constructed with high-quality materials in a contemporary classic architectural design that complements surrounding development. Further, the building's roof is designed to include an open-air swimming pool, which will provide an articulated roof view from higher elevations as compared to a standard flat roof. Given the Project's proposed architectural design and the proposed height of the structure (seven stories) compared to other nearby high-rise developments (up to 21 stories), the proposed Project would not represent a substantial adverse change in the overall visual character of the Newport Center area when viewed from other properties.

For the reasons stated above, the proposed Project would not degrade the existing visual quality of the Project site and the surrounding area; impacts associated with this topic would be less than significant.

Threshold d. Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views?

Less-than-Significant Impact. The Project site is located within a portion of the City of Newport Beach that is developed with urban uses and experiences with a substantial amount of ambient light from artificial lighting associated with these urban uses (e.g., neon signs, glass building facades,

streetlights, parking lot lighting, automotive headlights, etc.) (Newport Beach, 2006b, p. 4.1-13). Moreover, under existing conditions, the Project site contains artificial exterior lighting elements associated with the property's existing gas station and car wash, and street lights installed along the site's public street frontages at the intersection of Newport Center Drive and Anacapa Drive and along Anacapa Drive. Exterior lighting fixtures associated with the proposed Project that would provide nighttime illumination would primarily include lights installed on the building face to illuminate the exterior of the building and lights installed along sidewalks and along Anacapa Drive and Newport Center Drive. The lighting intensity would be expected to increase from what occurs on the site under existing conditions. As the proposed Project would replace a single-story car wash with ancillary convenience market and gas station with a new seven-story residential building, there would be a corresponding increase in lighting levels generated by the new interior light sources associated with the 49 residential units that could be seen from the exterior through windows, as well as light from fixtures mounted on the building's façade. Although the proposed Project would contain a greater number of artificial light fixtures as compared to number of fixtures present at the existing car wash and ancillary gas station with convenience market, these new sources of light would not represent a substantial increase of lighting levels in the surrounding area; the Project's lighting sources would produce illumination levels that are similar to the lighting levels produced by other developed properties in the surrounding area, including but not limited to retail and restaurant buildings, hotels and theater buildings, and office buildings located throughout the Newport Center area. The Project would incorporate lighting controls for exterior lighting that are intended to minimize light pollution during the nighttime. Additionally, the existing buildings in the Project area would block views of some interior and exterior light sources from the nearest residences, located within the Broadmoor Hills neighborhood (0.3-mile) east of the Project site. Accordingly, Project-related lighting would not result in a new source of substantial light or glare that could adversely affect surrounding land uses, and impacts associated with artificial light would be less than significant.

To further ensure that light and glare impacts are less than significant, the Project's PC-Text incorporates standards related to outdoor lighting, as follows (Newport Beach, 2016a, p. 11):

All new outdoor lighting shall be designed, shielded, aimed, located and maintained to shield adjacent uses/properties and to not produce glare onto adjacent uses/properties. Lighting plans shall be prepared in compliance with Chapter 20.30.070 (Outdoor Lighting) of the Newport Beach Municipal Code and shall be prepared by a licensed electrical engineer. All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans.

The PC-Text also states the following regarding light fixtures on buildings (Newport Beach, 2016a, p. 11):

Light fixtures on buildings shall be full cut-off fixtures. Light spillover may not exceed one foot-candle at the subject property line. Lighting of building interior common areas,

exteriors and parking entrances shall be developed in accordance with City Standards and shall be designed and maintained in a manner which minimizes impacts on adjacent land uses. Nighttime lighting shall be limited to that necessary for security. The plans for lighting shall be prepared and signed by a licensed electrical engineer and shall be subject to review and approval of the Community Development Director or their designee.

Furthermore, all development within the City of Newport Beach is required to comply with Section 20.30.070 (Outdoor Lighting) of the City's Zoning Code, including the following requirements:

All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures (Newport Beach, 2015a, Section 20.30.070.A.1).

Spotlighting or floodlighting used to illuminate buildings, statues, signs, or any other objects mounted on a pole, pedestal, or platform or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a building shall be directed downward (Newport Beach, 2015a, Section 20.30.070.C).

The outdoor lighting standards identified in the City's Zoning Code and the PC-Text above would limit the amount of light that would spill over from the proposed Project during operation. The preparation of a photometric study is required prior to the issuance of building permits to ensure compliance. The nighttime lighting generated by the proposed Project would likely be visible from residences east of MacArthur Boulevard within the Harbor View Hills and Broadmoor communities. The upper two floors of the proposed Project would be visible from the Broadmoor community and the uppermost floor is designed with four dwelling units. As a result, lighting impacts from this residential area, 0.3-mile to the east would be limited. Additionally, the proposed building would be partially screened from views by intervening landscaping and development in the Newport Center area, and the lighting impacts would be similar to that of other buildings in the general Project vicinity. In other words, light from the Project would not directly illuminate any residential property, both because residential uses are located too far from the Project site to be exposed by the Project's lighting sources, and the Project's PC-Text states that light spillover cannot exceed one foot-candle at the Project site's property line. The nearest existing residential land use to the Project site is Granville, which is a private gated residential community located approximately 0.15-mile west of the Project site (Google Earth, 2015). Due to topographic variation and surrounding development within the vicinity, the proposed Project would have limited visibility, if any, from the Granville community. None of the Project's proposed building materials would consist of reflective materials, except for the proposed windows, which would not be mirrored and would have similar low-potential

glare characteristics as do other glass windows on buildings in the surrounding area. The building's roof would have low-reflective materials, and any glare from the water surface of the building's rooftop pool would be no greater than the glare effect from any other swimming pool in the area; there are no design characteristics proposed for the pool that would increase glare potential. The proposed building does not include any components that would generate substantial amounts of reflective surfaces to the Project vicinity; therefore, impacts associated with glare would be less than significant.

Mandatory compliance with the PC-Text and the City's Zoning Code would be assured by the City of Newport Beach through the Site Development Review application and review of building permit applications, to ensure that all lighting and building design elements proposed as part of the proposed development are designed to prevent the creation of substantial light or glare that could affect day or nighttime views in the area. Moreover, as part of the conditions of approval in accordance with Chapter 20.30.070 (Outdoor Lighting) of the City's Municipal Code, a photometric study will be required as part of the building permit process to verify that the Project's lighting plan complies with the PC-Text and Municipal Code requirements. Accordingly, implementation of the Project would result in a less-than-significant impact related to new sources of light or glare.

4.1.5 CUMULATIVE IMPACT ANALYSIS

As noted under the discussion of Threshold a), the Project site would not block or substantially obscure public views of the Pacific Ocean or other scenic vistas. The cumulative projects within the Newport Center area include the proposed Museum House Residential Tower project, located at 850 San Clemente Drive approximately 0.6-mile north of the Project site. The Museum House project proposes the construction of a 295-foot tall residential building in the northern portion of the Newport Center area featuring a contemporary architectural design. The Museum House project would be located in a portion of Newport Center that would be near other tall office and hotel buildings (generally located along the northern portion of Newport Center Drive) of comparable building heights. Due to the distance from the proposed Project, and because the Museum House project would occur in the northern portion of the Newport Center, the implementation of the proposed Project would not increase the likeliness that public views of the Pacific Ocean or other scenic vistas would be blocked when considered with the Museum House project as the Museum House project would not be located in the same viewshed as the Project from the perspective of an observer immediately adjacent to public viewing locations looking toward the ocean. The San Joaquin Plaza Apartments project and the Meridian Condominiums project are a maximum of four-stories tall and due to their low stature compared to high-rise development in the northern portion of Newport Center, there is no potential for these projects to combine with other cumulative development to block a scenic vista. No other projects identified on the cumulative development projects list in Table 4.0-1, *List of Cumulative Development Projects*, would be located in the immediate Project vicinity or would otherwise be located within the same viewshed as the proposed Project. Therefore, none of the cumulative development projects could combine with the Project to cumulatively block or otherwise adversely affect scenic coastal vistas.

Regarding distant scenic vistas, including views to the northeast (San Joaquin Hills and Santa Ana Mountains) and views to the northwest (the Palos Verdes Peninsula in Los Angeles County), the potential exists that several cumulative projects would be visible to an observer at a public viewing location looking at the horizon toward these distant scenic features, including the Museum House Residential Tower project, the San Joaquin Plaza Apartments, and the Meridian Condominiums project. However, there is already substantial existing urban development in the foreground of these distant views, which are located more than five miles (San Joaquin Hills) and more than 20 miles (Santa Ana Mountains and the Palos Verdes Peninsula) from the Project site. Due to the distance to these features, the Project's building and other cumulative development would be lower in stature than the horizon; hill and mountain views would remain visible beyond the cumulative foreground development. Similarly, looking north towards the Palos Verdes Peninsula approximately 20 miles away from higher elevations; the Project's building on a 1.26-acre site and other cumulative development in an observer's viewshed would have no potential to substantially block the wide horizon view. As such, cumulative impacts are less than significant and the Project's impact to scenic vistas would be less than cumulatively considerable.

As noted under the analysis of Threshold b), the Project site is not located within close proximity to any designated Scenic Routes and does not contain any scenic resources under existing conditions, including, but not limited to, scenic trees, rock outcroppings, and historic buildings. Therefore, the proposed Project has no potential to directly impact a scenic resource or to contribute to a cumulatively significant impact to views from designated Scenic Routes. Nonetheless, State Route 1 (East Coast Highway) is identified as Eligible for State Scenic Highway designation. The upper two to three floors of the proposed Project's structure and other cumulative development projects would be visible from portions of East Coast Highway in the viewshed looking north toward Fashion Island. Because all of the cumulative development projects (including the Museum House Residential Tower project, the San Joaquin Plaza Apartments, and the Meridian Condominiums project) located in the same viewshed as the proposed Project as seen from East Coast Highway are infill projects located on previously developed sites that do not contain scenic resources, and the ground-level of the Project site is not visible from East Coast Highway, the proposed Project has no potential to result in a cumulatively considerable impact to scenic resources that are visible from designated Scenic Routes, or to East Coast Highway which is an Eligible Scenic Route.

Regarding Threshold c), the Project would not result in significant degradation to the visual character or quality of the site and its surroundings. All of the other pending development projects listed in Table 4.0-1, *List of Cumulative Development Projects*, are located too far from the Project site to be seen at ground-level from the same public vantage points such that architectural design details of two or more projects would be discernable from the same viewpoint. Furthermore, existing intervening development occurs between the Project site and the other cumulative development projects, which substantially obscures views between the projects. As such, the Project has a less-than-significant potential to result in a cumulatively considerable impact to visual character and quality in the Newport Center area.

As discussed in Threshold d), the proposed Project is designed to adhere to the outdoor lighting restrictions set forth in the City of Newport Beach Municipal Code, mandatory compliance with which would ensure that the proposed Project does not produce substantial amounts of light or glare that could adversely affect day or nighttime views. All of the pending development projects listed in Table 4.0-1, *List of Cumulative Development Projects*, are located far enough from the Project Site such that the lighting and potential glare effects of these projects could not combine to produce a substantially adverse cumulative effect. Further, the Project's proposed PC-Text states that light spillover cannot exceed one foot-candle at the Project site's property line. The night sky as seen from the Project Site and immediate vicinity is already subjected to light pollution and even with additional lighting that may occur from other cumulative projects in the surrounding area, including the San Joaquin Plaza Apartments (1101 San Joaquin Hills Road), The Meridian Condominiums Project (west of Fashion Island at 1001 Santa Barbara Drive), and the proposed Museum House Residential Tower (850 San Clemente Drive). Due to the location of the Museum House project approximately 0.6-mile north of the proposed Project in a portion of Newport Center where tall office buildings already occur in the existing condition, the addition of nighttime lighting associated with the Museum House project would be expected to be compatible with the level of nighttime lighting already experienced in the northern portion of Newport Center. The Project's contribution to such nighttime lighting effects in Newport Center would be less than cumulatively considerable given the outdoor lighting restrictions (such as the preparation of a photometric study prior to the issuance of building permits) that would be imposed on the Project as set forth in the City of Newport Beach Municipal Code and proposed PC-Text. As such, the Project would have a less-than-significant cumulatively considerable effect.

4.1.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a): Less-than-Significant Impact.

Threshold b): Less-than-Significant Impact.

Threshold c): Less-than-Significant Impact.

Threshold d): Less-than-Significant Impact.

4.1.7 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.

4.2 AIR QUALITY

This Subsection is based on the following technical study prepared to evaluate the proposed Project's potential to adversely affect local and regional air quality: "Newport Center Villas Air Quality Impact Analysis City of Newport Beach," dated August 13, 2015 (revised February 10, 2016) and prepared by Urban Crossroads, which is included as *Technical Appendix C* to this EIR (Urban Crossroads, 2016a). Information used to support the analysis in this Subsection also was obtained from the South Coast Air Quality Management District (SCAQMD) 2003 Air Quality Management Plan (AQMP) (SCAQMD, 2003); SCAQMD 2013 AQMP (SCAQMD, 2013); the SCAQMD Draft Fiscal Year 2015-2016 Budget and Work Program (SCAQMD, 2015); City of Newport Beach General Plan EIR (Newport Beach, 2006b); City of Newport Beach Municipal Code (Newport Beach, 2015a); and personal correspondence with Makana Nova, City of Newport Beach staff (Nova, 2015b). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.2.1 EXISTING CONDITIONS

A. Atmospheric Setting

The Project site is located in the South Coast Air Basin (SCAB) within the jurisdiction of the SCAQMD. The SCAB is a 6,745-square mile subregion of the SCAQMD, which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. (Urban Crossroads, 2016a, p. 5)

B. Regional Climate and Meteorology

The regional climate (temperature, wind, humidity, precipitation, and the amount of sunshine) has an influence on air quality. The distinctive climate of the SCAB is determined by its terrain and geographical location. The annual average temperatures throughout the SCAB vary from the low to middle 60s, measured in degrees Fahrenheit (F). Inland areas of the SCAB show more variability in annual minimum and maximum temperatures than coastal areas within the SCAB due to a decreased marine influence. (Urban Crossroads, 2016a, p. 5)

The climate of the SCAB is characterized as semi-arid; however, the air near the land surface is quite moist on most days because of the presence of a marine layer. This shallow layer of sea air is an important modifier of SCAB climate. Humidity restricts visibility in the SCAB and the relative high humidity heightens the conversion of sulfur dioxide to sulfates. The marine layer provides an environment for that conversion process, especially during the spring and summer months. The annual average relative humidity within the SCAB is 71 percent along the coast and 59 percent inland. (Urban Crossroads, 2016a, p. 5)

The direction and speed of the wind determines the horizontal dispersion and transport of air pollutants. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with storms moving through the region from the northwest. This period also brings five to

ten periods of strong, dry offshore winds, locally termed “Santa Anas” each year. During the dry season, which coincides with the months of maximum photochemical smog concentrations, the wind flow is bimodal, typified by a daytime onshore sea breeze and a nighttime offshore drainage wind. Summer wind flows are created by the pressure differences between the relatively cold ocean and the unevenly heated and cooled land surfaces that modify the general northwesterly wind circulation over southern California. During the nighttime, heavy, cool air descends mountain slopes and flows through the mountain passes and canyons as it follows the lowering terrain toward the ocean. Another characteristic wind regime in the SCAB is the “Catalina Eddy,” a low level cyclonic (counter-clockwise) flow centered over Santa Catalina Island which results in an offshore flow to the southwest. On most spring and summer days, some indication of an eddy is apparent in coastal sections. (Urban Crossroads, 2016a, p. 6)

In the SCAB, there are two distinct temperature inversion structures that control vertical mixing of air pollution. During the summer, warm high-pressure descending (subsiding) air is undercut by a shallow layer of cool marine air. The boundary between these two layers of air is a persistent marine subsidence/inversion. This boundary prevents vertical mixing which effectively acts as an impervious lid to pollutants over the entire SCAB. The mixing height for the inversion structure is normally situated 1,000 to 1,500 feet above mean sea level. (Urban Crossroads, 2016a, p. 6)

A second inversion-type forms in conjunction with the drainage of cool air off of the surrounding mountains at night followed by the seaward drift of this pool of cool air. The top of this layer forms a sharp boundary with the warmer air aloft and creates nocturnal radiation inversions. These inversions occur primarily in the winter, when nights are longer and onshore flow is weakest. They are typically only a few hundred feet above mean sea level. These inversions effectively trap pollutants, such as nitrogen oxides and carbon monoxide, as the pool of cool air drifts seaward. Winter is therefore a period of high levels of primary pollutants along the coastline. (Urban Crossroads, 2016a, p. 6)

C. *Air Quality Pollutants and Associated Health Effects*

The federal government and State of California have established maximum permissible concentrations for common air pollutants that may pose a risk to human health or would otherwise degrade air quality and adversely affect the environment. These regulated air pollutants are referred to as “criteria pollutants.” An overview of the common criteria air pollutants in the SCAB, their sources, and associated effects to human health are summarized on the following pages.

- Carbon Monoxide (CO) is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest in the winter during the morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. CO is emitted directly from internal combustion engines; therefore, motor vehicles operating at slow speeds are the primary source of CO in the SCAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections. (Urban Crossroads, 2016a, p. 12)

CO combines with hemoglobin in the human body to produce carboxyhemoglobin (COHb), which interferes with the transport of oxygen. Individuals most at risk to the effects of CO include fetuses, patients with diseases involving heart and blood vessels, and patients with chronic oxygen deficiency. (Urban Crossroads, 2016a, p. 13)

- Sulfur Dioxide (SO₂) is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO₂ oxidizes in the atmosphere, it forms sulfates (SO₄). Collectively, these pollutants are referred to as sulfur oxides (SO_x). (Urban Crossroads, 2016a, p. 12)

SO₂ is a respiratory irritant to people afflicted with asthma. After a few minutes exposure to low levels of SO₂, asthma sufferers can experience breathing difficulties, including airway constriction and reduction in breathing capacity. Although healthy individuals do not exhibit similar acute breathing difficulties in response to SO₂ exposure at low levels, very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off of cells lining the respiratory tract. (Urban Crossroads, 2016a, p. 15)

- Nitrogen Oxides (NO_x) consist of nitric oxide (NO), nitrogen dioxide (NO₂) and nitrous oxide (N₂O) and are formed when nitrogen (N₂) combines with oxygen (O₂). Their lifespan in the atmosphere ranges from one to seven days for NO and NO₂, to 170 years for nitrous oxide. Nitrogen oxides are typically created during combustion processes, and are major contributors to smog formation and acid deposition. NO₂ absorbs blue light, resulting in a brownish-red cast to the atmosphere, and reduced visibility. Of the NO_x compounds, NO₂ is the most abundant in the atmosphere. As ambient concentrations of NO₂ are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO₂ than those indicated by regional monitoring stations. (Urban Crossroads, 2016a, p. 12)

Population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is associated with long-term exposure to NO₂. Short-term exposure to NO₂ can result in resistance to air flow and airway contraction in healthy subjects. Exposure to NO₂ can result in larger decreases in lung functions in individuals with asthma or chronic obstructive pulmonary diseases (e.g., chronic bronchitis, emphysema), as these individuals are more susceptible to the effects of NO_x than healthy individuals. (Urban Crossroads, 2016a, p. 14)

- Ozone (O₃) is a highly reactive and unstable gas that is formed when volatile organic compounds (VOCs) and NO_x undergo slow photochemical reactions in the presence of sunlight. O₃ concentrations are generally highest during the summer months when direct sunlight, warm temperatures, and light wind conditions are favorable to the formation of this pollutant. (Urban Crossroads, 2016a, p. 12)

Short-term exposure (lasting for a few hours) to O₃ at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. Individuals exercising outdoors, children, and people with preexisting lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible sub-groups for O₃ effects. An increased risk for asthma is found in children who participate in multiple sports and live in communities with high O₃ levels. (Urban Crossroads, 2016a, p. 13)

- Particulate Matter (PM) is a major air pollutant consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols. Particles 10 microns or smaller (PM₁₀) easily become airborne and can reduce visibility. Particles 2.5 microns or smaller (PM_{2.5}) are formed in the atmosphere by sulfates or nitrates, a byproduct of primary gaseous emissions of SO₂ and NO_x. (Urban Crossroads, 2016a, p. 12)

In recent years, some studies have reported an association between long-term exposure to air pollution dominated by fine particles (PM_{2.5}) and increased mortality, reduction in life-span, and an increased mortality from lung cancer. Daily fluctuations in PM_{2.5} concentration levels have also been related to hospital admissions for acute respiratory conditions in children, to a decrease in respiratory lung volumes in normal children, and to increased medication use in children and adults with asthma. Recent studies show lung function growth in children is reduced with long-term exposure to particulate matter. The elderly, people with pre-existing respiratory or cardiovascular disease, and children appear to be more susceptible to the effects of high levels of PM₁₀ and PM_{2.5}. (Urban Crossroads, 2016a, p. 14)

- VOCs and Reactive Organic Gasses (ROGs) are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. Both VOCs and ROGs are precursors to O₃ and contribute to the formation of smog through atmospheric photochemical reactions. VOCs and ROGs have different levels of reactivity; that is, they do not react at the same speed or do not form O₃ to the same extent when exposed to photochemical processes. VOCs often have an odor, including such common VOCs as gasoline, alcohol, and the solvents used in paints. (Urban Crossroads, 2016a, pp. 12-13)

Odors generated by VOCs can irritate the eye, nose, and throat, which can reduce respiratory volume. In addition, studies have shown that the VOCs that cause odors can stimulate sensory nerves to cause neurochemical changes that might influence health, for instance, by compromising the immune system. (Urban Crossroads, 2016a, p. 15)

- Lead (Pb) is a heavy metal that is highly persistent in the environment. Historically, the primary source of lead in the air was emissions from vehicles burning leaded gasoline. As a result of the removal of lead from gasoline, there have been no violations at any of the SCAQMD's regular air monitoring stations since 1982. Currently, emissions of lead are largely limited to stationary sources such as lead smelters. (Urban Crossroads, 2016a, p. 13)

Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotient. In adults, increased lead levels are associated with increased blood pressure. Lead poisoning can cause anemia, lethargy, seizures, and death. Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. (Urban Crossroads, 2016a, p. 15)

D. Existing Air Quality

“Air quality” is based upon ambient air quality standards. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect, as well as the health effects of each pollutant regulated under these standards are detailed in Table 4.2-1, *Ambient Air Quality Standards*. (Urban Crossroads, 2016a, p. 8)

The determination of whether a region’s air quality is healthful or unhealthful is determined by comparing contaminant levels in ambient air samples to the State and federal standards presented in Table 4.2-1. The air quality in a region is considered to be in attainment by the State of California if the measured ambient air pollutant levels for O₃, CO, SO₂, NO₂, PM₁₀, and PM_{2.5} are not equaled or exceeded at any time in any consecutive three-year period; and the federal standards (other than O₃, PM₁₀, PM_{2.5}, and those based on annual averages or arithmetic mean) are not exceeded more than once per year. The O₃ standard is attained when the fourth highest eight-hour concentration in one year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when 99 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. (Urban Crossroads, 2016a, p. 7)

1. Regional Air Quality

Criteria Pollutants

The SCAQMD monitors levels of various criteria air pollutants at 30 monitoring stations throughout its jurisdiction. In 2014, the most recent year for which detailed data was available at the time the Notice of Preparation (NOP) for this EIR was issued (January 2016), the federal and State ambient air quality standards for O₃, PM₁₀, and PM_{2.5} were exceeded on one or more days at most monitoring locations within the SCAB. Measured levels of NO₂, SO₂, CO, sulfates, and lead in the SCAB did not exceed federal or State standards in 2014. (Urban Crossroads, 2016a, p. 10)

The attainment status for criteria pollutants within the SCAB is summarized in Table 4.2-2, *Attainment Status of Criteria Pollutants in the South Coast Air Basin*.

Table 4.2-1 Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards ¹		National Standards ²		
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m ³)		0.075 ppm (147 µg/m ³)		
Respirable Particulate Matter (PM ₁₀) ⁸	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		—		
Fine Particulate Matter (PM _{2.5}) ⁸	24 Hour	—	—	35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	12.0 µg/m ³	15 µg/m ³	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m ³)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m ³)		9 ppm (10 mg/m ³)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		—	—	
Nitrogen Dioxide (NO ₂) ⁹	1 Hour	0.18 ppm (339 µg/m ³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m ³)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)		0.053 ppm (100 µg/m ³)	Same as Primary Standard	
Sulfur Dioxide (SO ₂) ¹⁰	1 Hour	0.25 ppm (655 µg/m ³)	Ultraviolet Fluorescence	75 ppb (196 µg/m ³)	—	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m ³)	
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (for certain areas) ¹⁰	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas) ¹⁰	—	
Lead ^{11,12}	30 Day Average	1.5 µg/m ³	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m ³ (for certain areas) ¹²	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m ³		
Visibility Reducing Particles ¹³	8 Hour	See footnote 13	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m ³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence			
Vinyl Chloride ¹¹	24 Hour	0.01 ppm (26 µg/m ³)	Gas Chromatography			

See footnotes at: <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>

Source: (Urban Crossroads, 2016a, Table 2-1)

Table 4.2-2 Attainment Status of Criteria Pollutants in the South Coast Air Basin

Criteria Pollutant	State Designation	Federal Designation
Ozone - 1hour standard	Nonattainment	No Standard
Ozone - 8 hour standard	Nonattainment	Nonattainment
PM ₁₀	Nonattainment	Attainment
PM _{2.5}	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
Lead ¹	Attainment	Attainment

State/Federal designations were taken from <http://www.arb.ca.gov/desig/adm/adm.htm>

Note: See Appendix 3.2 for a detailed map of State/National Area Designations within the South Coast Air Basin

¹ The Federal nonattainment designation for lead is only applicable towards the Los Angeles County portion of the South Coast Air Basin.

Source: (Urban Crossroads, 2016a, Table 2-2)

Air Quality Trends

The SCAB has experienced unhealthful air since World War II and is one of the most unhealthful air basins in the United States; however, as a result of the region’s air pollution control efforts over the last 66 years, air pollution concentrations in the SCAB were reduced dramatically. For example, peak O₃ levels were cut by almost three-fourths since air monitoring began in the 1950s and population exposure was cut in half during the 1980s alone (SCAQMD, 2015, p. 2). Thus, overall air quality within the SCAB is dramatically improving as the result of regulatory programs and is expected to continue to improve in the future as regulations become more stringent.

The 2012 AQMP states, “the remarkable historical improvement in air quality since the 1970’s is the direct result of Southern California’s comprehensive, multiyear strategy of reducing air pollution from all sources as outlined in its AQMPs” (SCAQMD, 2013).

According to SCAQMD:

“Ozone levels have fallen by about three-quarters since peaks in the mid-1950s. Nitrogen dioxide, sulfur dioxide, and carbon monoxide levels have gone down from nonattainment to full attainment of federal health standards. In November 2008, US EPA revised the lead standard from a 1.5 micrograms per cubic meter (µg/m)³ quarterly average to a 0.15 µg/m³ rolling 3-month average and added new near-source monitoring requirements. The Los Angeles County portion of the Basin has since been designated non-attainment for lead due to monitored concentrations near one facility. However, the most recent 2013 data shows that the Basin meets the current lead standard. U.S. EPA revised the 8-hour ozone standard, effective May

2008, from concentrations exceeding 0.08 parts per million (ppm) to concentrations exceeding 0.075 ppm. In 2013, the current federal 8-hour ozone standard was exceeded on 94 days, the second lowest number of exceedance days ever recorded, based on preliminary 2014 data. The federal ozone standard was exceeded on 88 days in 2013 and 111 days in 2012. The maximum observed ozone levels show some year-to-year variability, but have generally been decreasing over the years. The highest 8-hour ozone level in the 2014 preliminary data was 0.114 ppm, compared to 0.122 ppm and 0.112 ppm in 2013 and 2012 respectively. (SCAQMD, 2015, pp. 3-4)

In 2007, the US EPA formally redesignated the Basin from nonattainment to full attainment of the federal health standard for carbon monoxide. Basin-wide maximum levels of carbon monoxide have been consistently measured at more than 30% below the federal standard since 2004. In 2010, US EPA established a new NO₂ 1-hour standard at a level of 100 ppb (0.100ppm) and SO₂ 1-hour standard at a level of 75 ppb (0.075 ppm). In 2014, one site exceeded the 1-hour NO₂ standard on one day in the preliminary data; however, this does not jeopardize our attainment status. That is determined by the NO₂ design value which is the 98th percentile value averaged over three years. (SCAQMD, 2015, p. 4)

In 2006, US EPA rescinded the annual federal standard for PM₁₀ but retained the 24-hour standard. Ambient levels of PM₁₀ in the Basin meet the federal 24-hour PM₁₀ standard and the SCAQMD has requested US EPA to redesignate the Basin as in attainment of the health based standard for PM₁₀. PM_{2.5} levels have decreased dramatically in the Basin since the beginning of the decade; however, regional concentrations continue to exceed the federal annual and 24-hour standards.” (SCAQMD, 2015, p. 4)

Local Air Quality

The nearest long-term monitoring air quality monitoring site for O₃, CO, and NO₂ is the SCAQMD North Orange County monitoring station, which is located in SCAQMD Source Receptor Area (SRA) 18, which encompasses the cities of Newport Beach, Costa Mesa, Huntington Beach and Seal Beach (Sierra Wade Associates, 1999). PM₁₀ and PM_{2.5} are not measured at the North Orange County monitoring station. The nearest station to the Project site that measures particulates is the Saddleback Valley Monitoring Station located in SRA 19 in Saddleback Valley (Sierra Wade Associates, 1999). (Urban Crossroads, 2016a, p. 10)

Table 4.2-3, *Project Area Air Quality Monitoring Summary 2012-2014*, provides a summary of ambient air quality conditions in the general vicinity of the Project site over the most recent three-year period for which air quality data is available, that being the years 2012-2014. The data for SO₂ was omitted because the SCAB regularly attains the applicable NAAQS and CAAQS and few monitoring stations measure SO₂ concentrations. (Urban Crossroads, 2016a, p. 10)

Table 4.2-3 Project Area Air Quality Monitoring Summary 2012-2014

POLLUTANT	STANDARD	YEAR		
		2012	2013	2014
Ozone (O3)				
Maximum 1-Hour Concentration (ppm)		0.09	0.095	0.096
Maximum 8-Hour Concentration (ppm)		0.076	0.083	0.079
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	2	1	-
Number of Days Exceeding State 8-Hour Standard	> 0.07 ppm	1	2	-
Number of Days Exceeding Federal 1-Hour Standard	> 0.12 ppm	0	0	0
Number of Days Exceeding Federal 8-Hour Standard	> 0.075 ppm	1	1	4
Number of Days Exceeding Health Advisory	≥ 0.15 ppm	0	0	0
Carbon Monoxide (CO)				
Maximum 1-Hour Concentration (ppm)		--	--	2.7
Maximum 8-Hour Concentration (ppm)		1.7	1.3	1.9
Number of Days Exceeding State 1-Hour Standard	> 20 ppm	0	0	0
Number of Days Exceeding Federal / State 8-Hour Standard	> 9.0 ppm	0	0	0
Number of Days Exceeding Federal 1-Hour Standard	> 35 ppm	0	0	0
Nitrogen Dioxide (NO2)				
Maximum 1-Hour Concentration (ppb)		74	75.7	61
Annual Arithmetic Mean Concentration (ppb)		10	11.6	--
Number of Days Exceeding State 1-Hour Standard	> 180 ppb	0	0	0
Particulate Matter ≤ 10 Microns (PM10)				
Maximum 24-Hour Concentration (µg/m3)		37	51	41
Number of Samples		60	61	60
Number of Samples Exceeding State Standard	> 50 µg/m3	0	1	0
Number of Samples Exceeding Federal Standard	> 150 µg/m3	0	0	0
Particulate Matter ≤ 2.5 Microns (PM2.5)				
Maximum 24-Hour Concentration (µg/m3)		27.6	28	25.5
Annual Arithmetic Mean (µg/m3)		7.91	8.08	8
Number of Samples Exceeding Federal 24-Hour Standard	> 35 µg/m3	0	0	0

-- = data not available from either SCAQMD or EPA

2012 and 2013 data from SCAQMD data source, 2014 data available from EPA data source.

Source: (Urban Crossroads, 2016a, p. 2-3)

E. Air Pollutant Emissions from Existing Project Site Operations

Under existing conditions, the Project site contains an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary gas station and convenience market. The car wash provides for the hand-washing of vehicles within the wash facility, which uses several mechanical components such as car dryers and vacuums. The car wash operates approximately nine hours per day. According to a traffic trip count study prepared for the existing car, convenience market, wash and gas station (refer to *Technical Appendix G1*), the existing operation generates approximately 819 daily vehicle trips. Operational-source air pollutant emissions for the existing car wash and ancillary gas station operation are summarized in Table 4.2-4, *Summary of Existing Car Wash Operational Air Emissions*. As depicted in the table below, the daily amount of air pollutants emitted by the car wash and ancillary convenience market and gas station operation do not exceed the SCAQMD’s regional thresholds of significance.

Table 4.2-4 Summary of Existing Car Wash Operational Air Emissions

Operational Activities – Summer Scenario	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	0.22	1.00e-5	8.8e-4	0	0	0
Energy Source	5.43e-3	0.05	0.04	3.00e-4	3.75e-3	3.75e-3
Mobile	1.90	2.79	14.13	0.03	2.36	0.65
Maximum Daily Emissions	2.13	2.84	14.17	0.03	2.36	0.66

Operational Activities – Winter Scenario	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	0.22	1.00e-5	8.8e-4	0	0	0
Energy Source	5.43e-3	0.05	0.04	3.00e-4	3.75e-3	3.75e-3
Mobile	2.04	2.92	14.95	0.03	2.36	0.65
Maximum Daily Emissions	2.27	2.97	14.99	0.03	2.36	0.66

Source: (Urban Crossroads, 2016a, Table 3-5)

4.2.2 REGULATORY SETTING

A. Federal Regulations

The U.S. Environmental Protection Agency (U.S. EPA) is responsible for setting and enforcing the NAAQS for O₃, CO, NO_x, SO₂, PM₁₀, and lead. The U.S. EPA has jurisdiction over emissions sources that are under the authority of the federal government including aircraft, locomotives, and emissions sources outside state waters. The U.S. EPA also establishes emission standards for vehicles sold in states other than California. Automobiles sold in California must meet CARB's stricter emission requirements. (Urban Crossroads, 2016a, p. 15)

1. *The Federal Clean Air Act (CAA)*

The CAA was first enacted in 1955 and was amended numerous times in subsequent years. The CAA establishes the federal air quality standards, the NAAQS, and specifies future dates for achieving compliance. The CAA also mandates that states submit and implement State Implementation Plans (SIPs) for local areas not meeting these standards. These plans must include pollution control measures that demonstrate how the standards would be met. (Urban Crossroads, 2016a, p. 16)

2. *1990 amendments to the CAA*

The 1990 amendments to the CAA, that identify specific emission reduction goals for areas not meeting the NAAQS, require a demonstration of reasonable further progress toward attainment and incorporate additional sanctions for failure to attain or to meet interim milestones. The sections of the CAA most directly applicable to the development of the Project site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions were established with the goal of attaining the NAAQS for the following criteria pollutants: O₃, NO₂, SO₂, PM₁₀, CO, PM_{2.5}, and lead. The NAAQS were amended in July 1997 to include an additional standard for O₃ and to adopt a NAAQS for PM_{2.5}. Table 4.2-1, previously presented, provides the NAAQS within the SCAB. (Urban Crossroads, 2016a, p. 16)

Mobile source emissions are regulated in accordance with Title II provisions. These provisions require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas. Automobile manufacturers also are required to reduce tailpipe emissions of hydrocarbons and NO_x, which is a collective term that includes all forms of nitrogen oxides (NO, NO₂, NO₃) which are emitted as byproducts of the combustion process. (Urban Crossroads, 2016a, p. 16)

B. California Regulations

1. *California Air Resources Board (CARB)*

CARB, which became part of the California EPA in 1991, is responsible for ensuring implementation of the California Clean Air Act (Assembly Bill 2595, responding to the federal CAA, and for regulating emissions from consumer products and motor vehicles). The California CAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other

mobile sources in order to attain the state ambient air quality standards by the earliest practical date. The CARB established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, established standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. At this time, however, hydrogen sulfide and vinyl chloride are not measured at any monitoring stations in the SCAB because they are not considered to be a regional air quality problem. Generally, the CAAQS are more stringent than the NAAQS. (Urban Crossroads, 2016a, p. 16)

All air pollution control districts are formally designated as being in attainment or non-attainment for each CAAQS (refer to Table 4.2-2). Serious non-attainment areas are required to prepare air quality management plans that include specified emission reduction strategies in an effort to meet clean air goals. (Urban Crossroads, 2016a, p. 16)

C. Air Quality Management Planning

Currently, the State and federal air quality standards are exceeded in most parts of the Basin. In response, the SCAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the state and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy. The most recent AQMP was adopted by the AQMD Governing Board on December 7, 2012. The 2012 AQMP incorporates the latest scientific and technological information and planning assumptions, including the Southern California Association of Governments' (SCAG's) *2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* and updated emission inventory methodologies for various source categories. For example, the 2012 AQMP has assumed that development associated with general plans, specific plans, residential projects, and wastewater facilities will be constructed in accordance with population growth projections identified by SCAG in its 2012 *RTP/SCS*. The 2012 AQMP also has assumed that such development projects will implement strategies to reduce emissions generated during the construction and operational phases of development. (Urban Crossroads, 2016a, pp. 30-31)

D. City of Newport Beach General Plan

The Natural Resources Element of the City's General Plan provides direction regarding the conservation, development, and utilization of natural resources. This element addresses: water supply, water quality, air quality, terrestrial and marine biosocial resources, open space, archeological and paleontological resources mineral resources, visual resources, and energy. The Natural Resources Element of the City of Newport Beach General Plan discusses air quality, and includes the goals and policies pertaining to protection of the City's visual resources that are applicable to the Project. The following goals and policies are applicable to the Project:

- Goal NR 6: "Reduced mobile source emissions." (Newport Beach, 2006a, p. 10-23)"

- Policy NR 6.1: “Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.” (Newport Beach, 2006a, p. 10-23)”
- Goal NR 7: “Reduced air pollutant emissions from stationary sources.” (Newport Beach, 2006a, p. 10-24)”
- Policy NR 7.2: “Source Emission Reduction Best Management Practices Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.” (Newport Beach, 2006a, p. 10-24)”
- Goal NR 8: “Reduced air pollutant emissions from construction activities.” (Newport Beach, 2006a, p. 10-25)”
- Policy NR 8.1: “Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.” (Newport Beach, 2006a, p. 10-25)”

4.2.3 METHODOLOGY FOR CALCULATING PROJECT-RELATED AIR QUALITY EMISSIONS

On October 2, 2013, the SCAQMD released the latest version of the California Emissions Estimator Model (CalEEMod v 2013.2.2). The use of this computer model is an industry-standard method for calculating air pollutant emissions generated by development projects in California. CalEEMod v 2013 2.2 was used to calculate Project-related emissions of criteria pollutants NO_x, VOC, PM₁₀, PM_{2.5}, SO_x, and CO, from direct and indirect sources during the Project’s construction phase and long-term operation. Construction activities and operational activities associated with the Project would result in emissions of CO, VOCs, NO_x, SO_x, PM₁₀, and PM_{2.5}. (Urban Crossroads, 2016a, pp. 20-21) Refer to EIR Section 3.0, *Project Description*, for information regarding the Project’s construction and operational-related characteristics that were assumed for purposes of analysis in this EIR.

4.2.4 BASIS FOR DETERMINING SIGNIFICANCE

Appendix G, Environmental Checklist Form, Section III (Air Quality) of CEQA stipulates that where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. The City of Newport Beach is located in the SCAB, governed by the SCAQMD’ therefore, this EIR relies on the SCAQMD’s regional thresholds to determine the significance of air pollutant emissions, as discussed further below. The proposed Project would result in a significant impact to air quality if the Project or any Project-related component would:

- a. Conflict with or obstruct implementation of the applicable air quality plan;*

- b. *Violate any air quality standard or contribute substantially to an existing or projected air quality violation;*
- 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 that exceed quantitative thresholds for ozone precursors);*
- d. *Expose sensitive receptors to substantial pollutant concentrations; or*
- e. *Create objectionable odors affecting a substantial number of people.*

The above-listed thresholds are drawn directly from Section III of Appendix G to the CEQA Guidelines and address typical adverse project effects on regional air pollution and nearby sensitive receptors (OPR, 2015). The SCAQMD has developed regional and localized significance thresholds for regulated pollutants, as summarized at Table 4.2-5, *SCAQMD’s Maximum Daily Emissions Thresholds*. The SCAQMD’s CEQA Air Quality Significance Thresholds (March 2011) indicate that any projects in the SCAB with daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively considerable air quality impact. (Urban Crossroads, 2016a, p. 19) These thresholds are applied herein to determine the Project’s potential to result in significant air quality impacts on either a direct or cumulatively considerable basis.

Table 4.2-5 SCAQMD’s Maximum Daily Emissions Thresholds

Pollutant	Construction	Operation
Regional Thresholds		
NOx	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM10	150 lbs/day	150 lbs/day
PM2.5	55 lbs/day	55 lbs/day
Sox	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Localized Thresholds		
NOx	160.33 lbs/day	n/a
PM10	10.67 lbs/day	n/a
PM2.5	6.00 lbs/day	n/a
CO	1,073.67 lbs/day	n/a

Source: (Urban Crossroads, 2016a, Table 3-1)

4.2.5 IMPACT ANALYSIS

Threshold a. Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Less-than-Significant Impact. The air quality management plan applicable to the Project site is the SCAQMD 2012 AQMP. Criteria for determining consistency with the 2012 AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook (1993). The Project's consistency with the 2012 AQMP based on these criteria is discussed below.

- *Consistency Criterion No. 1: The proposed Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.*

The violations that Consistency Criterion No. 1 refers to are the CAAQS and NAAQS. CAAQS and NAAQS violations would occur if localized significance thresholds (LSTs) were exceeded. As evaluated as part of the Project's LST analysis (refer to Table 4.2-8, *Localized Significance Summary Construction Site Preparation* and Table 4.2-9, *Localized Significance Summary for Construction Grading*, under the discussion of Air Quality Threshold d), the Project's localized construction-source emissions would not exceed applicable LSTs, and would be consistent with the first criterion. Therefore, a less-than-significant impact would occur associated with Consistency Criterion No. 1 during Project-related construction activities. (Urban Crossroads, 2016a, p. 31)

An analysis of the Project's regional air emissions demonstrates that the proposed Project's operational-source emissions would not exceed applicable thresholds (refer to Table 4.2-7, *Summary of Project Operational Emissions*), and would therefore not result in or cause violations of the CAAQS and NAAQS. Accordingly, the proposed Project would be consistent with the first criterion during long-term operational activity. Therefore, a less-than-significant impact would occur associated with Consistency Criterion No. 1 in the long-term associated with Project operation. (Urban Crossroads, 2016a, p. 32)

- *Consistency Criterion No. 2: The Project would not exceed the assumptions in the AQMP based on the years of Project build-out phase.*

The proposed Project would not exceed the SCAQMD's regional thresholds for operational emissions (refer to Table 4.2-7), and would therefore have a less-than-significant air quality impact. The Project proposes a General Plan Amendment to change the land use designation on the Project site from "Regional Commercial Office (CO-R)" to "Multiple Unit Residential (RM)." According to the City's General Plan, uses in the CO-R land use designation are to include administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses. The Project site is located in a portion of Newport Center designated by the General Plan as Anomaly 35, which indicates that there is a development limit

of 199,095 square feet for the block on which the Project site occurs (Newport Beach, 2006a, Table LU2). Currently, the site contains a car wash with ancillary gas station that is calculated to emit the air pollutant quantities presented in Table 4.2-4. However, if the site were to be developed at its maximum buildout potential per the CO-R designation, it is likely that traffic generation would increase, as well as area-source and energy-source emissions (refer to analysis of the Commercial/Restaurant Redevelopment Alternative in EIR Section 6.0, *Alternatives*). In comparison, the Project proposes a seven-story residential condominium building that would reduce traffic generation compared to the existing car-wash and traffic volumes that would occur if the site was redeveloped to maximum traffic-generating intensity per the CO-R land use designation. Therefore, although the Project proposes to change the land use designation of the property, the change in land use would not result in air quality pollutant emission levels beyond those that would have been assumed for the site by the SCAQMD's 2012 AQMP. Thus, the Project would have no potential to obstruct the SCAQMD's ability to attain the goals of the AQMP. On the basis of the preceding discussion, the Project would be consistent with the second criterion and impacts would be less than significant. (Urban Crossroads, 2016a, p. 32)

Threshold b. Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less-than-Significant Impact. Applicable air quality standards for daily emissions published by the SCAQMD, which are used in this EIR to determine the significance of air quality emission impacts, were presented previously in Table 4.2-5. The Project's potential for impacts under both construction and long-term operational conditions is discussed below.

A. Construction Impacts

Construction activities associated with the proposed Project would result in emissions of CO, VOCs, NO_x, SO_x, PM_{2.5}, and PM₁₀. Construction-related emissions are expected from the following activities: demolition, site preparation, grading, building construction, paving, painting, and construction workers commuting to and from the site. (Urban Crossroads, 2016a, pages 20-21):

Construction is expected to commence in January 2017 and would last through January 2019. The construction schedule utilized in the technical analysis (refer to *Technical Appendix C*) is based on a construction start date of June 2016, but the analysis represents a "worst-case" analysis scenario because if construction occurs at a later time, emissions would be the same or less than reported in this EIR because emission factors for construction equipment decrease as time passes and the analysis year increases due to the fact that emission regulations imposed at the federal and State levels are becoming more stringent. The construction equipment fleet analyzed herein represents a reasonable approximation of the expected construction fleet as required per the CEQA Guidelines. A detailed summary of construction equipment assumptions by phase is provided in EIR Section 3.0, *Project Description*. (Urban Crossroads, 2016a, p. 21).

Dust is typically a major concern during rough grading activities. Because such emissions are not amenable to collection and discharge through a controlled source, they are called “fugitive emissions.” Fugitive dust emissions rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). The CalEEMod model was utilized to calculate fugitive dust emissions resulting from the grading/excavation phase of the Project’s construction activity. (Urban Crossroads, 2016a, p. 21)

Based on information provided by the Project Applicant, 80 tons of debris, 240 cubic yards of concrete, and 620 cubic yards of asphalt would be hauled away during the demolition phase of construction. (Nova, 2015b). CalEEMod assumes that a truck can haul 20 tons of material per load. Assuming a weight of 1 ton per cubic yard, the demolition phase would require approximately 47 haul trucks to export material. Since CalEEMod considers a truck trip exporting material to have an arrival trip in an empty truck, the number of haul trips is doubled to account for a two-way trip. Therefore, the Project’s demolition activity would require approximately 94 haul trips (two-way). Additionally, the Project would require 51,600 cubic yards of soil export, resulting in approximately 2,580 truck trips (172 trips per day in/out during the 30 days of grading). Soil export would take place during the 30 days of the grading/excavation phase of construction; the materials are proposed to be taken to Bee Canyon / Frank R. Bowerman Sanitary Landfill and Dan Copp Crushing. (Urban Crossroads, 2016a, p. 21) The Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in the City of Irvine, is approximately 15 roadway miles from the Project site (Newport Beach, 2006b, p. 4.14-39). Dan Copp Crushing, located at 1120 N. Richfield Road in the City of Anaheim, is approximately 21 roadway miles from the Project site.

Construction emissions as a result of architectural coatings were calculated based on CalEEMod model defaults. CalEEMod assumes the total surface for painting equals 2.7 times the amount of total gross floor area for residential uses. The fraction of surface area modeled is 75% for the interior surfaces and 25% for the exterior shell. The Project has a total gross floor area of 163,260 square feet. Therefore, 440,803 square feet of area requiring surfacing coating is assumed, with 330,602 square feet for the interior surface areas and 110,201 square feet for the exterior shell. Construction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips (construction materials delivered to the Project site) were calculated based on CalEEMod model defaults. (Urban Crossroads, 2016a, pp. 21-22)

The estimated maximum daily construction emissions are summarized on Table 4.2-6, *Emissions Summary of Proposed Overall Construction*. As shown in Table 4.2-6, under the assumed scenarios, emissions resulting from the Project construction would not exceed any criteria pollutant thresholds established by the SCAQMD. Therefore, a less-than-significant impact would occur and no mitigation is required. (Urban Crossroads, 2016a, p. 23).

Table 4.2-6 Emissions Summary of Proposed Overall Construction

Year	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
2016	6.22	82.35	63.43	0.17	10.69	5.44
2017	3.50	21.70	21.74	0.04	2.45	1.54
2018	61.48	19.68	20.75	0.04	2.28	1.37
Maximum Daily Emissions	61.49	80.32	57.11	0.17	10.68	5.44
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2016a, Table 3-4)

B. Operational Impacts

Operational activities associated with the proposed Project would result in emissions of ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. Operational emissions would be expected from the area source, energy source, and mobile source emissions, which are described below in more detail (Urban Crossroads, 2016a, p. 24):

1. Area Source Emissions

The following sources of air pollutant emissions are considered.

Architectural Coatings: Over a period of time, the Project’s building will be subject to emissions resulting from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings as part of Project maintenance. The emissions associated with architectural coatings were calculated using the CalEEMod model.

Consumer Products: Consumer products would be utilized by Project site residents and maintenance personnel, which would include but are limited to detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Many of these products contain organic compound, which when released in the atmosphere, can react to form O₃ and other photochemically reactive pollutants. The emissions associated with use of consumer products were calculated based on defaults provided within the CalEEMod model.

Landscape Maintenance Equipment: Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the Project site’s landscaping. The emissions associated with landscape maintenance equipment were calculated based on defaults provided in the CalEEMod model. (Urban Crossroads, 2016a, p. 24)

2. Energy Source Emissions

Electricity and natural gas are used by almost every developed project. Criteria pollutant emissions are emitted through the generation of electricity and consumption of natural gas. Because electrical generating facilities for the Project area are located either outside the region (state) or offset through the use of pollution credits (RECLAIM) for generation within the SCAB, criteria pollutant emissions from off-site generation of electricity is generally excluded from the evaluation of significance and only natural gas use is considered. The emissions associated with natural gas use were calculated using the CalEEMod model. (Urban Crossroads, 2016a, p. 25)

3. Mobile Source Emissions

The following sources of mobile source emissions are considered.

Vehicles: Project-related vehicular emissions are dependent on the overall daily vehicle trip generation. The existing land use vehicle trip calculation (for the existing car wash operation with ancillary gas station and convenience market) and the proposed land use (49 residential condominium units) were derived from the Project's traffic study included as *Technical Appendix G1* to this EIR. (Urban Crossroads, 2016a, p. 25)

Fugitive Dust Related to Vehicular Travel: Vehicles traveling on paved roads would be a source of fugitive emissions due to the generation of road dust inclusive of tire wear particulates. The emissions estimate for travel on paved roads were calculated using the CalEEMod model. (Urban Crossroads, 2016a, p. 25)

The operational-source emissions for the proposed Project for the summer and winter scenarios are summarized in Table 4.2-7. As shown in Table 4.2-7, the proposed Project's operational-source emissions would not exceed applicable SCAQMD regional thresholds of significance. (Urban Crossroads, 2016a, p. 25) Further, the maximum daily emission quantities provided below do not take any credit for the elimination of air emissions associated with the existing car wash operation presented in Table 4.2-4; therefore, the total air emission quantities reported herein are overstated.

Because the quantity of daily air pollutants that would be emitted from the Project's operation would be well below the SCAQMD's regional thresholds, impacts associated with this issue would be less than significant and mitigation is not required.

Table 4.2-7 Summary of Project Operational Emissions

Operational Activities – Summer Scenario	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	19.64	0.37	28.71	0.04	3.77	3.76
Energy Source	0.02	0.20	0.08	1.25E-03	0.02	0.02
Mobile	0.61	1.49	7.14	0.02	1.55	0.43
Maximum Daily Emissions	20.27	2.06	35.93	0.06	5.34	4.21
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Operational Activities – Winter Scenario	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	19.64	0.37	28.71	0.04	3.77	3.76
Energy Source	0.02	0.20	0.08	1.25E-03	0.02	0.02
Mobile	0.64	1.57	7.05	0.02	1.55	0.43
Maximum Daily Emissions	20.30	2.14	35.84	0.06	5.34	4.21
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2016a, Table 3-6)

Threshold c. Would the Project 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 that exceed quantitative thresholds for ozone precursors)?

Less-than-Significant Impact. The Project site is located in the SCAB and the SCAB has a non-attainment status under both State and federal designations for O₃ and PM_{2.5} and is considered non-attainment under State of California criteria for PM₁₀.

As previously demonstrated in Table 4.2-6 and Table 4.2-7, construction-related emissions and operational-related emissions of VOCs, NO_x, and CO (all of which are O₃ precursors), SO_x, PM₁₀, and PM_{2.5} all would be below the SCAQMD regional significance thresholds. Therefore, near-term construction emissions and long-term operational emissions would not substantially contribute to a net increase of any criteria pollutant for which the Project’s region is in non-attainment and impacts associated with this issue would be less than significant and less than cumulatively considerable.

Threshold d. Would the Project expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors can include land uses such as long-term health care facilities, rehabilitation centers, and retirement homes. In addition, residences, schools, playgrounds, child care centers, and athletic facilities can also be considered as sensitive receptors. Due to the predominantly commercial nature of surrounding land uses, there is only one sensitive receptor that is in close proximity to the Project site. The nearest sensitive receptor to the Project site is the Newport Center Women’s Health Center, located approximately 100 meters south of the Project site at 180 Newport Center Drive. Other sensitive receptors are located further from the Project site. The nearest park is Civic Center park, a passive park located in the Newport Beach Civic Center 100 Civic Center Drive approximately 0.18-mile southwest of the Project site at its closest point. No residential properties occur adjacent to the Project site, with the nearest residential uses being the Granville community (a private gated residential community located approximately 0.15-mile west of the Project site); Meridian (a 79-unit condominium Project located at 1001 Santa Barbara Drive, approximately 0.5 mile northwest of the Project site); The Colony Apartment Homes (an apartment complex located approximately 0.6-mile northwest of the Project site) ; and the San Joaquin Plaza Apartments (a 524-apartment complex located approximately 0.6-mile northwest of the Project site). The Project site is a 1.26-acre property that has been developed as a car wash with ancillary gas station and convenience market since approximately 1970; thus, the Project site is not a sensitive receptor location under existing conditions.

A. Construction Impacts

Less-than-Significant Impact. Results of the localized significance threshold (LST) analysis (refer to Table 4.2-8 and Table 4.2-9) indicate that the Project would not exceed the SCAQMD localized significance thresholds during construction. Therefore, sensitive receptors in the Project area would not be exposed to substantial pollution concentrations during Project construction, and impacts associated with this issue would be less than significant. (Urban Crossroads, 2016a, p. 28).

Table 4.2-8 Localized Significance Summary Construction Site Preparation

On-Site Site Preparation Emissions	Emissions (pounds per day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	25.77	16.51	7.19	4.24
SCAQMD Localized Threshold	108	1,090	27	9
Threshold Exceeded?	NO	NO	NO	NO

Source: (Urban Crossroads, 2016a, Table 3-7)

Table 4.2-9 Localized Significance Summary for Construction Grading

On-Site Grading Emissions	Emissions (pounds per day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	21.04	13.67	5.96	3.57
SCAQMD Localized Threshold	108	1,090	27	9
Threshold Exceeded?	NO	NO	NO	NO

Source: (Urban Crossroads, 2016a, Table 3-8)

B. Operational Impacts

Less-than-Significant Impact. The Project involves the construction and operation of a high-rise condominium building with 49 residential units. According to SCAQMD LST methodology, LSTs would apply to the operational phase of a project, if the project includes stationary sources, or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities). The Project does not include such features and operational characteristics, and thus, due to the lack of a stationary source emission source, no long-term localized significance threshold analysis is required to be conducted, and impacts would be less than significant. (Urban Crossroads, 2016a, p. 29)

C. CO Hotspot Analysis

Less-than-Significant Impact. A CO “hotspot” would occur if an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur. At the time SCAQMD prepared the 1993 Handbook, the SCAB was designated nonattainment under the California AAQS and National AAQS for CO. (Urban Crossroads, 2016a, p. 29) As discussed below, the Project would not result in potentially adverse CO concentrations or “hot spots.” Further, detailed modeling of Project-specific CO “hot spots” is not needed to reach this conclusion. (Urban Crossroads, 2016a, p. 29)

It has long been recognized that adverse localized CO concentrations (“hot spots”) are caused by vehicular emissions, primarily when idling at congested intersections. In response, vehicle emissions standards have become increasingly stringent in the last twenty years. Currently, the allowable CO emissions standard in California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentrations in the Project vicinity have steadily declined, as indicated by historical emissions data presented previously in Subsection 4.2.1.

A CO “hot spot” analysis was conducted in 2003 by the SCAQMD for four busy intersections in Los Angeles that represent extreme vehicle volumes at the peak morning and afternoon time periods. The four intersections were: Long Beach Boulevard and Imperial Highway; Wilshire Boulevard and Veteran Avenue; Sunset Boulevard and Highland Avenue; and La Cienega Boulevard and Century

Boulevard. The busiest intersection evaluated (Wilshire and Veteran) had a daily traffic volume of approximately 100,000 vehicles per day with LOS E in the morning peak hour and LOS F in the evening peak hour. This hot spot analysis did not predict any violation of the state’s CO 1-hour standard of 20.0 parts per million (ppm) or 8-hour standard of 9.0 ppm. (SCAQMD, 2003)

Furthermore, a study prepared by the Bay Area Air Quality Management District (BAAQMD) determined that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour (or 24,000 vehicles per hour where vertical and/or horizontal air does not mix) to generate a significant CO “Hot Spot” impact. The SCAQMD has not undertaken a similar study, and use of the BAAQMD study is appropriate because regional location does not influence the general conclusion. The Project would not produce the volume of traffic required to generate a CO hotspot either in the context of the 2003 Los Angeles hot spot study, or based on representative BAAQMD CO threshold considerations (Urban Crossroads, 2016a, p. 30). As shown in Table 4.2-10, *Net New Trip Generation of Proposed Project*, the Project would reduce daily traffic volumes compared to the existing condition, resulting in no potential to generate a CO hot spot. Projects such as the proposed Project that are not subject to the extremes in vehicle volumes and vehicle congestion that was evidenced in the 2003 Los Angeles hot spot analysis would not create or result in CO hot spots. Therefore, CO hotspots are not an environmental impact of concern for the proposed Project, and localized air quality impacts related to CO “Hot Spots” would be less than significant (Urban Crossroads, 2016a, p. 30).

Table 4.2-10 Net New Trip Generation of Proposed Project

Land Use	Size	Unit ¹	AM Peak Hour			PM Peak Hour			Daily Total
			In	Out	Total	In	Out	Total	
Proposed: High-Rise Residential Condo	49	DU	3	14	17	12	7	19	205
Removed: Car Wash	8.5	TSF	30	24	54	33	42	75	819
Total Net New Project Trip Generation (Proposed – Existing):			-27	-10	-37	-21	-35	-56	-614

1. TSF = Thousand Square Feet; DU = Dwelling Units

Note: AM Peak Hour, PM Peak Hour, and Daily Total reflect the number of trips.

Source: TJW Engineering, Inc., 2015, Table 4

There are no other components of the proposed Project that have the potential to expose nearby sensitive receptors to substantial pollutant concentrations. Accordingly, impacts would be less than significant on both a direct and cumulative basis, requiring no mitigation

Threshold e. Would the Project create objectionable odors affecting a substantial number of people?

Less-than-Significant Impact. The Project proposes to redevelop an existing developed property with 49 condominium units in one building. The Project does not propose any land uses typically associated with emitting objectionable odors. Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities, none of which would occur on the property. (Urban Crossroads, 2016a, p. 32)

The potential for odor sources associated with the Project are limited to construction equipment exhaust and the application of asphalt and architectural coatings during construction activities, and the temporary storage of typical municipal solid waste (refuse) during the Project's lifetime (Urban Crossroads, 2016a, p. 33). Construction-related odors would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phases of construction activity. These odors are common in urban and suburban areas and are generally not objectionable to a large majority of the population. For these reasons, temporary and intermittent construction-related odors would be less than significant. (Urban Crossroads, 2016a, p. 33).

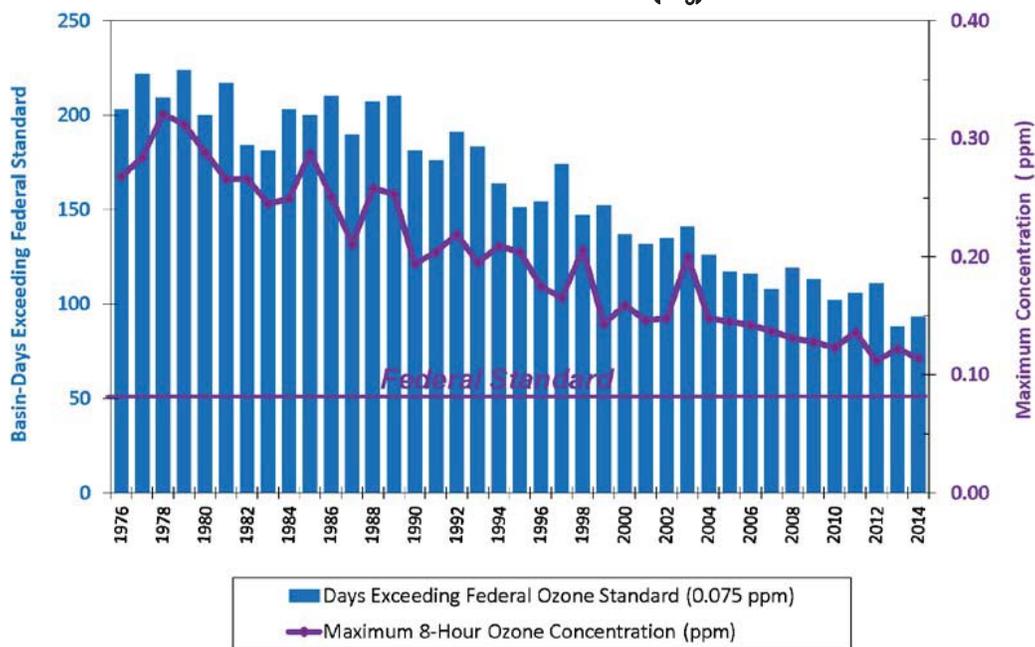
During long-term Project operation, the only potential for odor generation is from temporary refuse storage. However, solid waste collection requirements in the City of Newport Beach require all refuse containers to be covered with a lid, which prevents odor from escaping, flies or insects, the contents from leaving the interior of the container, and rain or water from entering the interior of the container. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. The Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. (Urban Crossroads, 2016a, p. 33). The Project would be required to comply with Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), which mandates that all multi-unit projects with five or more dwelling units "...provide enclosed refuse and recyclable material storage areas with solid roofs." (Newport Beach, 2015a) The Project Applicant proposes a trash room on the building's Level B1. Levels B-1 through B-3 each have separate trash areas. Trash rooms within the basement areas would minimize impacts to residents within their living units. The potential for objectionable odors to emanate from the Project's refuse containers would be very slight and no different than the potential for refuse-related odors from other residential land uses in the City of Newport Beach. Therefore, impacts associated with odors from Project operation would be less than significant.

4.2.6 CUMULATIVE IMPACT ANALYSIS

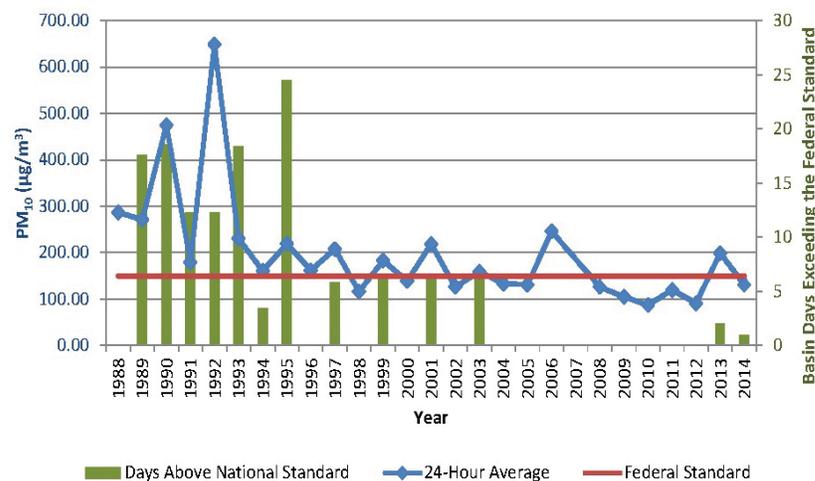
The Project site is located in the SCAB, and as such, all existing and reasonably foreseeable development with the potential to emit air pollutants in the SCAB is pertinent to a discussion of cumulative effects. Although the SCAB has experienced unhealthful air since World War II, as a result of the region's air pollution control efforts over the last 66 years, air pollution concentrations in

the SCAB have been reduced dramatically. For example, peak ozone levels have been cut by almost three-fourths since air monitoring began in the 1950s and population exposure was cut in half during the 1980s alone (SCAQMD, 2015a, p. 2). Thus, overall air quality within the SCAB is dramatically improving as the result of regulatory programs and is expected to continue to improve in the future as government regulations become more stringent. As shown in the below trend diagrams published by the SCAQMD, O₃, NO_x, PM₁₀, PM_{2.5}, and CO have been decreasing in the SCAB since 1975 and are projected to continue to decrease through 2020 even as population increases, primarily because of the mandated controls on motor vehicles, the replacement of older polluting vehicles with lower-emitting vehicles, and the use of cleaner fuels and renewable energy.

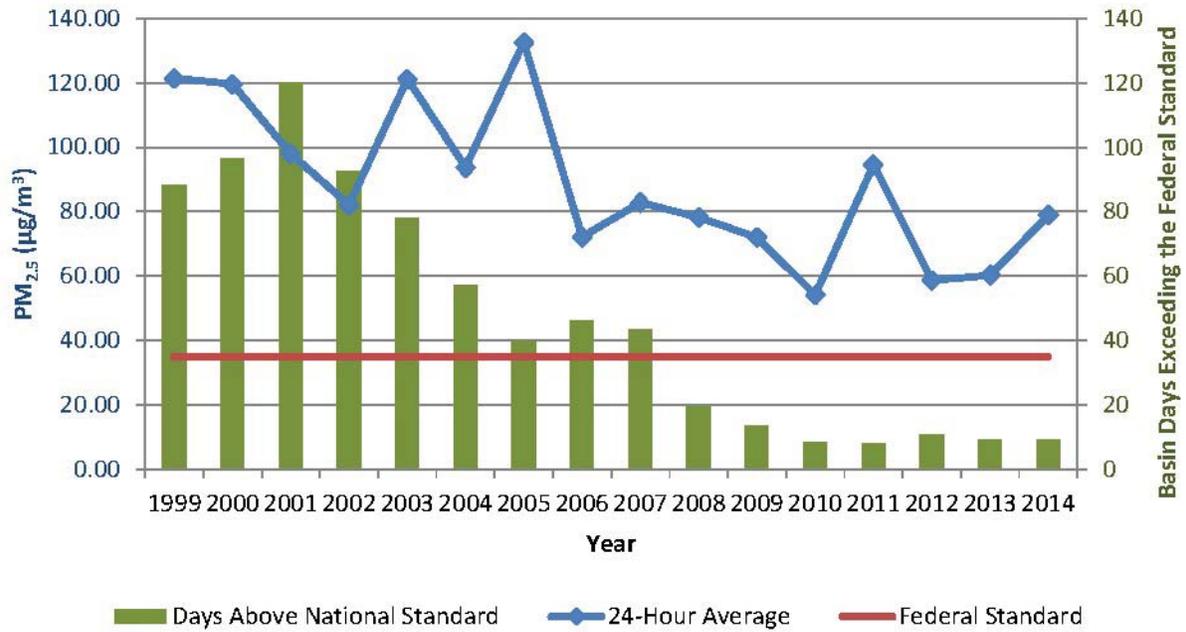
South Coast Air Basin Ozone (O₃) Trend



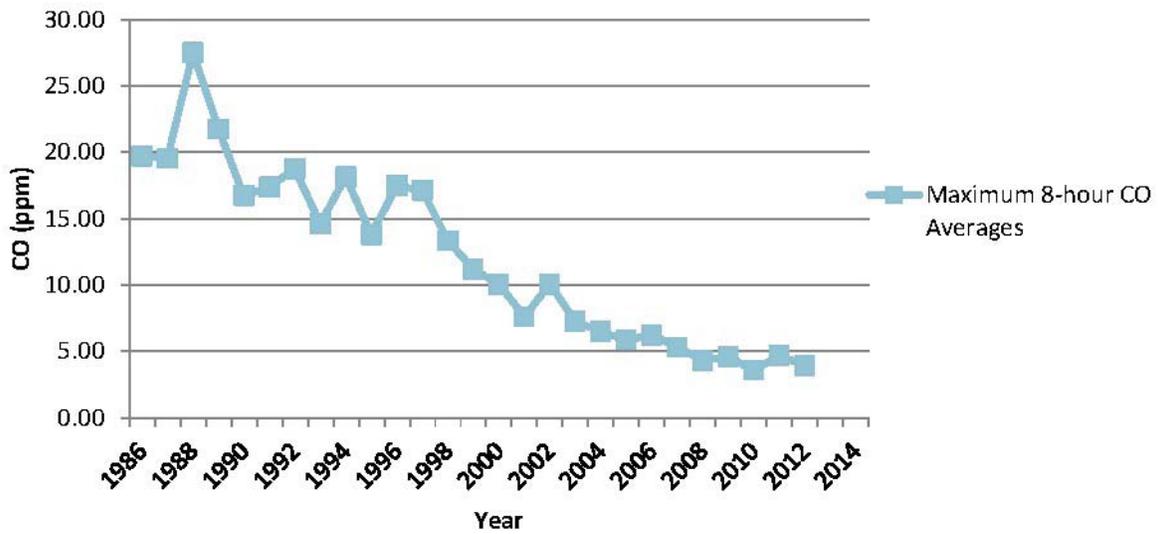
South Coast Air Basin PM₁₀ Trend



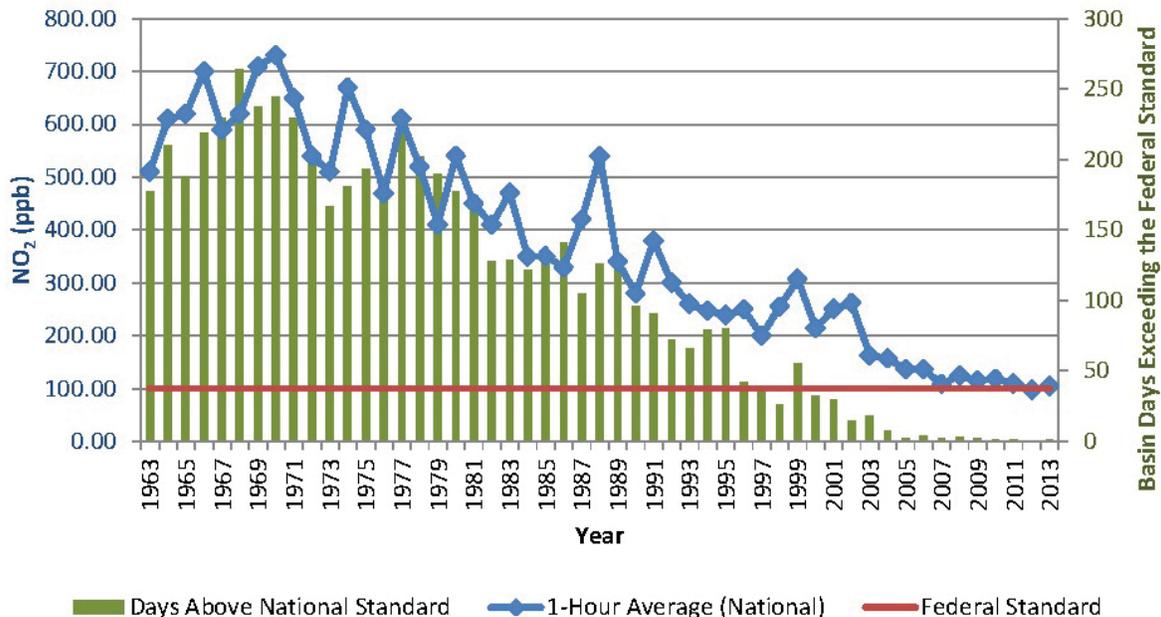
South Coast Air Basin PM_{2.5} Trend



South Coast Air Basin Carbon Monoxide (CO) Trend



South Coast Air Basin Nitrogen Dioxide (NO_x) Trend



Considering that many construction projects are simultaneously ongoing in the SCAB, the cumulative impact of construction activities is significant Basin-wide. With regard to determining the significance of the contribution from the Project, the SCAQMD recommends that any given project’s potential contribution to cumulative impacts should be assessed using the same significance criteria as for project-specific impacts. Therefore, this analysis assumes that individual projects that do not generate operational or construction emissions that exceed the SCAQMD’s recommended daily thresholds for project-specific impacts would also not cause a commutatively considerable increase in emissions for those pollutants for which the SCAB is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related construction and operational emissions that exceed SCAQMD thresholds for project-specific impacts would be considered cumulatively considerable.

As described under the analysis for Air Quality Thresholds a), b), and c), the proposed Project’s construction-source air pollutant emissions would not result in exceedances of regional thresholds published by the SCAQMD and applied in this EIR to determine significance. Refer to Table 4.2-6, previously presented which provides the emissions summary of proposed overall construction. Therefore, Project-related construction-source emission would be considered less than significant on a direct and cumulatively considerable basis. In regards to operational-source emissions, the same logic applies. Considering all existing and reasonably foreseeable sources of air pollutant emissions in the SCAB, the cumulative impact of operational activities is significant, albeit as shown in the trend tables above, air quality in the SCAB has improved in the past several decades and will continue to improve as the result of regulatory requirements becoming more stringent. Because Project-related operational-source emissions would not exceed applicable SCAQMD regional thresholds published by the SCAQMD and applied in this EIR to determine significance (refer to

Table 4.2-7), operational impacts at the Project level are also considered less than significant and less than cumulatively considerable persisting over the life of the Project. (Urban Crossroads, 2016a, p. 33)

As discussed under Air Quality Thresholds d) and e), the proposed Project would not expose nearby sensitive receptors to substantial pollutant concentrations, CO “Hot Spots,” or odors. Based on the analysis presented under Threshold d), the proposed Project would not result in or contribute to a CO “Hot Spot,” because the Project would result in a net reduction of vehicle trips. Therefore, the Project has no potential to contribute to or create a CO hot spot and the Project’s impact would be less than cumulatively considerable. Cumulative conditions related to CO hotspots in the local area of the Project site are not reasonably foreseeable because the cumulative projects listed in Table 4.0-1 in EIR Section 4.0 would not collectively increase traffic volumes at any intersection to the volumes necessary to generate a hotspot. As discussed under Threshold d), volumes of 100,000 vehicles per day with LOS E in the morning peak hour and LOS F in the evening peak hour were studied in Los Angeles, and did not predict any violation of the State’s CO 1-hour standard or 8-hour standard of 9.0 ppm. (SCAQMD, 2003) Regarding air pollutant emissions that could impact sensitive receptors, the Project does not propose any stationary emission sources, so the Project has no potential to contribute to any cumulative impact associated with stationary source emissions. Regarding odor, no sources of long-term substantial odors are expected from operation of the Project, and none of the cumulative projects listed in Table 4.0-1 are expected to generate substantial long-term odors with the potential to impact the same sensitive receptors, so the Project would not contribute to a cumulative odor impact in the area. While it is possible that the proposed Project could be under simultaneous construction with other projects listed in Table 4.0-1, the Project’s contribution to a cumulative effect on sensitive receptors would be extremely limited and less than significant given that the Project site is surrounded by commercial and office development and there is only one sensitive receptor within 100 yards of the Project site (a health center at 180 Newport Center Drive). Table 4.2-8 and Table 4.2-9 show that the Project would not exceed localized significance thresholds for construction-related activities; thus, the Project’s impact would be less than significant and less than cumulatively considerable.

4.2.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a): Less-than-Significant Impact.

Threshold b): Less-than-Significant Impact.

Threshold c): Less-than-Significant Impact.

Threshold d): Less-than-Significant Impact.

Threshold e): Less-than-Significant Impact.

4.2.8 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.

4.3 BIOLOGICAL RESOURCES

This EIR Subsection assesses the Project’s potential to impact sensitive biological resources that may be present on the Project site or that could otherwise be affected by the Project. The analysis is based in part on a site visit conducted by T&B Planning staff, Google Earth Images (Google Earth Pro, 2015), Orange County Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) (Orange County, 1996), City of Newport Beach Council Policy Manual (Newport Beach, 2009a), City of Newport Beach Municipal Code (Newport Beach, 2015a), City of Newport Beach General Plan (Newport Beach, 2006a), and the City of Newport Beach General Plan Environmental Impact Report (Newport Beach, 2006b).

4.3.3 EXISTING CONDITIONS

A. On-Site Vegetation

The 1.26-acre Project site is fully developed with an existing car wash and ancillary gas station with convenience market, a surface parking lot, ornamental landscaping, and hardscape (T&B Planning, Inc. staff site visit). As indicated in the City of Newport Beach General Plan EIR, the Project site is not identified as containing any sensitive biological resources and is not located within any Environmental Study Areas that have the potential to support sensitive biological resources. (Newport Beach, 2006b, pp. 4.3-10 and Figures 4.3-1 and 4.3-2) The Project site does not contain any natural vegetation and the Project is located in a fully developed area with urbanized uses surrounding the Project site. Existing vegetation on-site consists of 28 mature ornamental trees and associated ornamental shrubs and landscaping.

B. Off-Site Vegetation

The Project site occurs in a highly urbanized area surrounded by developed properties. Neighboring properties contain ornamental landscaping and no natural vegetation or undisturbed land occurs in the immediate vicinity of the Project site. Street trees are located on both sides of Anacapa Drive, which are proposed to be removed and replaced as part of the Project. Three existing street trees are located at the northern edge of the Project site along the southern side of Newport Center Drive, which would not be removed under the proposed Project.

4.3.4 REGULATORY SETTING

A. Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) is a federal statute that makes it illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. (USFWS, 2015) The MBTA includes provisions for the protection of bird species by stating that no one, unless permitted by regulations, can “pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be

transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention...for the protection of migratory birds...or any part, nest, or egg of any such bird. In 1972 the MBTA was updated to protect birds of prey (i.e. raptors).” The MBTA is an international treaty that was initially between the United States and Great Britain (for Canada) for the protection of migratory birds, however later amendments implemented treaties between the United States and the following countries: Mexico, Japan, and Russia.

B. Local Regulations

1. City of Newport Beach General Plan

The Natural Resources Element of the City of Newport Beach General Plan discusses the City of Newport Beach Natural Resources Element of the General Plan provides direction regarding the conservation, development, and utilization of natural resources. The proposed Project occurs in a highly urbanized portion of the City of Newport Beach. The Project’s conformance with General Plan goals and policies associated with biological resources is further discussed under CEQA Threshold e) in Subsection 4.3.6, *Impact Analysis*, below. Additionally, the Project’s consistency with the Natural Resources Element of the General Plan is summarized in Table 4.7-2, in Section 4.7 (Land Use and Planning) of this EIR.

2. City of Newport Beach Municipal Code

The following sections of the City’s Municipal Code pertain to biological resources: Chapter 7.26 of the City’s Municipal Code (Protection of Natural Habitat for Migratory and Other Waterfowl), protects migratory waterfowl and other birds such as ducks, gulls, terns, and pelicans. Chapter 14.16 (Water Conservation and Supply Level Regulations) and Chapter 14.17 (Water-Efficient Landscaping) of the City’s Municipal Code, outline water conservation and landscaping requirements applicable to all developments (Newport Beach, 2015a).

3. City of Newport Beach Council Policies

City Council Policy G-1

The City Council has adopted a Policy Manual that includes Council Policy G-1, the purpose of which is to “establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest with an inventory that the City can reasonably maintain in a healthy and non-hazardous condition.” (Newport Beach, 2009a) Pursuant to Council Policy G-1 provisions for “All Other City Trees,” (i.e. those not designated as Special or Problem Trees) the City Council would review the Project’s conceptual landscaping plan (including the removal of existing trees along both sides of Anacapa Drive) during public hearings for the Project. Street trees are permitted to be removed and replaced as part of a new project with City Council Review under Council Policy G-1, as part of a City Council-approved City, commercial, neighborhood, or community association beautification program.

4.3.5 BASIS FOR DETERMINING SIGNIFICANCE

Environmental impacts to biological resources are assessed using impact significance thresholds criteria, which reflect the policy statement contained in CEQA § 21001(c) of the Public Resources Code. The State Legislature has established it to be the policy of the State of California to:

“Prevent the elimination of fish or wildlife species due to man’s activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities...”

In the development of thresholds of significance for impacts to biological resources, CEQA provides guidance primarily in § 15065, Mandatory Findings of Significance, and the CEQA Guidelines, Appendix G, Environmental Checklist Form. CEQA Guidelines § 15065(a) states that a project may have a significant effect where:

“The project has the potential to substantially 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 wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species ...”

Therefore, for the purpose of analysis in this EIR, the proposed Project would result in a significant impact to biological resources if the Project or any Project-related component would:

- 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;*
- b. *Have a substantially 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. Wildlife Service;*
- 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;*
- d. *Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites;*
- e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or*
- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan.*

4.3.6 IMPACT ANALYSIS

Threshold a: Would the Project 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 Wildlife or U. S. Fish and Wildlife Service?

No Impact. Improvements proposed as part of the Project would occur wholly within the 1.26-acre Project site, along the site's frontage with surrounding streets, and within the access driveway within the adjacent property to the south. Additionally, ornamental street tree removal would occur along Anacapa Drive. No native habitat or undeveloped areas occur on the Project site or within the immediate Project vicinity; all vegetation located on or near the Project site is ornamental landscaping. Due to the developed nature of the Project site and the highly urbanized vicinity, none of the areas planned for physical impact or development by the proposed Project contain species, or habitat for species, identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the USFWS. Accordingly, no impact to sensitive species would occur.

Threshold b: Would the Project have a substantially 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 Wildlife or U. S. Fish and Wildlife Service?

No Impact. The Project site is fully developed with a car wash with an ancillary gas station and convenience market and does not contain any riparian habitat. The Project site does not contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. The Project site is located in an area that the City's General Plan EIR identified as not containing sensitive biological resources, including riparian habitat. Accordingly, no impact to riparian habitat would occur.

Threshold c: Would the Project 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 with a car wash with ancillary gas station and convenience market and does not contain any wetlands. Accordingly, the proposed Project would have no impact 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.

Threshold d: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Potentially Significant Impact. Under existing conditions, the Project site is developed with a car wash, ancillary gas station and convenience market, and a parking lot and is surrounded by improved roadways (Newport Center Drive and Anacapa Drive) and urban development. Thus, under existing conditions, the Project site and adjacent properties do not provide habitat for native species, are not part of a terrestrial wildlife movement corridor, and do not serve as a native wildlife nursery site. However, 28 ornamental trees are located on and near the site that could provide nesting areas for birds. Due to the proposed median improvements (filling in and landscaping of the existing median), removal of 28 existing trees on the site, and removal of nine street trees along Anacapa Drive (six on the Project side and three on the opposite side of the street), the Project would have the potential to impact migratory bird species that could be nesting in trees at the time of the tree removal. Accordingly, the Project could have a potentially significant impact to nesting bird species.

Threshold e: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. Implementation of the Project would require the removal and replacement of nine existing ornamental trees located along Anacapa Drive, 28 ornamental trees within the Project site, and vegetation in the existing median to the south of the Project site. These plant materials are ornamental in nature. Due to the Project's location within a highly urbanized portion of the City of Newport Beach and because the site contains no natural habitat, the Project would not conflict with Chapter 7.26 of the City's Municipal Code (Protection of Natural Habitat for Migratory and Other Waterfowl), nor would the Project conflict with General Plan Policy NR 10.1, which requires future development to cooperate with State and federal agencies, and private organizations in the protection of the Planning Area's biological resources. Due to the lack of natural habitat on the Project site, the Project would not conflict with other regulations/ordinances regarding natural habitats.

The City Council has adopted a Policy Manual that includes Council Policy G-1, the purpose of which is to "establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest with an inventory that the City can reasonably maintain in a healthy and non-hazardous condition." (Newport Beach, 2009a) Pursuant to Council Policy G-1 provisions for "All Other City Trees," (i.e. those not designated as Special or Problem Trees) the City Council would review the Project's conceptual landscaping plan (including the removal of existing trees along both sides of Anacapa Drive) during public hearings for the Project. Street trees are permitted to be removed as part of a new project with City Council Review under Council Policy G-1, as part of a City Council-approved City, commercial, neighborhood, or community association beautification program. However, because the Project Applicant proposes to replace the removed trees, and because the City Council would have authority to review the landscaping plan for the proposed Project to ensure overall consistency with City Council Policy G-1, impacts associated with this issue would be less than significant. Additionally, as a condition of approval for the Project, the

adjacent property owner's authorization is required to allow landscape/median improvements in the 100 Block of Newport Center Drive and for street tree improvements across Anacapa Drive.

The Project would comply with City General Plan Natural Resources Element Goal NR 10 regarding protection of sensitive terrestrial resources because mitigation for the Project would reduce potential impacts to nesting birds, as analyzed in Threshold d above. Additionally, the Project would not interfere with the protection, maintenance, or enhancement of Southern California wetlands because there are no wetlands on the Project site and the Project site is removed from existing wetlands located at Upper Newport Bay, over a mile west of the Project site and in doing so would not conflict with Natural Resources Element Goal NR 13.

The Project site is not located within or contiguous to any of the Environmental Study Areas (ESAs) identified by the Newport Beach General Plan EIR Figure 4.3-2; therefore, the Project does not require any site-specific biological surveys and analysis (Newport Beach, 2006a, Figure NR2). The Project site also does not contain any terrestrial or marine resources that require protection, as the Project site is fully developed under existing conditions. Accordingly, the Project would not involve nor require any consultation with state and federal resource protection agencies or private organizations concerned with the protection of sensitive biological resources. Therefore, the Project would not conflict with General Plan Policies NR 10.1 or NR 10.3.

Based on the foregoing analysis, the Project would be consistent with or otherwise would not conflict with all applicable provisions of the City's General Plan, Zoning Code/Municipal Code, and the Orange County Central and Coastal Orange County NCCP/HCP. As stated in Threshold f below, the Orange County Central and Coastal Orange County NCCP/HCP does not identify the Project site and surrounding areas for conservation (Orange County, 1996, Figure 11). Accordingly, implementation of the Project would not result in a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and no impacts would occur.

There are no other local policies or ordinances protecting biological resources that are applicable to the Project; accordingly, no impact due to a conflict with any local policies or ordinances protecting biological resources would occur.

Threshold f: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project site is located within the Orange County Central and Coastal Orange County NCCP/HCP, which does not identify the Project site and surrounding areas for conservation (Orange County, 1996, Figure 11). Due to the developed nature of the Project site, the site also does not contain any habitat for any of the plant or animal species addressed by the NCCP/HCP. Accordingly, the Project has no potential to conflict with the NCCP/HCP. There are no additional

Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project site or vicinity. Accordingly, no impact would occur.

4.3.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis for biological resources considers development of the proposed Project in conjunction with other development projects in the vicinity of the Project site identified in in Table 4.0-1, *List of Cumulative Development Projects*.

As indicated under the discussion and analysis of Threshold a), the Project site and surrounding area do not contain any special-status plant species and the Project would not impact any special-status plant species; therefore, there is no potential for the Project to contribute to a cumulative impact to candidate, sensitive, or special status species.

As indicated under the discussion and analysis of Threshold b), no riparian habitat or other sensitive natural community occurs on the Project site. Accordingly, the Project would not impact any riparian or sensitive natural communities and, therefore, has no potential for the Project to result in a cumulatively considerable impact to this resource.

The Project would not impact any federally protected wetlands (refer to the analysis of Threshold c)). Accordingly, the proposed Project has no potential to contribute to a cumulatively considerable impact to federally protected wetlands.

As indicated above under the discussion and analysis of Threshold d), the proposed Project would not significantly impact wildlife movement corridors because none exist on the Project site. In addition, there are no native wildlife nursery sites within the Project vicinity. However, ornamental trees are located on and near the site that could provide nesting areas for birds. Other projects within the Newport Beach area, including other development projects within the Project area, would similarly have the potential to impact protected nesting birds and be subject to compliance with applicable federal and State regulations. The Project's potential impact to nesting birds would be cumulatively considerable absent compliance to federal and State regulations.

As indicated above under the discussion and analysis of Threshold e), the proposed Project would not conflict with any local policies or ordinances protecting biological resources. Other development projects in the City of Newport Beach also would be required to comply with the City's Municipal Code. Accordingly, cumulative effects associated with compliance to local policies or ordinances protecting biological resources would result in no impacts and the proposed Project's contribution would not be cumulatively considerable.

As indicated above under the discussion and analysis of Threshold f), the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, including the Orange County

Central and Coastal Orange County NCCP/HCP. Therefore, the Project has no potential to contribute to a significant cumulative impact due to a conflict with an applicable conservation plan.

4.3.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a): No Impact.

Threshold b): No Impact.

Threshold c): No Impact.

Threshold d): Potentially Significant Impact.

Threshold e): No Impact.

Threshold f): No Impact.

4.3.9 MITIGATION

The following mitigation measure is recommended to reduce the Project's potential impact to nesting birds.

- MM 4.3-1 Prior to the issuance of a demolition permit, the Director of Community Development shall ensure that any tree removal activities occur outside of the nesting season (February 1st to August 31st). If it is determined necessary for tree removal activities to occur between February 1st and August 31st, the Director of Community Development shall require a pre-construction nesting bird survey to be conducted by a qualified biologist within seven (7) days prior to any tree removal activities. Any active nests identified shall have a buffer area established within a 100-foot radius (200 foot for birds of prey) of the active nest. Disturbance shall not occur within the buffer area until the qualified biologist determines that the young have fledged. Demolition and construction activity may only occur within the buffer area at the discretion of the qualified biologist.

4.3.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold d): Less-than-Significant Impact with Mitigation.

4.4 CULTURAL RESOURCES

Background information about the Project site in this Subsection is based on the “Phase I Environmental Site Evaluation,” prepared by FERO Environmental Engineering, Inc. (FERO) and dated November 25, 2013. This report is provided as *Technical Appendix F1* to this EIR. Information used to support the analysis in this Subsection also was obtained from Section 4.4, Cultural Resources, of the City of Newport Beach General Plan EIR (State Clearinghouse No. 2006011119), dated April 21, 2006 (Newport Beach, 2006b). These and other reference sources used to inform this Subsection are listed in Section 7.0, *References*.

4.4.1 EXISTING CONDITIONS

A. *Cultural Setting*

The Project site is located in a highly urbanized area and is fully developed in the existing condition. A discussion of the paleontological, archeological, and historical resources setting is discussed in detail below.

1. *Paleontological Setting*

According to the City of Newport Beach General Plan EIR, the presence of aquatic fossils throughout the region indicates that Orange County, for much of its geological history, was underwater. During the Miocene Epoch (26 million years ago [mya] to 7 mya), tectonic forces produced uplifts that resulted in the formation of mountains and initiated movement on the nascent San Andreas Fault system, forming numerous coastal marine basins, including the Los Angeles Basin, of which Orange County is a part. As the sea retreated, the County became a shallow bay surrounded by jungle and savannah areas, as indicated by the mix of aquatic and terrestrial fossils found in rocks of Miocene age. (Newport Beach, 2006b, pp. 4.4-3)

The Project site is underlain by rock associated with the Monterey Formation, which is known to have yielded fossils in other locations within the City of Newport Beach. (Newport Beach, 2006b, pp. 4.4-4)

2. *Archeological Setting*

The Project site has been developed as a car wash with ancillary gas station and convenience market since 1970. The site is fully developed with these uses in the existing condition and no known archeological sites have been identified within the Project site. The Newport Beach General Plan EIR indicates that previously discovered archaeological sites around Upper Newport Bay yielded evidence for the earliest human occupation of Orange County and date to about 9,500 years before present (BP). Over 50 archeological sites have been documented in the City of Newport Beach, including the Newport Coast area. Many of the discovered sites have yielded (or have been determined to have the potential to yield) substantial information regarding the prehistory of the City of Newport Beach. (Newport Beach, 2006b, pp. 4.4-2)

At least two and possibly three distinct cultural groups inhabited the Newport Beach area, and archeological sites from the later period of human habitation indicate that the area, including the City of Newport Beach, was heavily populated at the time of European contact. Ethnographically, the City falls within a region in which tribal boundaries are unclear: both the Gabrielino and the Luiseño/Juaneño lay ancestral territorial claims to the area that encompasses the City of Newport Beach. (Newport Beach, 2006b, pp. 4.4-2)

3. *Historical Resources*

Eleven properties within the City of Newport Beach are listed or designated as eligible for listing on the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR), or otherwise listed as historic or potentially historic in the California Historic Resources Information System (CHRIS) maintained by the State of California Office of Historic Preservation. (Newport Beach, 2006b, pp. 4.4-5 to 4.4-6) As detailed in Figure 4.4-1, *Historic Resources*, of the City's General Plan EIR, no designated historical resources are located on the Project site. In addition, the Project site does not contain any listed California Historic Landmarks, or any properties that are contained in the California Historic Resources Information System (CHRIS) database maintained by the California Office of Historic Preservation. (Newport Beach, 2006b, pp. 4.4-6).

As depicted in General Plan EIR Figure 4.4-1, no properties identified as containing historical resources occur at the Project site or within the Newport Center area (Newport Beach, 2006b, Figure 4.4-1). The existing car wash and ancillary convenience market and gas station that occur on the Project site were constructed in 1970 (Fero, 2013, p. 9). The existing building is not included on the National Register of Historic Places or on the California Register of Historical Resources, nor is it eligible for listing due to it being less than 50 years of age and because it would not meet any of the eligibility criteria.

4.4.2 REGULATORY SETTING

A. State Regulations

1. *Senate Bill (SB) 18 (Chapter 905, Statutes of 2004)*

California Senate Bill (SB) 18 (2004) required the California Office of Planning and Research's (OPR's) guidelines to contain advice, developed in consultation with the Native American Heritage Commission (NAHC) for consulting with California Native American tribes for the preservation of, or the mitigation of impacts to, specified Native American places, features, and objects. SB18 also required those guidelines to address procedures for identifying the appropriate California Native American tribes, for consultation. SB18 requires that, prior to the adoption or amendment of a city or county's general plan or designating land as open space, the city or county conduct consultations with California Native American tribes for the purpose of preserving specified places, features, and objects (known as Traditional Tribal Cultural Places) that are located within the city or county's jurisdiction. (See Senate Bill 18 Chapter 905 for full context). The consultation process must be completed prior to project approval. Because the proposed Project includes a General Plan

Amendment, the City of Newport Beach is subject to the requirements associated with the SB 18 process for Native American consultation.

2. California Assembly Bill No. 52 (AB52), 2014

California Assembly Bill 52 (AB52) (2014) Chapter 532 is an act to amend Section 5097.94 of, and add Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 Chapter 532 was approved by the Governor on September 25, 2014. AB 52 requires:

“a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed Project, if the tribe requested to the lead agency, in writing, be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.”

If the tribes desire notification of proposed projects in that area that may cause a substantial adverse change in the significance of a tribal cultural resource, AB52 requires that Native American tribes send written notice of their geographic areas of traditional and cultural affiliation to CEQA lead agencies. The CEQA lead agency is then required to provide such notification and consult with the tribe(s) if the tribe(s) requests consultation.

The provisions listed in AB52 are applicable to projects that have a notice or preparation or a notice of negative declaration filed on or after July 1, 2015. By requiring the CEQA lead agency to consider the effects relative to tribal cultural resources and to conduct consultation with California Native American tribes, AB52 imposes a state-mandated local program. AB52 additionally requires the NAHC to provide each California Native American tribe, as defined, on or before July 1, 2016, with a list of all public agencies that may be a lead agency within a geographic area in which the tribe is traditionally or culturally affiliated; the contact information of those agencies; and information on how the tribe may request those public agencies to notify the tribe of projects within the jurisdiction of those public agencies for the purposes of requesting consultation. See AB52 Chapter 532 for full context (Assembly Bill No. 52 Chapter 532, 2014).

According to CEQA Statute § 21074.

(a) *“Tribal cultural resources” are either of the following:*

(1) *Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*

(A) *Included or determined to be eligible for inclusion in the California Register of Historical Resources.*

- (B) *Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*
- (2) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*
- (b) *A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.*
- (c) *A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).*

3. California Code of Regulations § 15064.5

The California Code of Regulations, Title 14, Chapter 3, § 15064.5, establishes the procedure for determining the significance of impacts to archeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in § 15064.5. According to CEQA § 15064.5(a), the term “historical resources” shall include the following:

- (1) *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.*
- (2) *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
- (3) *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) including the following:*

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

4. California Health and Safety Code, Division 7, Chapter 2, § 7050.5

California Health and Safety Code § 7050.5 makes it illegal for persons to knowingly mutilate or disinter, disturb, or willfully remove any human remains in or from any location other than a dedicated cemetery without authority of law, except as provided in § 5097.99 of the Public Resources Code. Section 5097.94 also establishes procedures for the identification and appropriate handling of human remains, should they be discovered inadvertently. The procedures require notice to the coroner of the county in which the human remains are discovered. If the coroner recognizes the human remains are those of a Native American, or has reason to believe that they are those of a Native American, the coroner is required to contact the California Native American Heritage Commission (NAHC).

5. National Historic Preservation Act (1981)

The National Historic Preservation Act (NHPA) (16 U.S. Code § 470 et. seq.) created the National Register of Historic Places program under the Secretary of the Interior. In addition to enticing state and local municipalities with federal funding, the NHPA provides the legal framework for most state and local preservation laws. Significant historical or archaeological resources are listed in the National Register of Historic Places, which is a program maintained by the Keeper of the National Register. The National Register program also includes National Historic Landmarks, which is limited only to properties of significance to the nation.

The NHPA established the Section 106 review procedure to protect historic and archaeological resources listed in or eligible for listing in the National Register from the impact of projects by a federal agency or project funded or permitted by a federal agency. The National Register is an authoritative guide used by governments, private groups, and citizens to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or

impairment. Listing of private property on the National Register does not prohibit by law any actions which may otherwise be taken by the property owner with respect to the property.

6. *California Register of Historic Places (1993)*

As a recipient of federal funding, the California Office of Historic Preservation administers the California Register of Historical Resources (CA Pub. Res. Code § 5020 et. seq.). The purpose of the California Register is to develop and maintain an authoritative guide used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate which properties should be protected, to the extent prudent and desirable, from substantial adverse change. The State Historic Preservation Officer enforces a designation and protection process, has a qualified historic preservation review commission, maintains a system for surveys and inventories, and provides for adequate public participation in its activities. Sites, places or objects that are eligible to the National Register, are automatically included in the California Register.

B. Local Regulations

1. *City of Newport Beach Council Policies*

City Council Policy K-4

City Council Policy K-4 contains Paleontological Guidelines, which are used to guide the development or redevelopment of lands within the City of Newport Beach. City Council Policy K-4 states: “[t]he City shall, through its planning policies and permit conditions, ensure the preservation of paleontological resources and require that the impact caused by any development be mitigated in accordance with the California Environmental Quality Act.” (Newport Beach, 2009a)

City Council Policy K-5

City Council Policy K-5 contains Archeological Guidelines, which are used to guide the development or redevelopment of lands within the City of Newport Beach. City Council Policy K-5 states: “[t]he City shall, through its planning policies and permit conditions, ensure the preservation of significant archaeological resources and require that the impact caused by any development be mitigated in accordance with the California Environmental Quality Act (CEQA).” (Newport Beach, 2009a)

2. *City of Newport Beach General Plan*

The City of Newport Beach General Plan Natural Resources Element provides goals and policies regarding the conservation, development, and utilization of natural resources, which include archeological and paleontological resources. Goal NR-18 and the following policies from the City’s General Plan Natural Resources Element are applicable to the Project:

- Goal NR 18: “Protection and preservation of important paleontological and archaeological resources.” (Newport Beach, 2006a, p. 10-34)”

- Policy NR 18.1: “Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA. (Newport Beach, 2006a, p. 10-34)”
- Policy NR 18.3: “Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites. (Newport Beach, 2006a, p. 10-34)”
- Policy NR 18.4: “Require new development, where on-site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible. (Newport Beach, 2006a, p. 10-34)”

4.4.3 BASIS FOR DETERMINING SIGNIFICANCE

The proposed Project would result in a significant impact to cultural resources if the Project or any Project-related component would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5*
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5*
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature*
- d. Disturb any human remains, including those interred outside of formal cemeteries or*
- e. Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code § 21074.*

Thresholds a) through d) are taken directly from Appendix G to the State CEQA Guidelines, and are intended to ensure that Project impacts to historic, archaeological and/or paleontological resources are fully evaluated and mitigated for, as impacts to these resources could interfere with scientific research endeavors could compromise resources that are considered sensitive to prehistoric and/or historic cultures. Threshold e) was selected to discuss the requirements of Public Resources Code § 21074.

4.4.4 IMPACT ANALYSIS

Threshold a. Would the Project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

No Impact. The Project site contains one existing building (car wash with an ancillary convenience market and gas station) that would be demolished and removed from the property as part of the Project. A review of historic building permits for the Project site indicates that the existing improvements were constructed in 1970; thus, the existing structure is approximately 46 years old at the time of the preparation of this EIR. (Fero, 2013, p. 10) The architectural elements associated with the existing car wash are typical of 1970s-era commercial structures, and the building does not display any unique features that would distinguish it from other similar properties in the City of Newport Beach. The Project site is not listed on any federal, State, or local listings of historical resources.

Structures and features are generally required to be at least 50 years old for consideration for listing on the NHPA, barring exceptional circumstances (Newport Beach, 2006b, pp. 4.4-4). Because the improvements on the Project site are less than 50 years old, and because exceptional circumstances do not occur that would be applicable to federal listing, the existing car wash is not eligible for NHPA listing.

The existing improvements at the Project site would not meet the criteria used by the California State Parks Office of Historic Preservation (OHP) in determining whether a structure is eligible for inclusion on the California Register of Historical Resources because: 1) it is not associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; 2) it is not associated with the lives of persons important to local, California or national history; 3) it does not embody the distinctive characteristics of a type, period, region or method of construction or represent the work of a master or possess high artistic values; and 4) it has not yielded, nor does it have the potential to yield, information important to the prehistory or history of the local area, California, or the nation. Therefore, because the existing improvements are representative of typical 1970s-era commercial properties and would not otherwise meet OHP's criteria for inclusion on the California Register of Historical Resources, the existing car wash is not eligible for a State listing.

The City of Newport Beach has identified nine properties in the City of Newport Beach Register of Historical Property (City Register), in recognition of their local historical or architectural significance (City of Newport Beach Register, 2016). The existing car wash and ancillary convenience market and gas station located on the Project site is not listed in the City Register, nor are any other properties in the Newport Center area (Newport Beach, 2006b, Figure 4.4-1). Therefore, the existing structure is not included in the local register of historical resources, nor is it identified as significant in the City's Historic Resource Inventory (Newport Beach, 2006a, page 6-11).

There are no other structures or improvements on-site that could be considered a historical resource pursuant to CEQA Guidelines Section 15064.5(a). Based on the foregoing analysis, the existing structures and features on the site are not significant historical resources. Therefore, the demolition and removal of the existing improvements during the implementation of the proposed Project would have no impact to historic resources as defined by CEQA Guidelines Section 15064.5(a) and mitigation is not required.

Threshold b. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Potentially Significant Impact. The Project site is fully disturbed to a depth of 9-14 feet below existing grade and is developed on the surface with a car wash, ancillary gas station and convenience market, and a parking lot and associated features. The excavation for the proposed Project's subterranean parking structure is estimated to range from approximately 30-40 feet below the proposed final ground surface. Due to the depth of the excavation required for the proposed subterranean parking structure, there is a potential that previously unearthed archeological resources may be encountered where excavation depths exceed the depth of disturbance associated with previous construction activities. If archeological resources are unearthed during Project excavation that meet the CEQA Guidelines § 15064.5 definition of a significant resource, potentially significant impacts to archeological resources could occur.

Threshold c. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Potentially Significant Impact. The Project site is fully disturbed to a depth of 9-14 feet below existing grade and developed on the surface with a car wash, ancillary gas station and convenience market, and a parking lot and associated features. The excavation for the proposed Project's subterranean parking structure is estimated to range from approximately 30-40 feet below the proposed final ground surface. Due to the depth of the excavation required for the proposed subterranean parking structure, previously unearthed paleontological resources may be encountered where excavation depths exceed the depth of soils that were disturbed by previous construction activities. Although unlikely, the potential for uncovering significant paleontological resources during excavation would result in a potentially significant impact.

Threshold d. Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Less-than-Significant Impact. The Project site is fully developed with a car wash, ancillary gas station and convenience market, and a parking lot and associated features. The Project site is not known to have ever been used as a cemetery and the possibility of uncovering human remains during site grading activities is remote due to the previous development at the site. However, in the unlikely event that human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as

to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition is made by the Coroner. If the Coroner determines the remains are Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Mandatory compliance with these State laws would ensure that potential impacts associated with the discovery of human remains would be less than significant.

Threshold e. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code § 21074?

Less-than-Significant Impact. The provisions of Public Resources Code § 21074 were established pursuant to AB 52. Pursuant to § 11(c) of AB 52, the provisions of AB 52 apply to projects that have a notice of preparation (NOP) or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015. The proposed Project’s NOP was distributed for public review on January 12, 2016. Accordingly, the Project is subject to the provisions of AB 52.

As part of the AB52 consultation processes required by State law, the City of Newport Beach sent notification of the proposed Project on January 11, 2016 to the following two Native American tribes with possible traditional or cultural affiliation to the area: the Gabrieleño Band of Mission Indians – Kizh Nation and the Juañeno Band of Mission Indians – Acjachemen Nation. Neither tribe responded or requested consultation and the 30-day consultation period concluded on February 10, 2016. SB 18 letters were sent to eight Native American tribes on March 18, 2015 for a 90-day request for consultation period. The City of Newport Beach has completed mandatory compliance with Public Resources Code §21074 associated with the environmental review of the proposed Project and no significant tribal cultural resources have been identified; thus, impacts associated with the significance of tribal cultural resources would be less than significant.

4.4.5 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects in the vicinity of the Project site resulting from full build-out of the City of Newport Beach General Plan.

As indicated under the discussion and analysis of Threshold a), although the Project would demolish the existing building and remove it from the property, the structure was built in 1970 and is not a historical resource pursuant to Section 15064.5 of the CEQA Guidelines. Because the Project would not result in impacts to historical resources on the Project site, it would not contribute to a cumulatively considerable impact to historic resources when combined with the impacts of other development projects within the City of Newport Beach. Therefore, cumulative impacts associated with historical resources would be less than significant.

As indicated under the discussion and analysis of Threshold b), although unlikely, there is a remote possibility that archaeological resources could be encountered during site grading activities, which would result in a site-specific potentially significant impact to archeological resources. Mitigation is identified in Subsection 4.4.7 below to reduce this impact to less than significant. Other development projects throughout the City of Newport Beach that require excavation of undisturbed soils may result in similar site-specific impacts to archeological resources, which would also require mitigation in order to reduce their respective impact(s) to a less than significant level. However, the proposed Project does not include any components that would affect potentially significant off-site archeological resources or would otherwise result in an increase in the likeliness that such resource would be encountered when combined with the impacts of other cumulative projects. Therefore, cumulative impacts to archeological resources would be less than significant.

As indicated under the discussion and analysis of Threshold c), although unlikely, there is a remote possibility that paleontological resources could be encountered during site grading activities, which would result in a site-specific potentially significant impact to paleontological resources. Mitigation is identified to reduce this impact to less than significant. Other development projects throughout the City of Newport Beach that require excavation of undisturbed soils may result in similar site-specific impacts to paleontological resources, which would also require mitigation in order to reduce their respective impact(s) to a less than significant level. However, the proposed Project does not include any components that would affect potentially significant off-site archeological resources or would otherwise result in an increase in the likeliness that such resources would be encountered when combined with the impacts of other cumulative projects. Therefore, cumulative impacts to archeological resources would be less than significant.

As indicated under the discussion and analysis of Threshold d), due to mandatory compliance required of all ground-disturbing construction activities with the provisions of California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097 et. seq., human remains would be assured proper treatment if encountered. Because all other development projects within the City of Newport Beach and elsewhere in the region similarly would be required to comply with State law, any cumulatively considerable impact associated with human remains discovery would be precluded.

As detailed in threshold e) above, notices were sent to two Native American tribes (the Gabrieleño Band of Mission Indians – Kizh Nation and the Juañeno Band of Mission Indians – Acjachemen Nation) in compliance with AB52. Notices were sent to eight Native American tribes as part of SB 18 noticing requirements. The City of Newport Beach did not receive any requests for consultation and no cultural resources were identified by City staff or the Native American tribes. Therefore, cumulative impacts associated with significant tribal cultural resources would be less than significant.

4.4.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a): No Impact.

Threshold b): Potentially Significant Impact.

Threshold c): Potentially Significant Impact.

Threshold d): Less-than-Significant Impact.

Threshold e): Less-than-Significant Impact.

4.4.7 MITIGATION

MM 4.4-1 Prior to the issuance of grading permits, the Director of Community Development shall ensure that following provision is included on the grading plan(s), and the construction contractor(s) shall be required to comply with the provision.

"If evidence of subsurface archaeological resources is found during construction, excavation and other construction activity shall cease and the construction contractor shall contact the City of Newport Beach Community Development Director. With direction from the Community Development Director, a qualified archeologist meeting the Secretary of the Interior Professional Qualification for Archeology shall be retained to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If warranted, the archaeologist shall collect the resource and prepare a technical report describing the results of the investigation. The test-level report shall evaluate the site including discussion of the depth, nature, condition, and extent of the resources, final remediation recommendations, and cost estimates."

MM 4.4-2 Prior to the issuance of grading permits, the Director of Community Development shall ensure that following provision is included on the grading plan(s), and the construction contractor(s) shall be required to comply with the provision.

"If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Newport Beach Community Development Director. With direction from the Community Development Director, a qualified paleontologist meeting the Secretary of the Interior Professional Qualification for Paleontology shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources."

4.4.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Threshold b): Less than Significant Impact with Mitigation.

Threshold c): Less than Significant Impact with Mitigation.

4.5 GEOLOGY AND SOILS

This Subsection assesses the existing surface and subsurface geologic conditions of the Project site and determines the potential for impacts associated with geology and soils. The information in this Subsection is based in part on a Feasibility Report for the Project site prepared by NMG Geotechnical Inc. (NMG), dated February 3, 2015, and appended to this EIR as *Technical Appendix D* (NMG, 2015). Information used to support the analysis in this Subsection also was obtained from the City of Newport Beach Geographic Information System (GIS) (Newport Beach GIS, 2015); City of Newport Beach General Plan EIR (Newport Beach, 2006b); City of Newport Beach Municipal Code (Newport Beach, 2015a); the United States Department of Agriculture (USDA, n.d.); South Coast Air Quality Management District (SCAQMD, 2005); and Newport Beach Tsunami information (Newport Beach, 2007a). Additionally, the following technical report was also referenced: the Preliminary Water Quality Management Plan for the Project prepared by Fuscoe Engineering, dated February 26, 2015 (revised April 10, 2015), and appended to this EIR as *Technical Appendix H*, (Fuscoe, 2015). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.5.1 EXISTING CONDITIONS

A. Geologic and Geomorphic Setting

The Project site is located on the Newport Mesa, approximately 0.7-mile inland from Newport Harbor. The mesa highland is covered with coastal terrace deposits and is located at the southwestern end of the San Joaquin Hills. Geologic mapping indicates that the Project site is underlain by Quaternary-age marine terrace deposits which overlie Miocene-age sedimentary bedrock of the Monterey Formation. (NMG, 2015, p. 4)

The Fashion Island/Newport Center area where the Project site is located exhibits a configuration that is characteristic of a series of distinguishable elevated terraces and wave-cut platforms. The area has undergone regional uplift since deposition of the marine terrace deposits onto the ancient wave cut benches. These deposits were subsequently uplifted with the oldest deposits exposed along the higher, northern portion of the Newport Center area and the lower/younger deposits located along the southern portion of the Newport Center area. The Project site is located on the second elevated terrace deposit, mapped as Qtm2 (second marine level) by the State. (NMG, 2015, p. 4)

B. On-site Soils

The following soils are located on and beneath the surface of the Project site:

Artificial Fill (Af): Based on review of a prior geotechnical report prepared for the site by W.A. Wahler in 1970, there is between 9 to 14 feet of existing artificial fill across the Project site. The bottom of the existing fill was not encountered in test pits that were excavated in the western portion of the site. The fill materials were found to consist of brown to dark brown and reddish brown sand, silty sand, and clayey sand that was generally damp to moist and medium dense. Gray to dark gray

clay and sandy clays were also encountered and were found to be damp to moist and stiff to very stiff. In-situ¹ dry densities for sandy fill material ranged from 108.8 pounds-per-cubic-foot (pcf) to 127.8 pcf with moisture contents ranging from 6.9 to 16.0 percent. In-situ dry densities for clayey fill material ranged from 86.3 pcf to 134.3 pcf with moisture contents ranging from 13.2 to 30.4 percent. (NMG, 2015, p. 4)

Marine Terrace Deposit (Qtm): Quaternary-age marine terrace deposits underlie the existing artificial fill and overlie the Monterey Formation bedrock. These deposits consist primarily of yellowish brown, dark brown, reddish brown and grayish brown clean fine to medium sands with local zones of silty and/or clayey fine to medium sands. The terrace deposits were encountered in two of the five test pits excavated by W.A. Wahler. The terrace material was found to be damp and medium dense. The basal portions of these deposits often contain rounded cobbles, fragments of the underlying bedrock, and sometimes shells. It is not known whether the terrace deposits underlie the fill in the southern portion of the site. In the eastern portion of the Project site the materials below the fill, at the top of the native marine terrace deposits, were identified as dark brown silty sand (NMG, 2015, pp. 4-5)

Monterey Formation (Tm): Bedrock of the Miocene-age Monterey Formation underlies the marine terrace deposits and generally consists of olive gray interbedded fine sandstone, siltstone, and claystone. Bedding thickness varies from thin to laminated with localized thin beds of cemented siltstone (or shale, up to ½ inch thick). The bedrock underlying the wave cut bench near the contact is typically found to be highly weathered. Bedrock was not encountered during the geotechnical investigations at the Project site by W.A. Wahler. The marine terrace/bedrock contact at the Project site is estimated to be at elevations of 145 to 155 feet above mean sea level (amsl), based on boring data by NMG and G.A. Nicoll (1972). Some of the siltstone within the Monterey Formation was found to be diatomaceous and was encountered during a geotechnical exploration for the nearby Edwards Cinema approximately 0.10 mile to the east of the Project site. The diatomaceous bedrock was generally medium stiff to very stiff, with low dry densities (67 to 87 pcf) and high moisture content (27 to 36 percent). The bedrock encountered to the north by NMG consisted of interbedded light gray to yellow brown sandstone and olive gray siltstone. The dry densities varied from 91.5 to 112 pcf and the moisture contents varied from 7.5 to 24.8 percent. (NMG, 2015, p. 5)

C. Regionally Mapped Active Faults

As with much of the Southern California region, the Project site is located in an area subject to seismic hazards, with the nearest fault, the Newport-Inglewood Fault Zone, located approximately 2.5 miles south of the Project site. The San Joaquin Hills Thrust Fault is located approximately 3.4 miles north of the site. (NMG, 2015, p. 6) The Project site is not located in an Earthquake Fault Zone per the Alquist-Priolo Special Studies Zone Map. The highest earthquake risks to the City of Newport Beach originate from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, each of which has potential to cause

¹ In-situ meaning, locally, on-site or in position.

moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities (Newport Beach, 2006b, p. 4.5-3)

D. Liquefaction Potential

As disclosed in the City of Newport Beach General Plan EIR, liquefaction is a geologic process that causes ground failure as the result of a seismic event. It typically occurs in loose, saturated sediments primarily of sandy composition. Areas of Newport Beach susceptible to liquefaction and related ground failure (i.e. seismically induced settlement) include areas along the coastline that includes Balboa Peninsula, in and around the Newport Bay and Upper Newport Bay, in the lower reaches of major streams, and in the floodplain of the Santa Ana River. (Newport Beach, 2006b, p. 4.5-6). The Project site is not located in a part of the City of Newport Beach that is subject to liquefaction (NMG, 2015, Figure 1).

E. Groundwater

Groundwater at the site is estimated to occur at least 45 feet or greater below the ground surface, as previous geological investigations for the adjacent office buildings did not encounter groundwater at a depth of 45 feet (NMG, 2015, p. 6). In 2012, groundwater was not encountered in borings drilled to depths of up to 41 feet on land to the north of the Project site. Generally damp to moist soils were found in fill materials on the eastern portion of the Project site at depths as shallow as 9 feet below the ground surface. (NMG, 2015, p. 4)

F. Topography and Slopes

The Project site is essentially flat, gently sloping toward the southwest. Elevations vary from a low of 158.5 above mean seal level (amsl) in the south/southwest corner of the Project site to a high elevation of 170.3 feet amsl in the northeast corner. (NMG, 2015, p. 1) The properties surrounding the Project site are fully developed with commercial/business park uses and also are generally flat and gently sloping. Additionally, the Project site is not identified as being in an area of the City that is subject to landslides (Newport Beach GIS, 2015).

G. Tsunamis and Seiche Potential

A tsunami is a sea wave caused by any large-scale disturbance of the ocean floor, such that might occur during a seismic event. Seiches are free or standing-wave oscillations on the surface of water in an enclosed or semi-enclosed basin. The waves can be initiated by an earthquake or wind and can vary in height from several centimeters to a few meters. The potential for tsunamis to affect the Project site is considered very low, because the Project site is located approximately 1.4 miles away from the Pacific Ocean at an elevation ranging from 158.5 to 170.3 feet amsl, and outside of mapped tsunami inundation zones. Tsunami run-up areas are identified by the City of Newport Beach as areas of elevation that are 32-feet amsl or less (Newport Beach, 2007a). As detailed in Figure S1, *Coastal Hazards*, of the City's General Plan Safety Element, the Project site (average elevation 164

feet amsl) is not located in either a 100-year or 500-year zone for inundation from a tsunami at extreme high tide.

The potential for seiches to affect the Project site is also very low because the site is not located adjacent to a confined body of water. (NMG, 2015, p. 6) Newport Harbor and Newport Bay, located approximately 0.7-mile from the Project site, is at too far a distance to present a seiche hazard to the Project site. As reported in the City of Newport Beach Local Coastal Program Land Use Plan, there is no record of seiches impacting the area after both local and distant earthquakes, and wind-generated seiches in Newport Bay also have not been reported. The Local Coastal Program also reports that due to the small surface area of Newport Bay and Upper Newport Bay, the probability that damaging seiches would develop in these bodies of water is considered low and are not considered a significant hazard in Newport Beach. (Newport Beach, 2009b, p. 2-55)

4.5.2 REGULATORY SETTING

A. Federal Regulations

1. *Federal Water Pollution Control Act (Clean Water Act)*

The Federal Water Pollution Control Act (also known as the Clean Water Act (CWA)) is the principal federal statute that addresses water resources. The provision of the CWA applicable to geology and soils is CWA Section 402, which applies to all construction sites of over one acre in size and, in part, serves to control the potential impacts of erosion. CWA Section 402 authorizes the National Pollutant Discharge Elimination System (NPDES) permit program that covers point sources of pollution discharging to a water body. The NPDES program requires operators of construction sites one acre or larger to prepare a Stormwater Pollution Prevention Plan (SWPPP) and obtain authorization to discharge stormwater under an NPDES construction stormwater permit.

B. State Regulations

1. *Alquist-Priolo Earthquake Fault Zoning Act (CA Pub. Res. Code § 2621 ET. seq.)*

The Alquist-Priolo Special Studies Zone Act was signed into law in 1972 and renamed the Alquist-Priolo Earthquake Fault Zoning Act in 1994. The primary purpose of the Alquist-Priolo Act is to mitigate the hazard of fault rupture by prohibiting the location of structures for human occupancy across the trace of an active fault. The Project site is not located in an Alquist-Priolo Earthquake Fault Zone.

2. *Seismic Hazards Mapping Act (CA Pub. Res. Code § 2690 et. Seq.)*

The Seismic Hazards Mapping Act of 1990 is a statewide seismic hazard mapping and technical advisory program in California to assist cities and counties in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failure and other seismic hazards caused by earthquakes. The California Geologic Survey (CGS) is the principal State implementing agency that mapped seismic zones

requiring the completion of site-specific geotechnical investigations prior to construction of a development project. A geotechnical feasibility report was required to be prepared for the Project site, which is contained as *Technical Appendix D*.

3. *California Green Building Standards Code (CCR, Title 24, Part 11 (CALGreen))*

The California Green Building Standards Code (CCR, Title 24, Part 11), also known as the California Building Standards Code (CBSC) or CALGreen, is the standard from which California buildings derive appropriate building design standards. The International Building Code (IBC) used by the International Conference of Building Officials establishes design and construction standards for buildings and facilities. The CBSC incorporates the IBC as well as other uniform codes into its code standards. All development projects in California, including the proposed Project, are required to comply with CALGreen.

4. *State Water Resources Control Board (SWRCB)*

The State Water Resources Control Board adopts statewide water quality control plans and its nine Resource Water Quality Control Boards (RWQCBs) are required to develop and adopt regional water quality control plans that conform to state water quality policy. The Project site is within the purview of the Santa Ana RWQCB. Water quality standards and control measures for surface and ground waters of the Santa Ana Region are contained in the Water Quality Control Plan for the Santa Ana Region (also known as the “Basin Plan”). The Basin Plan is thus applicable to the proposed Project and serves to control the potential impacts of erosion.

C. Regional and Local Regulations

1. *South Coast Air Quality Management District Rule 403*

The South Coast Air Quality Management District (SCAQMD) is responsible for enforcing air pollution control measures in the South Coast Air Basin, within which the Project site is located. Rule 403 addresses blowing dust from construction sites and is applicable to the Project due to the potential for wind erosion during Project grading and construction activities.

2. *City of Newport Beach General Plan*

The Safety Element of the City of Newport Beach General Plan addresses geologic and seismic hazards, among other hazards affecting the city. The Safety Element includes goals and policies to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The following policy from the City’s General Plan Safety Element is the only policy applicable to the proposed Project that pertains to the topic of geology and soils.

- Policy S 4.7: “Conduct further seismic studies for new development in areas where potentially active faults may occur” (Newport Beach, 2006a, p. 11-26).

3. *City of Newport Beach Municipal Code*

City of Newport Beach Zoning Code Chapter 15.10 (Excavation and Grading Code), Subsection 15.10.060 (Grading Permit Requirements) includes specific requirements for grading plans and building plans, which are reviewed by a Building Official prior to approval.

4.5.3 BASIS FOR DETERMINING SIGNIFICANCE

The proposed Project would result in a significant impact associated with geology and soils if the Project or any Project-related component would:

- 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.*
 - ii. *Strong seismic ground shaking.*
 - iii. *Seismic-related ground failure, including liquefaction.*
 - iv. *Landslides;*
- b. *Result in substantial soil erosion or the loss of topsoil;*
- 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;*
- d. *Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property; or*
- 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.*

4.5.4 IMPACT ANALYSIS

Threshold a. Would the Project 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.***
- ii. Strong seismic ground shaking?***

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

i.) Rupture of a Known Earthquake Fault

No Impact. The Project site is not located within any Alquist-Priolo Earthquake Fault Zones and no known faults underlie the site. The nearest fault to the Project site is the Newport-Inglewood Fault Zone, located approximately 2.5 miles south of the Project site. The San Joaquin Hills Thrust Fault is located approximately 3.4 miles north of the site. (NMG, 2015, p. 6) Because the Project site is not located within an Alquist-Priolo Earthquake Fault Zone and because no known faults underlie the Project site or the immediate vicinity of the Project site, the Project site would not be exposed to fault rupture during a seismic event and no impact would occur.

ii) Strong Seismic Ground Shaking

Less-than-Significant Impact. As with much of the Southern California region, the Project site is located in a seismically active area. The proposed building would be subject to ground shaking during seismic events along local and regional faults that would occur during the lifetime operation of the proposed Project. Therefore, the Project has the potential to expose people or structures to adverse effects associated with seismic events. The proposed building would be required to comply with CALGreen, which requires compliance with special structural design standards to attenuate hazards associated with credible seismic ground shaking events in the Project area. An evaluation of faulting and seismicity in accordance with CALGreen was conducted as part of the Project's Geotechnical Feasibility Report (*Technical Appendix D*). The primary seismic hazard for this site is ground shaking due to a future earthquake on one of the major regional active faults, which would result in potentially significant impacts associated with seismic ground shaking at the Project site.

However the Project's Geotechnical Feasibility Report (*Technical Appendix D*) identifies general recommendations to attenuate seismic hazards at the site in accordance with CALGreen requirements and standards. Compliance with applicable requirements of CALGreen and the preliminary recommendations listed in the site-specific Geotechnical Feasibility Report for the proposed Project would be assured through City review of grading and building permits which would ensure that strong seismic ground shaking effects are attenuated. As such, impacts would be less than significant. These preliminary recommendations (detailed in Appendix E, General Earthwork and Grading Specifications, to EIR *Technical Appendix D*, Geotechnical Feasibility Report) would be required by the City of Newport Beach as a condition of approval for the proposed Project. Thus, the Project would have a less-than-significant impact associated with seismically induced ground shaking and mitigation is not required.

iii) Seismic-Related Ground Failure, Including Liquefaction

Less-than-Significant Impact. The Project site is not located in an area classified by the State as having soils that are potentially liquefiable or in an area mapped as susceptible to seismically induced landslides, based on the Seismic Hazard Maps (NMG, 2015, p. 6). Moreover, as detailed in the



Project site's Geotechnical Feasibility Report (*Technical Appendix D*), the site is not located in an area that is subject to potential liquefaction hazards. Accordingly, impacts due to seismic-related ground failure (including liquefaction) represent a less-than-significant impact and mitigation is not required.

iv. Landslides

Less-than-Significant Impact. The Project site has no potential to be affected by landslides due to the generally flat and gently sloping nature of the Project site and surrounding areas. Additionally, the Project site is not identified as being in an area of the City that is subject to landslides (Newport Beach GIS, 2015). Accordingly, there would be no impact associated with the potential for landslide hazards.

<i>Threshold b. Would the Project result in substantial soil erosion of the loss of topsoil?</i>

A. Impact Analysis for Temporary Construction-Related Activities

Less-than-Significant Impact. The proposed demolition and grading activities associated with the Project would temporarily expose underlying soils to water and air, which would increase erosion susceptibility while the soils are exposed. The property is generally flat, so erosion potential would not be substantial compared to sites with exposed soils on slopes. Water flowing across flat sites causes slower rates of erosion than does water flowing down slopes. Regardless, exposed soils on the Project site would be subject to erosion during rainfall events or high winds due to the removal of structures, pavement, and/or stabilizing vegetation and temporary exposure of these erodible materials to wind and water. Erosion by water would be greatest during the first rainy season after grading and before the Project's proposed building foundation is established and paving and landscaping occur. Erosion by wind would be highest during periods of high wind speeds when soils are exposed.

Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant is required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. Additionally, during grading and other construction activities involving soil exposure or the transport of earth materials, Chapter 15.10 (Excavation and Grading Code) of the City of Newport Beach Municipal Code, which establishes requirements for the control of dust and erosion during construction, would apply to the Project (Newport Beach, 2015a, Section 15.10). As part of the mandatory Municipal Code and NPDES requirements, the Project Applicant would be required to prepare a SWPPP that would address construction fencing, sand bags, and other erosion-control features (including wind erosion) that would be implemented during the construction phase to reduce the site's potential for soil erosion or the loss of topsoil. In addition, construction activities associated with the Project would be required to comply with SCAQMD Rule 403-Fugitive Dust, which would preclude wind-related erosion hazards during construction activities. Mandatory

compliance to the Project's NPDES permit and these regulatory requirements of the SCAQMD and City of Newport Beach would ensure that water and wind erosion is minimized and not substantial; impacts would be less than significant.

B. Impact Analysis for Long-Term Operational Activities

Less-than-Significant Impact. Following construction, wind and water erosion on the Project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces. Only nominal areas of exposed soil, if any, would occur in the Project's landscaped areas. The only potential for erosion effects to occur during Project operation would be indirect effects from storm water discharged from the property. The Project's storm water is proposed to drain towards the southwest portion of the site into an existing catch basin. The storm drain system would then discharge into the City's municipal separate storm sewer system (MS4)² along Civic Center Drive towards East Coast Highway, where it is then conveyed west to the Lower Newport Bay where the water is ultimately discharged (Fusco, 2015, p. 9). All development within the City of Newport Beach, including the Project, is subject to the provisions of the City's NPDES MS4 Permit and the Orange County Drainage Area Master Plan (DAMP). DAMP provisions include the implementation of appropriate best management practices (BMPs) including a range of methods that minimize off-site erosion, including but not limited to hydrodynamic devices, swales/biofilters, basins, and various filters. (Newport Beach, 2006b, page 4.7-34) The Project would comply with the DAMP by installing Project design features, as specified in the Project's Preliminary Water Quality Management Plan (WQMP), which is included in *Technical Appendix H*.

As concluded in the Project's Preliminary WQMP, the Project would increase impervious area on the site from 80 percent under pre-Project conditions to 85 percent under post-Project conditions (impervious area would be increased from 1.0 acre to 1.07 acres). As a result, the Project would result in a nominal increase in the runoff rate and/or runoff volume as compared to the existing condition, which would not result in any significant siltation or erosional effects associated with water discharge.

In addition, the Project Applicant is required to prepare and submit to the City for approval a Project-specific SWPPP and Final WQMP prior to the issuance of building permits. The SWPPP and Final WQMP together are required to identify and implement an effective combination of erosion control and sediment control measures (i.e., BMPs) to reduce or eliminate discharge to surface water from storm water and non-storm water discharges. The Project is designed to retain up to 80 percent of average annual capture efficiency on-site via infiltration, harvest and use, or evapotranspiration. Adherence to the requirements noted in the Project's required WQMP (refer to *Technical Appendix H*) and site-specific SWPPP would further ensure that potential erosion and sedimentation effects would be less than significant.

² Municipal Separate Stormwater Sewer Systems

Threshold c. Would the Project 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?

Potentially Significant Impact. Potential geologic conditions of concern identified for the Project site include: the existing presence of varying earth units across the site; fill of varying composition; sandy marine terrace deposits; potentially diatomaceous siltstone and sandstone bedrock; the potential for presence of perched groundwater and saturated soils; and the potential for presence of weather/low density bedrock. (NMG, 2015, pgs i-ii) The Project site is not identified as being located in an area with landslides or liquefaction. Thus, there would be no potential for impacts due to landslides and liquefaction (Newport Beach GIS, 2015).

The Project proposes to redevelop the Project site as a residential condominium building with subterranean parking. The Geotechnical Feasibility Report (*Technical Appendix D*) indicates that during Project construction, the excavation for the three-level subterranean parking garage would expose up to 20 feet of bedrock, with an estimated 2 to 8 feet of terrace deposits and up to 14 feet of artificial fill. There may be local seepage and wet sands within the fill/terrace and terrace/bedrock contacts, which would require the implementation of dewatering techniques in accordance with applicable local, State, and federal regulations. Therefore, these slopes excavated for construction of the subterranean portions of the building could locally slough or potentially slump along the contact, and would be subject to instability during Project excavation. The execution of construction activities in unstable soil conditions could lead to environmental effects associated with lengthening the construction process (temporary air emission and construction-related noise, for example). Therefore, a potentially significant construction-related impact associated with unstable soils would occur during Project construction.

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

Potentially Significant Impact. On-site soil testing conducted by the Project's geotechnical engineer, NMG (*Technical Appendix D*), concluded that the expansion potential of on-site soils is likely to generally range from "Very Low" to "Medium" within the terrace and existing fill materials. Soils with "High" expansion are likely to be encountered in the siltstone/claystone of the Monterey Bedrock. The potential for expansive soils to be encountered at the Project site represents a potentially significant impact, because the presence of expansive soil could lead to structural instability if the soils are not properly treated during the construction process.

Threshold e. Would the Project 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. Currently, the Project site is served by the City's existing municipal sewer system. The proposed Project would include facilities that would also connect to the City's municipal sewer

system. No septic tanks or alternative waste water disposal systems are proposed as part of the Project; accordingly, no impact would occur.

4.5.5 CUMULATIVE IMPACT ANALYSIS

With the exception of erosion hazards, potential geologic and soils effects are inherently restricted to the areas proposed for development on the Project site and would not contribute to cumulative impacts associated with other existing, planned, or proposed development. That is, issues including seismically-induced hazards and expansive soils would involve effects to (and not from) the proposed development and are specific to on-site conditions. Mandatory adherence to CALGreen and the recommendations given in the Project's Geotechnical Feasibility Report (*Technical Appendix D*) would address the site-specific geologic and soil conditions through site specific design and construction efforts that have no relationship to, or impact on, off-site areas. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no connection to similar potential issues or cumulative effects to or from other properties. As such, the Project would have a less than cumulatively considerable effect related to impacts associated with geology and soils.

As discussed in the impact analysis of Threshold b), the Project would not result in substantial soil erosion or the loss of topsoil. Other development projects in the vicinity of the Project site as well as full General Plan buildout in the City of Newport Beach and other jurisdictions that drain into the same receiving waters as the Project site would be required to comply with similar regulatory requirements as the Project to preclude substantial adverse erosion impacts. Development projects such as this one that disturb at least 1.0 acre of land are required to obtain coverage under a NPDES Permit. Development projects also must comply with their associated SWPPPs and WQMPs. All development projects in the vicinity of the Project site also would be required to comply with all applicable building codes in their governmental jurisdiction, and SCAQMD Rule 403-Fugitive Dust, which would preclude wind-related erosion hazards during construction activities. Therefore, because the Project would result in less-than-significant erosion impacts, and because other development projects within the vicinity or the Project site that drain into the same receiving waters would be subject to similar requirements to control erosion during short-term construction activities and long-term operation, cumulative impacts associated with soil erosion and the loss of topsoil would be less than significant and the Project's contribution would be less than cumulatively considerable.

4.5.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a): Less-than-Significant Impact.

Threshold b): Less-than-Significant Impact.

Threshold c): Potentially Significant Impact.

Threshold d): Potentially Significant Impact.

Threshold e): No Impact.

4.5.7 MITIGATION

MM 4.5-1 Slopes created during subsurface excavations associated with the Project's construction process shall be shored in accordance with OSHA excavation safety regulations (Title 29 Code of Federal Regulations, Part 1926.650-652 [Subpart P]) to the satisfaction of the City of Newport Beach Building Official. Prior to the issuance of a grading permit, the Building Official or his/her designee shall ensure that the grading plan indicates the methods by which adequate shoring will occur. The shoring methods must ensure that the subsurface excavation will not slough or slump. The Construction Contractor shall implement the shoring requirements throughout the subsurface excavation period and allow inspection of the shoring method by the City of Newport Beach.

MM 4.5-2 Expansive soils shall not be present as fill material below the building slab and footings. During the property's site preparation and grading phases, expansive soils shall be mixed with other soil material to provide a uniform blend of material, compacted to a minimum of 90 percent relevant compaction, to the satisfaction of the City of Newport Beach Building Official. Prior to the issuance of a grading permit, the Building Official or his/her designee shall ensure that the grading plan indicates a subsurface soil content that is non-expansive and compacted to at least 90 percent. The Construction Contractor shall implement the requirements throughout the site preparation and grading process and allow inspection of grading by the City of Newport Beach.

4.5.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Threshold c): Less-than-Significant Impact with Mitigation.

Threshold d): Less-than-Significant Impact with Mitigation.

4.6 HAZARDS & HAZARDOUS MATERIALS

The analysis in this Subsection is based on two site-specific environmental assessments. The first assessment is titled “Phase I Environmental Site Evaluation” prepared by Fero Environmental Engineering, Inc. (Fero), dated November 25, 2013, and appended to this EIR as *Technical Appendix F1* (Fero, 2013). The second assessment is titled “Results of Phase II Subsurface Investigations at 150 Newport Center Drive, Newport Beach, California” prepared by Fero, dated January 15, 2014, and appended to this EIR as *Technical Appendix F2* (Fero, 2014). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.6.1 EXISTING CONDITIONS

A. Definitions of Toxic Substance, Hazardous Material, Hazardous Waste, and Recognized Environmental Conditions (RECs)

For the purposes of this EIR, the term “toxic substance” is defined as a substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may present an unreasonable risk of injury to human health or the environment. Toxic substances include chemical, biological, flammable, explosive, and radioactive substances.

“Hazardous material” is defined as a substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: 1) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or 2) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating illness. Hazardous waste is defined in the California Code of Regulations, Title 22, § 66261.3. The defining characteristics of hazardous waste are: Ignitability (oxidizers, compressed gases, and extremely flammable liquids and solids), Corrosivity (strong acids and bases), Reactivity (explosives or generates toxic fumes when exposed to air or water), and Toxicity (materials listed by the United States Environmental Protection Agency (EPA) as capable of inducing systemic damage to humans or animals). Certain wastes are called “Listed Wastes” and are found in the California Code of Regulations, Title 22, § 66261.30 through § 66261.35. Wastes appear on the lists because of their known hazardous nature or because the processes that generate them are known to produce hazardous wastes (which are often complex mixtures).

The term “recognized environmental condition” (REC) is used to identify the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. (Fero, 2013, p. 5)

B. Past Use and Current Use of the Project Site

Fero conducted an evaluation of the present and past use of the Project site by reviewing the following information: 1) previously issued building permits; 2) aerial photos; 3) historic city directories; and 4) United States Geological Survey (USGS) topographical maps. Additionally, over 60 databases were searched in accordance with ASTM Standard E 1527 to identify sites with potential or existing environmental liabilities. (Fero, 2013, p. 17)

The Project site contains an operational car wash with ancillary gas station and convenience market in the existing condition. Based on aerial and historical photographs, and documents reviewed by Fero, the Project site appeared to be vacant and undeveloped from 1938 through 1963. Building permit records indicate the existing car wash was constructed in 1970 and an aerial photo from 1972 confirms this. (Fero, 2013, p. 10) The existing car wash's ancillary gas station includes three 12,000-gallon underground storage tanks (USTs) used to store fuel, in addition to four fuel dispensers, and associated piping. (Fero, 2013, p. 7)

C. Existing Environmental Conditions

1. On-site Fueling System/Underground Storage Tanks

Improvements on the site consist of a one-story car wash building with a paved parking area and an ancillary gas station with fueling area and convenience market. When the car wash and ancillary fueling station were constructed on the site in 1970, a fueling system comprised of three 12,000-gallon gasoline USTs, piping, and dispensers were installed. These are the only hazardous materials on-site associated with the fueling station. The fueling system is permitted through the Orange County Health Care Agency (OCHCA) and the South Coast Air Quality Management District (SCAQMD). When the original USTs installed at the site in 1972 were removed and replaced in 1989, the soils were "clean" (i.e. no indication of leak or spill evident). When the originally-installed dispensers and piping were replaced/upgraded in 2003, some residual Total Petroleum Hydrocarbons (TPHg) and Benzene, Toluene, Ethyl Benzene, and Xylenes (BTEX) compounds were detected below two of the dispensers. The OCHCA did not require any cleanup. The current fueling system has a continuous leak detection system and appears to be in compliance with the OCHCA. (Fero, 2013, p. 23) As part of the Phase II Subsurface Investigation (*Technical Appendix F2*) conducted for the Project site, Fero conducted a limited soil vapor survey in the area of the USTs and the fuel dispensers to confirm that the fueling system has not leaked. Only two of eight samples collected proximate to the USTs contained levels of volatile organic compounds (VOCs) above the gas chromatography/mass spectrometry GC/MS detection limits. (Fero, 2014, p. 2) TPHg was detected at 1.32 micrograms per liter ($\mu\text{g/L}$) and 1,3,5-Trimethylbenzene was detected at 0.042 $\mu\text{g/L}$.

2. Water Reclamation System/Clarifier

The existing car wash generates waste water as a result of the car washing operation. A subgrade waste collection system trench is present beneath the car wash, which drains to a water reclamation

system/clarifier. Any solids that are built up in the clarifier are pumped out and disposed of off-site as non-hazardous. (Fero, 2013, p. 24)

3. *Asbestos Containing Materials*

Asbestos is a generic term for a group of naturally occurring fibrous minerals that were utilized routinely in many buildings constructed prior to 1978. Under certain circumstances, tiny fibers from these materials can break off, become airborne, and enter the body through inhalation and/or ingestion. Therefore, there are numerous potential health effects associated with exposure to excessive amounts of asbestos fibers. As a result, Asbestos Containing Materials (ACMs) that are friable¹ and contain more than one-percent asbestos fibers by weight are regulated. Federal asbestos requirements are found in National Emission Standards for Hazardous Air Pollutants (NESHAP) within the Code of Federal Regulations (CFR) Title 40, Part 61, Subpart M, and are enforced in the Project area by the South Coast Air Quality Management District (SCAQMD). These materials are required to be identified and removed by a licensed contractor prior to initiating any remodeling or demolition of structures that would result in the disturbance of ACMs.

Because the existing on-site structures were built prior to 1978 when the use of ACMs were banned in building materials, it is possible that ACMs are present in some of the on-site building materials such as flooring or roofing materials. (Fero, 2013, p. 24)

4. *Poly-chlorinated biphenyls*

Poly-chlorinated biphenyls (PCBs) were manufactured and used in the United States from 1929 to 1979, at which time they were banned. The United States EPA indicates that “[d]ue to their non-flammability, chemical stability, high boiling point, and electrical insulating properties, PCBs were used in hundreds of industrial and commercial applications including electrical, heat transfer, and hydraulic equipment; as plasticizers in paints, plastics, and rubber products; in pigments, dyes, and carbonless copy paper; and many other industrial applications.” Fero did not identify any structures on the site which likely contain PCBs.(Fero, 2013, p. 8)

D. *Agency Records Review and Government Database Review*

Because the Project site contains USTs used for fuel storage, the site is listed on the California Water Resources Control Board (CWRCB) Facility Inventory Database (FID), Historic, Underground Storage Tank (UST), the Hazardous Substance Storage Container Database (HIST UST), and Statewide Environmental Evaluation and Planning Systems (SWEEPS) lists. The OCHCA also lists the Project site as containing a UST. These lists, summarized below, identify properties that have known environmental hazards or potential hazards.

- CA FID UST Site: This database lists the Project site as a UST site. (Fero, 2013, p. 16).

¹ Friable: Easily crumbled or reduced to powder

- OCHCA UST Site: The OCHCA lists the Project site as a UST site. (Fero, 2013, p. 16).
- HIST UST: The Hazardous Substance Storage Container Database (HIST UST) indicates that a UST was installed on the Project site in the 1970s. (Fero, 2013, p. 16).
- SWEEPs UST: The SWEEPs system lists the Project site as a UST site. (Fero, 2013, p. 17).

E. Airport Hazards

John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport. JWA generates almost all aviation traffic above the City of Newport Beach. On an average business day, approximately 150 commercial and 20 regional flights arrive at and depart from JWA. More than 95 percent of all airplanes take off and ascend over the City. Accidents resulting in one or more fatalities involving commercial aircraft are rare events. However, in the event of an aviation hazard, pilots are instructed to follow Newport Bay away from residential or developed areas. (Newport Beach, 2006b, p 4.6-9). Refer to Subsection 4.6.2C.3 below for information about the applicability of JWA's Airport Environs Land Use Plan (AELUP) to the Project site. The Project site is not located in an airport safety hazard zone, but as detailed in the AELUP for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area.

F. Hazardous Fire Areas

The City of Newport Beach defines a wildland fire hazard area as any geographic area that contains the type and condition of vegetation, topography, weather, and structure density that potentially increases the possibility of wildland fires. The eastern portion of the City and surrounding areas to the north, east, and southeast include grass- and brush-covered hillsides that facilitate the spread of fire, especially if fanned by coastal breezes or Santa Ana winds. (Newport Beach, 2006b, p. 4.6-8) The Project site is not located in an area designated by the City as a wildland fire hazard area. The Project site fully developed with an existing car wash, ancillary fueling station and convenience market, paved parking area, and ornamental landscaping, and is surrounded by existing urban development including but not limited to, the Fashion Island regional shopping center and business/office developments that do not pose a wildland fire risk.

4.6.2 REGULATORY SETTING

A. Federal Regulations

The EPA is responsible for enforcing federal regulations that affect public health or the environment. The primary federal laws and regulations related to hazardous materials include: the Resource Conservation and Recovery Act (RCRA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and the Superfund Act and Reauthorization Act

(SARA). Federal regulations pertaining to hazardous materials and wastes are contained in the Code of Federal Regulations (40 CFR).

1. *Resource Conservation and Recovery Act*

The Resource Conservation and Recovery Act (RCRA), which was enacted in 1976, is the principal federal law that regulates the generation, management, and transportation of hazardous materials and hazardous wastes. Other specific areas covered by the amendment include regulation of carcinogens; listing of hazardous wastes; permitting for hazardous waste facilities; and leaking underground storage tanks. The United States EPA maintains lists of the facilities that generate or transport large quantities of hazardous materials.

2. *Comprehensive Environmental Response, Compensation, and Liability Act*

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), enacted in 1980, is a federal law enacted to address abandoned hazardous substance facilities. This act is also referred to as the Superfund Act, and the sites listed under it are referred to as Superfund sites.

3. *Superfund Act and Reauthorization Act*

In 1986, Congress passed the Superfund Act and Reauthorization Act (SARA). The SARA required Superfund actions to consider the standards and requirements found in other State and Federal environmental laws and regulations; provided new enforcement authorities and settlement tools; increased State involvement in every phase of the Superfund program; and increased the focus on human health problems posed by hazardous waste sites. SARA also required the EPA to revise the Hazard Ranking System (HRS) to ensure that it accurately assessed the relative degree of risk to human health and the environment posed by uncontrolled hazardous waste sites that may be placed on the NPL.

B. *State Regulations*

The California Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Boards (RWQCBs) are the primary state agencies charged with regulating hazardous materials in California. The RWQCBs are authorized by the State Water Resources Control Board (SWRCB) to enforce the provisions of the Porter-Cologne Water Quality Control Act of 1969. The Porter-Cologne Water Quality Control Act gives the RWQCBs authority to require water quality investigations and remediation, if necessary, if groundwater or surface water of the State is threatened. The DTSC is authorized by the USEPA to regulate the management of hazardous waste. California's hazardous materials laws incorporate federal standards but are often more stringent than comparable federal laws. The primary laws regulating hazardous materials in California include the California Hazardous Waste Control Law (HWCL), the state equivalent of RCRA, and the Carpenter-Presley-Tanner Hazardous Substance Account Act (HSAA), the state equivalent of CERCLA. State hazardous materials and waste laws are contained in the California Health and

Safety Code and the California Water Code, and these regulations are contained in the California Code of Regulations, Titles 22 and 26.

1. Hazardous Materials Business Plan Program

The Hazardous Materials Business Plan (HMBP) program was established in 1986. A HMBP is a written set of procedures and information created to help minimize the effect and extent of a release or threatened release of a hazardous material. The purpose of the HMBP program is to prevent or minimize the damage to public health and safety and the environment from a release or threatened release of hazardous materials. HMBP programs also satisfy community right-to-know laws. This is accomplished by requiring businesses that handle hazardous materials in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, or extremely hazardous substances above the threshold planning quantity (40 CFR, Part 355, Appendix A) to: inventory their hazardous materials, develop a site map, develop an emergency plan, and implement a training program for employees (Cal OES, n.d.).

2. California Health and Safety Code

According to California Health and Safety Code Section 22500:

“(a) The Legislature declares that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary in order to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

(b) The Legislature further finds and declares that this article and Article 2 (commencing with Section 25531) do not occupy the whole area of regulating the inventorying of hazardous materials and the preparation of hazardous materials response plans by businesses, and the Legislature does not intend to preempt any local actions, ordinances, or regulations that impose additional or more stringent requirements on businesses that handle hazardous materials. Thus, in enacting this article and Article 2 (commencing with Section 25531), it is not the intent of the Legislature to preempt or otherwise nullify any other statute or local ordinance containing the same or greater standards and protections.” (Health and Safety Code Section 25500-25519)

Senate Bill No. 483 (SB 483) was signed into law in January 1, 2014. SB 483 amends the California Health and Safety Code by making certain technical and clarifying changes regarding the Hazardous Materials Disclosure program with specific attention to the Hazardous Materials Business Plan (HMBP) program requirements.

C. Local Regulations

1. Underground Storage Tank Regulations

The Orange County Health Care Agency (OCHCA), Environmental Health Division, acts as the Certified Unified Program Agency (CUPA) to implement and enforce applicable underground storage tank regulations in Newport Beach and other cities of Orange County. The purpose of the underground storage tank inspection program is to ensure that hazardous materials stored in underground tanks are not released into the environment, potentially polluting ground and surface waters. The OCHCA is also responsible for overseeing the closure and removal of USTs, including but not limited to compliance with the Code of Federal Regulations (CFR) Title 40 (Protection of the Environment), Chapter 1 (Environmental Protection Agency), Subchapter 1 (Solid Wastes), Part 280 (Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (USTs)), Subpart G (Out-of-Service UST Systems and Closure), §§ 280.70 - 74. This federal law requires that proper procedures are undertaken during temporary and permanent closure of USTs such that impacts to the environment are avoided.

2. South Coast Air Quality Management District Rule 1403

SCAQMD Rule 1403 establishes survey requirements, notification, and work practice requirements to prevent asbestos emissions from emanating during building renovation and demolition activities. Assuming that ACMs are present on the Project site associated with the existing car wash operation, then Rule 1403 requires notification of the SCAQMD prior to commencing any demolition or renovation activities. Rule 1403 also sets forth specific procedures for the removal of asbestos, and requires that an on-site representative trained in the requirements of Rule 1403 be present during the stripping, removing, handling, or disturbing of ACM.

3. Airport Environs Land Use Plan for John Wayne Airport

The Airport Environs Land Use Plan (AELUP) for JWA contains noise, safety, and height restriction standards for land uses within its boundaries. (Newport Beach, 2006b, p. 4.6-15) As detailed in the AELUP for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA. The AELUP establishes requirements for notifying the Airport Land Use Commission (ALUC) for Orange County and the Federal Aviation Administration (FAA) of certain construction activities and alterations to existing structures within the AELUP Part 77 Notification Area, to ensure that there are no obstructions to navigable airspace. Within the Planning Area, ALUC must be notified of any proposed construction or structural alterations involving a land use or legislative, development that exceeds 200 feet above ground level, and all heliports or helistops.

Projects that surpass 200 feet above ground level must also file Form 7460-1 with the FAA. (OCALUC, 2008, p. 4)

The imaginary surface slope for JWA is 100:1. In other words, the imaginary surface used for determining the need for Airport Land Use Commission (ALUC) review extends 100 feet outward and one foot upward (slope of 100:1) from the JWA runway. The Project site is located approximately 19,200 feet from the nearest point of the JWA runway. By applying the imaginary surface slope of 100:1, at this distance from the runway, the proposed 83-foot 6-inch Project would not penetrate the imaginary surface of 191 feet. Therefore, the Project does not fall within the AELUP Airport Planning Area and does not require ALUC review. Additionally, the seven-story building proposed by the Project would be 83 feet 6 inches in height, so FAA notification is not required because the structure does not exceed 200 feet in height. (OCALUC, 2008)

4. *City of Newport Beach General Plan*

The Safety Element of the City of Newport Beach General Plan discusses hazards, including not limited to wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning. The Safety Element includes the goals and policies to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The following Safety Element goals and policies are applicable to the Project and pertain to the topic of hazards and hazardous materials analyzed in this EIR Subsection:

- Goal S 7: “Exposure of people and the environment to hazardous materials associated with methane gas extraction, oil operations, leaking underground storage tanks, and hazardous waste generators is minimized. (Newport Beach, 2006a, p. 11-28).”
- Policy S 7.1: “Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination). (Newport Beach, 2006a, p. 11-28).”

The remaining goals and policies of the Safety Element pertaining to hazards and hazardous materials are not applicable to the proposed Project.

5. *City of Newport Beach Municipal Code*

Two sections of the City of Newport Beach Municipal Code have particular relevancy to the topic of hazards and hazardous materials. Municipal Code Chapter 2.20 (Emergency Services) addresses the

preparation and implementation of plans to provide services in the event of an emergency. In addition, Chapter 2.20 empowers certain City officials to promulgate orders and regulations necessary to provide for the protection of life and property or to preserve public order and safety, and provides for the coordination of the City's emergency service functions with other public agencies, persons, and entities (Newport Beach, 2015a). Municipal Code Chapter 9.04 (Fire Code) incorporates and adopts the "California Fire Code 2013 Edition," which establishes a variety of regulations related to hazards such as: recommendations for development on land containing or emitting toxic substances, hazardous materials documentation procedures, hazardous materials management plan, storage tank regulations, etc. (Newport Beach, 2006b, p. 4.6-16)

6. Orange County Household Hazardous Waste Collection Program

The County of Orange has an extensive and efficient household hazardous waste collection program, which provides locations where hazardous waste can be disposed of safely and in compliance with applicable regulations. The four permanent collection facilities are located in the Cities of Anaheim, Irvine, Huntington Beach, and San Juan Capistrano. (City of Newport Beach Waste, 2015)

4.6.3 BASIS FOR DETERMINING SIGNIFICANCE

The proposed Project would result in a significant impact if it would:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*
- 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;*
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;*
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would create a significant hazard to the public or the environment;*
- e. For a Project located 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, result in a safety hazard for people residing or working in the Project area;*
- f. For a Project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the Project area;*
- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or*

- 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.*

4.6.4 IMPACT ANALYSIS

Threshold a. *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Threshold b. *Would the Project 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?*

A. Impact Analysis for Potential Existing Soil Contaminants

Less-than-Significant Impact. The Phase I ESA (*Technical Appendix F1*) determined that the only known, existing hazardous materials on the Project site were contained in the fueling system, associated with the ancillary gas station, which consisted of three 12,000-gallon gasoline USTs, piping, and dispensers (Fero, 2013, p. 4). When the original USTs were removed and replaced in 1989, the soils were identified as “clean” (i.e. no indication of leak or spill evident). The fuel dispensers and piping were replaced and upgraded in 2003, at which time some residual TPHg² and BTEX³ compounds were detected below two of the dispensers.

Fero prepared a Phase II ESA (*Technical Appendix F2*) for the Project site in January 2014 to evaluate the potential for residual soil contamination associated with the discovery of fuel organics during the replacement of certain fuel system components in 2003. Based on a literature review provided in the Phase II ESA, the local oversight agency, the OCHCA, evaluated the presence of fuel organics in the soil and determined the organics concentrations to be acceptable and that a cleanup case was not required.

A limited soil vapor survey in the area of the USTs and the fuel dispensers was conducted on January 7, 2014, to determine whether the fueling system had leaked and caused an environmental concern to the Project site. The survey was conducted by Fero by installing sampling probes into the soil at eight locations to a depth of 18 inches. As detailed in the Phase II ESA, only two samples collected near the USTs contained volatile organic compounds (VOCs) above the gas chromatography/mass spectrophotometer detection limits. Only two samples collected near the USTs contained VOCs above the GC/MS detection limits. They were collected from probes SV1 (TPHg at 1.32 micrograms/Liter) and SV3 (1,3,5-Trimethylbenzene at 0.042 micrograms/liter). All of the probes collected near the fueling islands (SV5-SV8) contained TPHg concentrations ranging from 0.3 to 117 micrograms per liter. Probes SV7 and SV8 contained Naphthalene at concentrations from 0.36 to 1.01 micrograms/liter, probe SV8 contained 0.36 micrograms per liter of 4-Isopropyltoluene and 1.84 micrograms per liter of 1,3,5-Trimethylbenzene. (Fero, 2014, p. 2) A health hazardous risk

² TPHg: Total Petroleum Hydrocarbons

³ BTEX: Benzene, Toluene, Ethyl Benzene, and Xylenes

assessment (HHRA) screening was conducted to determine whether there is a potential for these remaining organics concentrations (listed above) to pose an adverse risk to Project site residential occupants. Risk assessments are conducted to determine the increased lifetime carcinogenic risk and/or the potential hazard from non-carcinogenic compounds to occupants of buildings overlying impacted soils. The HHRA determined that the VOCs detected on the Project site are not considered to be carcinogenic. However, as part of the HHRA screening, the potentially hazardous effects from 1,3,5-Trimethylbenzene and Naphthalene were considered in the HHRA because they were detected in the soil vapor survey results. The maximum allowable hazard quotient (a metric used to evaluate the potential for hazards to human health) is 1.0.

The Phase II ESA found that the combined worst-case hazard quotient (which is the ratio of the potential exposure to a substance and the level at which no adverse effects are expected) for residential uses is well below 1.0, the maximum allowable hazard quotient (Naphthalene – 4.5×10^{-1} and 1,3,5-Trimethylbenzene- 4×10^{-1}). Thus, the Phase II ESA concludes that the residual organics in soils at the Project site are not a threat to Project site occupants. (Fero, 2014, pages 3-4) The existing gas station fueling system (which was upgraded and/or replaced in 2003) has a continuous leak detection system in compliance with the OCHCA (Fero, 2013, p. 23). Because the existing car wash and ancillary convenience market and gas station facility does not include any components that would expose the public to substantial concentrations of hazardous materials during Project operation, impacts associated with the existing conditions at the Project site are considered less than significant, and no mitigation measures are required.

B. Impact Analysis for Temporary Construction-Related Activities

Less-than-Significant Impact. Based on the apparent age of the existing car wash and convenience market structure, there is a potential that ACMs are present in some of the on-site building materials, such as flooring or roofing materials. During demolition of the building, there is a potential that construction workers could be exposed to asbestos materials, which are known to cause human health problems, including cancer. ACMs also have the potential to become airborne during demolition activities, potentially affecting nearby sensitive receptors. However, the demolition of structures containing ACMs is strictly regulated by AQMD Rule 1403, which identifies specific requirements that must be adhered to during demolition of buildings containing ACMs. Mandatory compliance with the provisions of Rule 1403 would ensure that Project demolition activities would not expose construction workers or nearby sensitive receptors to significant health risks associated with ACMs. Rule 1403 requires notification of the SCAQMD prior to commencing any demolition activities. Rule 1403 also sets forth specific procedures for the removal of ACMs, and requires that an on-site representative trained in the requirements of Rule 1403 be present during the stripping, removing, handling, or disturbing of ACM. The Project would be required to comply with AQMD Rule 1403 during demolition activities, which would reduce potential impacts associated with asbestos removal to below a level of significance.

The proposed Project includes the removal of the three existing 12,000-gallon gasoline USTs from the Project site. The federal regulations concerning closure of USTs are contained in the Code of

Federal Regulations (CFR) Title 40 (Protection of the Environment), Chapter 1 (Environmental Protection Agency), Subchapter 1 (Solid Wastes), Part 280 (Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (USTs)), Subpart G (Out-of-Service UST Systems and Closure), §§ 280.70 - 74. This federal law requires that proper procedures are undertaken during temporary and permanent closure of USTs such that impacts to the environment are avoided (CalEPA, 2014). The City requires written approval of plans and evidence from the OCHCA indicating that the underground storage tanks on-site would be closed and removed in compliance with CFR Title 40 §§ 280.70 - 74. This federal law requires that proper procedures are undertaken during temporary and permanent closure of USTs such that impacts to the environment are avoided. The City requires that plans for the UST removal are submitted to the OCHCA for review and approval, and the Fire Department would oversee the removal of the USTs. Adherence to the mandatory requirements of 40 CFR §§ 280.70 - 74 would ensure that the removal of the fuel tanks would not result in the accidental release of the fuel tank contents during demolition and/or grading activities. Thus, with mandatory regulatory compliance, impacts would be less-than-significant.

Heavy equipment would be used during construction of the Project, which would be fueled and maintained by substances such as diesel fuel, gasoline, motor oil, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the Project than would occur on any other similar construction site, and such impacts would be less than significant with compliance with all mandatory federal, state, and local requirements.

There are no other components of the Project's proposed construction or demolition characteristics that have the potential to create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials.

C. Impact Analysis for Long-Term Operational Activities

Less-than-Significant Impact. In the underground parking levels for the proposed Project, storage areas would be provided for use by Project residents. Due to the residential nature of the proposed land use and the absence of need to store acutely hazardous materials for use in a residential structure, it is reasonable to conclude that acutely hazardous materials would not be kept within these storage areas. It is likely, however, that household goods would be used within the proposed residences and throughout the common areas of the Project site that contain common household toxic substances, such as cleaning supplies, paint, and pesticides. These household goods are typically low in concentration and limited in amount; therefore, there is no significant risk to humans or the environment from the use of such household goods. Residents are required to dispose of household hazardous waste including pesticides, batteries, old paint, solvents, used oil, antifreeze, and other

chemicals at a Household Hazardous Waste Collection Facility (Newport Beach, 2009b). Accordingly, there would be a less-than-significant impact during long-term operation of the Project.

Threshold c. Would the Project 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. The nearest school facility to the Project site is the Harbor View Elementary School (900 Goldenrod Avenue), which is located approximately 0.61-mile southeast of the Project site. There are no existing or proposed schools within one-quarter mile of the site. Moreover, the Project Applicant proposes to develop the site with residential land uses, which are not associated with hazardous emissions or the storage or use of acutely hazardous materials, substances, or waste. Therefore, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and no impact would occur.

Threshold d. Would the Project be located on a site which is included on a list of hazardous materials sites compiled 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. According to the results of the Phase I ESA (*Technical Appendix F1*), and a review of the California Environmental Protection Agency's Cortese List Data Resources (which lists the facilities/sites identified as meeting the "Cortese List" ⁴ requirements) the Project site was not identified. Additionally, the Project site is not listed on the California EPA's Cortese List data resources website. The Cortese List data resources website includes data resources that provide information regarding the facilities or sites identified as meeting the Cortese List requirements. Thus, because the Project site is not listed on any of these lists, the site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (CalEPA, 2012); (CalEPA, n.d.); (CalEPA, 2014); (DTSC, 2015) (SWRCB, 2015); and (DTSC, 2011). Therefore, the Project has no potential to create a significant hazard to the public or the environment due to presence of an existing hazardous materials site identified on a list compiled pursuant to Government Code Section 65962.5, and no impact would occur.

Threshold e. For a Project located 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?

Less-than-Significant Impact. JWA is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. As detailed in the AELUP for JWA, the

⁴ Cortese List: A list of sites submitted to the Secretary for Environmental for Environmental Protection by The Department of Toxic Substances Control in accordance with Government Code Section 65962.5.

northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA.

Within the Notification Area boundary, ALUC must be notified of any proposed construction or structural alterations involving a land use or legislative amendment in the AELUP Planning Area, development that exceeds 200 feet above ground level, and all heliports or helistops. In addition, projects that surpass 200 feet above ground level must also file Form 7460-1 with the FAA. (OCALUC, 2008, p. 4)

Accordingly, and based on the AELUP, the Project would not result in a safety hazard for people residing or working in the area. The JWA Planning Area is established by four boundaries:

- 1) Area within the airport's 60 dB CNEL noise contour
- 2) Within Runway Protection Zones
- 3) Within Safety Zones
- 4) Area that lies above or penetrates the 100:1 imaginary surface for notification.

The Project site does not fall within any of the above boundaries and as such, the Project site is not located within the Planning area of JWA. By applying the imaginary surface slope of 100:1, at this distance from the runway, the Project does not penetrate the imaginary surface extending 100 feet outward and one foot upward (slope of 100:1) from the JWA runway at a height of 191 feet. Therefore, the Project does not fall within the AELUP Airport Planning Area and does not require ALUC review.

The AELUP establishes requirements for notifying the FAA of certain construction activities and alterations to existing structures within the AELUP Part 77 Notification Area, in order to ensure there are no obstructions to navigable airspace. Outside the imaginary surface identified above, projects that include construction or structural alterations exceeding 200 feet in height above ground level are required to notify the FAA. (OCALUC, 2008, p. 4) The seven-story building proposed by the Project would be 83 feet 6 inches in height (including rooftop appurtenances), so FAA notification is not required because the structure does not exceed 200 feet in height.

As the Project site also is not subject to substantial risks from aviation hazards, the proposed Project would also comply with General Plan Safety Element Goal S 8. Thus, based on the preceding information, the Project would have a less-than-significant impact.

Threshold 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. There are no private airstrips within the Project site's vicinity. Accordingly, the Project would not result in a safety hazard for people residing or working in the area caused by private airstrips, and no impact would occur.

Threshold g. Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less-than-Significant Impact. The City of Newport Beach Emergency Operations Plan (EOP) is the only emergency response plan applicable to the Project site. The EOP does not identify any specific requirements for the Project site, nor is the site identified by the EOP as being part of an emergency evacuation route (Newport Beach, 2011, p. 102). MacArthur Boulevard is the nearest designated Tsunami evacuation route identified in the City's Emergency Operations Plan, and this road is located southwest of the Project site and does not abut the Project site (Newport Beach, 2011, p. 101). The Project would generate less traffic than is generated by the existing car wash, and would thus have a less-than-significant impact on roadway operations.

Although temporary lane closures on surrounding streets may be required during short periods of the Project's construction period, the construction of the proposed Project would not require the complete closure of any public or private streets or roadways during construction. Also, the lane segments that would be temporarily closed (on Anacapa Drive and Newport Center Drive along the Project site's frontage) are not designated emergency evacuation routes. An Engineered Traffic Control Plan which conforms to City of Newport Beach requirements would be required to be prepared by the Project Applicant and approved by the City of Newport Beach prior to any roadway lane closures. The Traffic Control Plan would identify specific measures intended to minimize safety hazards and traffic disruptions along public roadways during the temporary roadway lane closures. Traffic control during lane closures would be coordinated with the Police Department and Public Works Department, Traffic and Development Services Division, in order to further ensure that street traffic is not obstructed. Accordingly, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and no impact would occur.

Threshold h. Would the Project 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 City of Newport Beach General Plan Safety Element indicates that the Project site and surrounding areas are considered to have a low or no susceptibility to wildland fire hazards (Newport Beach, 2006a, Figure S4). The Project site is surrounded by highly urbanized uses and is not located adjacent to wildland areas. Accordingly, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and no impact would occur.

4.6.5 CUMULATIVE IMPACT ANALYSIS

1. Hazardous Materials - Construction-Related Effects

Less-than-Cumulatively Considerable. As discussed in Thresholds a) and b) above, based on the findings of a Phase I ESA and the Phase II ESA conducted for the Project site (refer to *Technical Appendix F1* and *Technical Appendix F2*), the property does not contain any environmental hazards that could pose a threat to future Project residents or the environment. The existing building that would be demolished and removed from the site as part of the Project could potentially contain ACMs which have the potential to expose construction workers and/or nearby sensitive receptors to health risks during demolition activities. However, the demolition of structures containing ACMs is strictly regulated by AQMD Rule 1403, which identifies specific requirements that must be adhered to during demolition of buildings containing ACMs. Adherence to Rule 1403 would reduce the Project's direct impact to less than significant. Similarly, if ACMs were to be present in other buildings in the surrounding area that are undergoing demolition or remodeling, those projects also would be required by law to comply with AQMD Rule 403. With mandatory compliance to AQMD Rule 403, cumulative impacts would be less than significant and the Project's potential contribution to the impact would be less than cumulatively considerable.

The proposed Project includes the removal of the three existing 12,000-gallon gasoline USTs on the Project site. The removal of the fuel tanks could result in the accidental release of the fuel tank contents, which would result in a potentially significant impact. However, adherence to the mandatory requirements of 40 CFR §§ 280.70 – 280.74 would ensure that the removal of the fuel tanks would not result in the accidental release of the fuel tank contents during demolition and/or grading activities. Thus, the Project's direct impact would be less than significant. To assess the potential for cumulative effects, a review was conducted for other sites in the surrounding area that contain USTs. A review of governmental agency lists and databases revealed that five sites were listed as Leaking Underground Storage Tank (LUST) sites on or within 0.5-mile of the Project Site, but that all of the cases were closed or eligible for closure (Fero, 2013, pp 15-16):

800 Newport Center Drive
 Distance: ¼ - ½ mile North/Northwest of the Site
 Description: Gasoline contamination soil only
 Lead Agency: RWQCB
 Status: Case closed

700 Newport Center Drive
 Distance: ¼ - ½ mile North of the Site
 Description: Diesel contamination-soil
 Lead Agency: OCHCA
 Status: Case Closed

690 Newport Center
 Distance: ¼ - ½ mile North of the Site
 Description: LUST Cleanup Site
 Lead Agency: RWQCB
 Status: Open-Eligible for Closure

1600 Coast Highway
 Distance: ¼ - ½ mile West of the Site
 Description: Gasoline contamination
 Lead Agency: RWQCB
 Status: Case closed

2201 Coast Highway
Distance: ¼ - ½ mile South of the Site
Description: Waste oil contamination
Lead Agency: OCHCA
Status: Case closed

The following sites were listed as UST sites on or within 0.25-mile of the Project site (Fero, 2013, pp 16-17):

110 Newport Center Drive
Distance: 0 - 1/8 of mile WNW of the Site
Description: Historic Auto Station site
Lead Agency: Not reported
Status: Historic (1999 & 2001)

260 Newport Center Drive
Distance: 0-1/8 of mile E of the Site
Description: Historic Auto Station site
Lead Agency: Not reported
Status: Historic (1999)

1003 Newport Center Drive
Distance: 1/8-¼ of mile NW of the Site
Description: Historic Auto Station
Lead Agency: Not reported
Status: Historic Auto Station (2005-2009)

360 San Miguel Drive
Distance: 1/8-¼ of mile E of the Site 15
Description: Historic Auto Station
Lead Agency: Not reported
Status: Historic Auto Station (2002)

Based on these lists, cumulative impacts would be less than significant. The surrounding LUST sites are closed cases and eligible for closure. The other listed UST sites were associated with prior land uses and have been removed. The City of Newport Beach is not aware of any other USTs located in the surrounding area that are planned to be removed or have the potential for leak or upset.

Regarding materials such as paints, adhesives, solvents, and other substances typically used in building construction, these materials would be located on the Project site during construction of the Project. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites and as such, the Project would have a less-than-significant impact in this regard. The presence of similar materials on other properties in the surrounding area would not yield a significant cumulative effect, as it is not reasonable foreseeable that such materials would be improperly handled, transported, or spilled given that compliance with federal and State hazardous materials requirements is required by law.

2. Hazardous Materials - Operational-Related Effects

Less-than-Cumulatively Considerable. Pursuant to State law and local regulations, residents of the Project's proposed condominium building would be required to dispose of household hazardous waste (e.g., batteries, used oil, paint, etc.) at a permitted household hazardous waste collection facility. Similarly, any other developments in the area proposing land uses with the potential for use, storage, or transport of household hazardous materials also would be required to comply with

applicable federal, state, and local regulations. Given that the proper use, storage, and disposal of household hazardous materials are required by law, it is not reasonable foreseeable that such materials would be used, stored, or disposed of improperly. Therefore, the Project's potential to contribute to a cumulatively considerable impact associated with hazardous materials during the Project's operation would be less than significant.

3. *Proximity to School Sites*

Less-than-Cumulatively Considerable. As discussed in Threshold c) above, there are no existing schools located within one-quarter mile of the Project site. Moreover, the Project Applicant proposes to develop the site with residential land uses, and a new luxury residential condominium building is not typically associated with hazardous emissions or the storage or use of acutely hazardous materials, substances, or waste. Residents, visitors, and workers in the building would be required pursuant to State law and local regulations, to dispose of household hazardous waste (e.g., batteries, used oil, paint) at a permitted household hazardous waste collection facility. Similarly, any other developments in the area proposing land uses with the potential for use, storage, or transport of hazardous materials also would be required to comply with applicable federal, state, and local regulations. Therefore, the Project's potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school would be less than cumulatively considerable.

4. *Hazardous Materials Sites*

Less-than-Cumulatively Considerable. As discussed in Threshold d) above, the Project site is not listed on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Thus, the Project would have a less-than-significant potential to contribute to a cumulatively considerable significant hazards impact associated with a listed hazardous materials site.

5. *Airport Hazards*

Less-than-Cumulatively Considerable. As discussed in Thresholds e) and f) above, there are no private airstrips within the Project site's vicinity. JWA is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. As detailed in the AELUP for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA. The Project site is not located within the Planning area of JWA. The Project site is not within the airports 60dB CNEL noise contour, within Runway Protections Zones, or within Safety Zones. By applying the imaginary surface slope of 100:1, at this distance from the runway, the Project does not penetrate the imaginary surface extending 100 feet outward and one foot upward (slope of 100:1) from the JWA runway at a height of 191 feet. Therefore, the Project does not fall within the AELUP Airport Planning Area and does not require ALUC review. Thus, the Project would have no potential to contribute to a cumulatively significant hazards impact associated with a public airport.

6. *Emergency Response Plan or Evacuation Plan*

Less-than-Cumulatively Considerable. As discussed in Threshold g) above, during construction and long-term operation, the Project would be required to maintain adequate access for emergency vehicles. As part of the City's discretionary review process, the City reviewed the Project to ensure that appropriate ingress and egress would be available to the Project site and determined that the proposed Project would not substantially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Compared to existing conditions, the proposed Project would reduce the number of vehicle trips traveling to and from the Project site and in doing so would not add traffic to the City's local evacuation routes. As discussed above, the City has reviewed the Project to ensure that appropriate ingress and egress would be available to the Project site and the Project would not substantially impair implementation of or physically interfere with the adopted emergency response plan or emergency evacuation plan. The only cumulative projects that would be implemented within the Newport Center area (within the vicinity of the Project site) are the San Joaquin Plaza Apartments project at 1101 San Joaquin Hills Road, The Meridian Condominiums Project at Santa Barbara Drive (west of Fashion Island at 1001 Santa Barbara Drive), and the Museum House Residential Tower (850 San Clemente Drive). These cumulative projects, as well as other cumulative projects throughout Newport Beach do not include components that would interfere with emergency response plans or emergency evacuation plans within the Project area. Accordingly, the impacts of the proposed Project when combined with the impacts that would occur related to other cumulative projects in the Project vicinity or other areas of Newport Beach would not result in a cumulatively considerable impact to emergency response plans or emergency evacuation routes.

As discussed in Threshold h) above, there are no wildlands near or adjacent to the Project site. As such, cumulatively significant impacts associated with wildland fires would not occur.

4.6.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a): Less-than-Significant Impact.

Threshold b): Less-than-Significant Impact.

Threshold c): No Impact.

Threshold d): No Impact.

Threshold e): Less-than-Significant Impact.

Threshold f): No Impact.

Threshold g): Less-than-Significant Impact.

Threshold h): No Impact.

4.6.7 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.

4.7 LAND USE AND PLANNING

This Subsection discusses consistency of the proposed Project with applicable land use and planning policies adopted by the City of Newport Beach and other governing agencies for the purpose of avoiding or reducing adverse effects on the physical environment. Information used to support the analysis in this Subsection was obtained from the following sources: Project application materials (Project Application Materials, 2015); Google Earth Pro (Google Earth Pro, 2015); Orange County Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) (Orange County, 1996); the Airport Environs Land Use Plan for John Wayne Airport (OCALUC, 2008); City of Newport Beach Sight Plane Ordinance (Newport Beach, 2008); City of Newport Beach Geographic Information System (GIS) (Newport Beach GIS, 2015); the City of Newport Beach General Plan (Newport Beach, 2006a); City of Newport Beach Municipal Code (Newport Beach, 2015a); City of Newport Beach Zoning Ordinance (Newport Beach, 2016b); the Land Use section of the certified Final General Plan 2006 Update EIR (SCH # 2006011119) (Newport Beach, 2006b); and the Project's proposed Planned Community Development Plan (Newport Beach, 2016a). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.7.1 EXISTING CONDITIONS

A. Existing On-Site and Adjacent Land Uses

The Project site is located near the center of the City of Newport Beach, adjacent to the Fashion Island regional shopping center. Under existing conditions, the approximately 1.26-acre Project site contains an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary convenience market and gas station. All portions of the Project site are fully developed with the car wash and ancillary convenience market and gas station use, and no undeveloped open space or undisturbed areas occur on site.

The Project site is bordered by Anacapa Drive on the east. A commercial building containing a bar and grill, a fitness studio, a rehabilitation/sports therapy office as well as other professional offices occurs across Anacapa Drive to the east of the Project site. The Project site is bordered by Newport Center Drive on the north, beyond which is Fashion Island, a regional shopping center. Two restaurant buildings currently occupied by the "Red O" and "Fig & Olive" are located at the southern edge of the Fashion Island parking lot and are directly across Newport Center Drive from the Project site at the intersection with Anacapa Drive. To the south and west of the Project site is a parking lot that serves the adjacent Gateway Plaza office complex, which is comprised of six two-story low rise office buildings, and associated surface parking, as well as a two-story building at the intersection of Anacapa Drive and Civic Center Drive.

4.7.2 REGULATORY SETTING

A. Applicable Land Use and Planning Policies

1. *SCAG Regional Transportation Plan and Regional Comprehensive Plan*

The Southern California Association of Governments (SCAG) is a Joint Powers Authority (JPA) under California state law, established as an association of local governments and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization (MPO) and under state law as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura) and 191 cities in an area covering more than 38,000 square miles. SCAG develops long-range regional transportation plans including sustainable communities strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations, and other plans for the region.

As a MPO and public agency, SCAG develops transportation and housing plans that transcend jurisdictional boundaries that affect the quality of life for southern California as a whole. SCAG's 2008 Regional Comprehensive Plan (RCP) and 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)¹ serve as advisory documents to local agencies in the Southern California region for their information and voluntary use for preparing local plans and handling local issues of regional significance. The RCP identifies voluntary best practices to approach growth and infrastructure challenges in an integrated and comprehensive way.

2. *City of Newport Beach General Plan*

The City of Newport Beach General Plan (July 2006) is a policy document that reflects the City's vision for the future of Newport Beach. The General Plan is organized into ten elements. Elements of the General Plan have been re-organized by thematic topic for clarity and to avoid redundancy, as encouraged by the state's General Plan Guidelines (Newport Beach, 2006a, p. 1-11). Each element of the General Plan presents an overview of its scope, summary of conditions and planning issues goals, and policies (Newport Beach, 2006a, p. 1-12). The following is a brief description of the City of Newport Beach General Plan Elements:

Land Use Element

The Land Use Element presents goals and policies pertaining to how existing development should be maintained and enhanced and how new development should occur. As Newport Beach is almost fully developed, the Land Use Element focuses on how population and employment growth can be strategically inserted to preserve the City's distinguishing qualities. Land Use Element goals and policies directly affect the establishment and maintenance of the neighborhoods, districts, corridors, and open spaces that distinguish and contribute to Newport Beach's livability, vitality, and image

¹ SCAG published an update to the RTC/SCS on April 4, 2016, after the NOP for this EIR was released for public review (January 12, 2016). The NOP date establishes the existing setting for an EIR, so the 2012 RTP/SCS is the applicable document for purposes of analysis in this EIR.

(Newport Beach, 2006a, p. 1-12). Refer to Figure 2-2, *General Plan Land Use Designation*, for information regarding the Project site's current land use designation and neighboring land use designations.

The proposed Project's consistency with applicable goals, objectives, policies, and programs given in the City of Newport Beach General Plan is discussed below in Subsection 4.7.4, *Impact Analysis*.

3. City of Newport Beach Zoning Ordinance

The Project site is within the Office Regional Commercial (OR) Zoning District and has an additional designation of "Anomaly 35" (refer to Figure 2-3, *Existing Zoning Designation*). "Anomaly 35" is a designation that indicates that there is a maximum development limit of 199,095 square feet of allowable building space in an area (block) that includes the Project site (Newport Beach GIS, 2015). Zoning designations surrounding the Project site include PC-56 (North Newport Center Planned Community) to the north, and PC-56 and OR (Office Regional Commercial) to the west and south. Land to the east is zoned OR (Office Regional Commercial) (Newport Beach GIS, 2015).

The City of Newport Beach Zoning Ordinance is contained as Chapter 20 of the City of Newport Beach Municipal Code. The proposed Project's consistency with the applicable portions of Chapter 20 is discussed below in Subsection 4.7.4.

4. Charter Section 423/City Council Policy A-18

City Charter Section 423 was added to the City Charter through a ballot measure adopted in 2000; this section requires voter approval of certain amendments to the City's General Plan (deemed as "major amendments"). When a General Plan Amendment is considered, an analysis is required pursuant to City Council Policy A-18 to establish whether the proposed General Plan Amendment (if approved) requires a vote by the electorate at large. The General Plan Amendment would be combined with 80 percent of the increases in traffic, dwelling units, and non-residential floor area allowed by previous, non-voter approved, General Plan Amendments (approved within the preceding 10 years) within the same statistical area of the City of Newport Beach. The following thresholds are applied in conducting this analysis:

- An increase that is more than 100 dwelling units;
- An increase that is more than 100 a.m. peak hour trips;
- An increase that is more than 100 p.m. peak hour trips; or
- An increase that is more than 40,000 square feet of non-residential floor area.

If any of the thresholds are exceeded and the City Council approves the requested General Plan Amendment, the Amendment would be classified as a "major amendment" and be subject to voter consideration. Approved amendments, other than those approved by the electorate, are tracked for 10 years, and factored into the analysis of future amendments within the same statistical area.

5. *City of Newport Beach Sight Plane Ordinance (Ordinance 1371)*

The City of Newport Beach adopted a Sight Plane Ordinance in 1971 (Ordinance 1371), which provided height limitations for buildings within the Civic Center site, establishing a “Civic Center Sight Plane.” In 1975, the Corporate Plaza Planned Community was adopted by Ordinance 1596 for the Civic Center site, and the sight plane was expanded to cover the entire Corporate Plaza Planned Community area, within the area bounded by East Coast Highway, Avocado Avenue, Farallon Drive, and Newport Center Drive. The purpose of the ordinance is to ensure that buildings remain low in stature to preserve ocean views. Buildings and structures within this area are limited to 32 feet in height and must not exceed the sight plane established by Ordinance 1596 (Newport Beach, 2008, p. 1). As shown on Figure 4.7-1, *Sight Plane Ordinance 1371 Map*, the Project site is not located within the Newport Beach Sight Plane Ordinance areas, however, neighboring buildings to the south of Civic Center Drive are located within the Sight Plane Ordinance areas.

6. *John Wayne Airport Environs Land Use Plan (AELUP)*

According to the John Wayne AELUP, the Project site is located within the AELUP Part 77 Notification Area. The AELUP establishes requirements for notifying the Airport Land Use Commission (ALUC) for Orange County and the Federal Aviation Administration (FAA) of certain construction activities and alterations to existing structures within the AELUP Part 77 Notification Area, to ensure there are no obstructions to navigable airspace. Within the Notification Area boundary, ALUC must be notified of any proposed construction or structural alterations involving a land use or legislative amendment in the AELUP Planning Area, development that exceeds 200 feet above ground level, and all heliports or helistops (OCALUC, 2008, p. 4).

4.7.3 BASIS FOR DETERMINING SIGNIFICANCE

The proposed Project would result in a significant impact to land use and planning if the Project or any Project-related component would:

- a. *Physically divide an established community.*
- b. *Conflict with an 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.*
- c. *Conflict with any applicable habitat conservation plan or natural community conservation plan.*

4.7.4 IMPACT ANALYSIS

Threshold a: *Would the Project physically divide an established community?*

No Impact. The Project site consists of 1.26 acres of developed land in the Newport Center area of the City of Newport Beach. The Project site is surrounded on all sides by existing commercial and business park development. The Project involves the demolition and removal of the existing on-site car wash



and ancillary convenience market and gas station constructed in 1970 and redevelopment of the property with a seven-story residential building. No residential properties occur adjacent to the Project site, with the nearest residential uses being the Granville community (a private gated residential community located approximately 0.15-mile west of the Project site); Meridian (a 79-unit condominium Project located at 1001 Santa Barbara Drive, approximately 0.5 mile northwest of the Project site); The Colony Apartment Homes (an apartment complex located approximately 0.6 miles northwest of the Project site); and The Fashion Island Villas Apartments (a 524-unit apartment complex under construction located approximately 0.6-mile northwest of the Project site). (Google Earth Pro, 2015) The Project site does not provide access to established communities. The redevelopment of this property with a residential condominium building would not isolate any established communities or residences from neighboring communities. As such, the Project would not physically divide an established community and no impact would occur.

Threshold b: Would the Project conflict with an 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. This EIR analyzes the physical environmental effects associated with all components of the Project, including planning, construction, and Project operation. Governmental approvals requested from the City of Newport Beach by the Project Applicant include a General Plan Amendment (No. GP2014-003); Zoning Code Amendment (No. CA2014-008); Planned Community Development Plan (No. PC2014-004); Development Agreement (No. DA2014-002); Site Development Review (No. SD2014-006); and Tentative Tract Map (No. NT2015-003).

The land use plans, policies, and regulations applicable to the Project include those listed below, each of which is discussed in more detail. Note that although Ordinance 1371 does not apply directly to the proposed Project, it does apply to buildings in the vicinity of the proposed Project, and as such it is discussed below.

1. The SCAG Regional Transportation Plan and Regional Comprehensive Plan
2. The City of Newport Beach General Plan
3. The City of Newport Beach Zoning Code
4. City Council Policy A-18/Section 423
5. City of Newport Beach Sight Plane Ordinance (Ordinance 1371)
6. The Airport Land Use Compatibility Plan for John Wayne Airport

The Project's consistency with the Orange County Central and Coastal Orange County NCCP/HCP is discussed below under Threshold c).

1. SCAG Regional Transportation Plan and Regional Comprehensive Plan

SCAG’s 2008 RCP and 2012 RTP/SCS are the applicable SCAG planning documents that apply to the proposed Project.² The RCP and RTP/SCS goals are meant to provide guidance for considering proposed projects for municipalities throughout the SCAG jurisdictional area within the context of regional goals and policies. As shown in Table 4.7-1, *Analysis of Consistency with SCAG 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy Goals*, implementation of the proposed Project would be consistent with the adopted RTP/SCS. Thus, impacts would be less than significant.

Table 4.7-1 Analysis of Consistency with SCAG 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy Goals

RTP/ SCS GOAL	GOAL STATEMENT	PROJECT CONSISTENCY DISCUSSION
G1	Align the plan investments and policies with improving regional economic development and competitiveness.	<u>No inconsistency identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive local and regional planning efforts. The development of the proposed residential development would not impede economic development in the Project area or elsewhere in the City of Newport Beach.
G2	Maximize mobility and accessibility for all people and goods in the region.	<u>No inconsistency identified.</u> As discussed in Section 4.9 of this EIR, no components of the Project that would result in an increase in traffic levels. The Project would reduce existing vehicular traffic volumes and develop a residential building in an urban setting that has an established pedestrian and bicycle network. The proposed Project would not preclude SCAG's goal to maximize mobility and accessibility for people and goods in the region.
G3	Ensure travel safety and reliability for all people and goods in the region.	<u>No inconsistency identified.</u> As disclosed in EIR Section 4.9, <i>Transportation and Traffic</i> , there is no component of the proposed Project that would result in a substantial safety hazard to motorists (refer to analysis under Threshold d).
G4	Preserve and ensure a sustainable regional transportation system.	<u>No inconsistency identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of the overall planning and maintenance of the regional transportation system. The Project would not affect such planning or maintenance efforts within the City of Newport Beach. The Project would reduce existing vehicular traffic volumes and develop a residential building in an urban setting that has an established pedestrian and bicycle network.

² *Ibid.*



Table 4.7-1 Analysis of Consistency with SCAG 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy Goals

RTP/ SCS GOAL	GOAL STATEMENT	PROJECT CONSISTENCY DISCUSSION
G5	Maximize the productivity of our transportation system.	<u>No inconsistency identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive transportation planning efforts. The Project would be consistent with the City Newport Beach’s General Plan Circulation Element, which meets this goal to maximize productivity. Moreover, the proposed Project would result in an overall reduction in daily vehicular trips generated by the Project site compared to existing conditions.
G6	Protect the environment and health for our residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking).	<u>No inconsistency identified.</u> An analysis of the Project’s environmental impacts is provided throughout this EIR, and mitigation measures are specified where warranted. Air quality is addressed in EIR Subsection 4.2, <i>Air Quality</i> , and the Project would have a less-than significant impact and no mitigation is required. Additionally, and as discussed in EIR Subsection 4.9, <i>Transportation and Traffic</i> , the Project would have a less-than-significant impact regarding conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities. The Project would reduce existing vehicular traffic volumes and develop a residential building in an urban setting that has an established pedestrian and bicycle network.
G7	Actively encourage and create incentives for energy efficiency, where possible.	<u>No inconsistency identified.</u> This policy provides guidance to establish local incentive programs to encourage and promote energy efficient development. EIR Subsection 5.4.4, <i>Energy Demands of the Proposed Project</i> , discusses the Project’s proposed design features related to building design, landscaping, and energy systems to promote the efficient use of energy.
G8	Encourage land use and growth patterns that facilitate transit and non-motorized transportation.	<u>No inconsistency identified.</u> This policy provides guidance to establish a local land use plan that facilitates the use of transit and non-motorized forms of transportation. The Project proposes a General Plan Amendment to change the land use designation on the Project site from “Regional Commercial Office (CO-R)” to “Multiple Unit Residential (RM).” Properties surrounding the Project site consist of a regional shopping center (Fashion Island), commercial, and business park land uses. The proposed Project would redevelop the Project site with a use that would not impede the efficiency of the existing transit or non-motorized transportation system. The Project would reduce existing vehicular traffic volumes and develop a residential building in an urban setting that has an established pedestrian and bicycle network.

Table 4.7-1 Analysis of Consistency with SCAG 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy Goals

RTP/ SCS GOAL	GOAL STATEMENT	PROJECT CONSISTENCY DISCUSSION
G9	Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.	<u>No inconsistency identified.</u> This policy provides guidance to the City of Newport Beach to monitor the transportation network and to coordinate with other agencies as appropriate. The proposed redevelopment of the Project site would not affect the security of the regional transportation system.

Source: SCAG 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy. (Refer to the following web site for more information: <http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf>)

2. City of Newport Beach General Plan

The City of Newport Beach General Plan Land Use Element provides land use designations to all properties within the City. Under existing conditions, the General Plan designates the Project site for “Regional Commercial Office (CO-R)” land uses and has an additional designation of Anomaly 35. The CO-R land use designation “...is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses.” (Newport Beach, 2006a, p 3-13) Anomaly 35 indicates that that there is a development limit of 199,095 gross square feet of nonresidential building space for the block on which the Project site occurs (Newport Beach GIS, 2015).

Proposed General Plan Amendment No. GP2014-003 would change the land use designation of the Project site from “Regional Commercial Office (CO-R)” to “Multiple Unit Residential (RM).” As stated in the General Plan, the RM land use designation “...is intended to provide primarily for multi-family residential development containing attached or detached dwelling units” (Newport Beach, 2006a, p. 3-12; Newport Beach, 2006b). The Project requires that a new anomaly is established within Table LU2 (Anomaly Locations) allowing the additional development of 49 residential units in Statistical Area L1 for the Project site, and removing the existing 8,500 square feet of gross floor area allocated to 150 Newport Center under Anomaly 35.

Prior to the approval of the proposed General Plan amendment (and in the absence of such approval), the proposed Project would be inconsistent with the land use designation for the Project site. However, with the approval of the proposed General Plan Amendment, the Project would be consistent with the land use designations in the General Plan, as modified by the Project. Moreover, as identified in Table 4.7-2, *Proposed Project General Plan Consistency*, below, which lists all applicable General Plan Policies and provides an analysis as to the Project’s consistency with each respective policy, the Project would be consistent with the applicable General Plan policies.



Throughout this EIR, analysis is presented that evaluates the environmental effects of redeveloping the Project site with a seven-story residential condominium project. Impacts are found to be less-than-significant or less-than-significant with mitigation incorporated. Although the Project proposes a General Plan Amendment, no impacts associated with the land use change would be significant and unavoidable.

Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
Land Use Element	
<p><i>Policy LU 1.4 Growth Management.</i> Implement a conservative growth strategy that enhances the quality of life of residents and balances the needs of all constituencies with the preservation of open space and natural resources.</p>	<p><u>Consistent.</u> The Project Applicant proposes residential land uses on a fully developed site in Newport Center, which is located in an urbanized portion of the City of Newport Beach. Adding housing within walking distance to shopping, entertainment, and employment opportunities would be expected to reduce the need to drive a motor vehicle, and reduce impacts associated with traffic and vehicular-related air emissions and noise. The Project site does not contain any open space or natural resources, and would not impede the preservation of open space and natural resources elsewhere in the City of Newport Beach. Accordingly, the Project would be consistent with Policy LU 1.4.</p>
<p><i>Policy LU 1.6 Public Views.</i> Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.</p>	<p><u>Consistent.</u> The Project would introduce one seven-story residential building to a portion of Newport Beach that has been developed with existing high-rise and low-rise office buildings and hotels. The site abuts the Fashion Island regional shopping center to the north. The Project’s architectural design has been designed to be complementary in type, form, scale, and character with existing and planned surrounding land uses. A detailed analysis regarding the potential impacts to scenic and visual resources in relation to public vantage points is provided in Subsection 4.1 (Aesthetics) of this EIR, which concludes that such impacts would be less than significant. Accordingly, the Project would be consistent with Policy LU 1.6.</p>
<p><i>Policy LU 3.2 Growth and Change.</i> Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship, and reduce commuting distance between home and jobs, or</p>	<p><u>Consistent.</u> The Project would redevelop the Project site and remove a car wash with ancillary gas station that contain outdated technology and are targeted for closure by the property owner. As such, the Project would replace a non-viable commercial use with a residential development. The development of a residential use in close proximity to commercial and business park uses within Newport Center would provide future residents of the Project an opportunity to reduce the commuting distance between their home, job, shopping, and entertainment. Additionally, as indicated throughout the analysis in this EIR, the Project would be served by adequate infrastructure and public services, and would not result in adverse impacts to traffic level of service. Traffic volumes would be reduced and pedestrian activity would likely be increased in the immediate area. The Project would provide housing opportunities for residents of single-family homes the opportunity to relocate into a luxury, multi-family product type, thereby</p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
<p>enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.</p>	<p>making existing, single-family homes, available to the City’s housing market. Accordingly, the Project would be consistent with Policy LU 3.2.</p>
<p><i>Policy LU 3.3 Opportunities for Change.</i></p> <p>Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: Fashion Island/Newport Center: expanded retail uses and hotel rooms and development of residential in proximity to jobs and services, while limiting increases in office development</p>	<p><u>Consistent.</u> The Project would provide for 49 condominium units in proximity to jobs and services in the Fashion Island/Newport Center area. The Project would diversify the land use mixture in the area and would not result in an increase of office development in this portion of the City. Accordingly, the Project would be consistent with Policy LU 3.3.</p>
<p><i>Policy LU 5.1.1 Compatible but Diverse Development.</i></p> <p>Establish property development regulations for residential projects to create compatible and high-quality development that contributes to neighborhood character.</p>	<p><u>Consistent.</u> The Project Applicant proposes a Planned Community that would establish the development regulations for the Project including architectural design characteristics, development standards, and site development review procedures. These components are intended to result in an architecturally compatible and high-quality Project design within Newport Center. Therefore, the Project would result in a high-quality development that contributes to neighborhood character. Accordingly, the Project would be consistent with Policy LU 5.1.1.</p>
<p><i>Policy LU 6.14.2 Newport Center [“MU-H3,” “CO-R,” “CO-M,” and “RM” designations].</i></p> <p>Provide the opportunity for limited residential, hotel, and office development in accordance with the limits specified by Tables LU1 and LU2.</p>	<p><u>Inconsistent, but No Resulting Unavoidable Environmental Effects.</u> The Project would redevelop the site within the Newport Center area of Newport Beach with a seven-story residential condominium project that would add limited residential to the area through a General Plan Amendment to accommodate the additional development intensity. However, no impacts associated with the land use change would be significant and unavoidable. Thus, the proposed Project would be inconsistent with Policy LU 6.14.2, however, no impacts would be significant and unavoidable.</p>
<p><i>Policy LU 6.14.4 Development Scale.</i></p> <p>Reinforce the original design concept for Newport Center by concentrating</p>	<p><u>Consistent.</u> The proposed Project would result in the redevelopment of the Project site, in the southern side of Newport Center, with a seven-story tall building. However, the proposed structure is lower in height and mass when</p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
<p>the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along Pacific Coast Highway.</p>	<p>compared to the existing office towers reaching heights of up to 21 stories located along San Joaquin Hills Road north of the Project site. Existing structures that are concentrated in the northeasterly section of Newport Center, along San Joaquin Hills Road, include:</p> <ul style="list-style-type: none"> • The Island Hotel at 690 Newport Center Drive (20 stories, 217 feet) • Office Building at 520 Newport Center Drive (21 stories, 315 feet) • Office Building at 610 Newport Center Drive (18 stories, 272 feet) • Office Building at 620 Newport Center Drive (16 stories, 240 feet) • Office Building at 650 Newport Center Drive (20 stories, 298 feet) • Office Building at 660 Newport Center Drive (17 stories, 246 feet) <p>Nearby existing buildings such as 260 Newport Center Drive are built up to 74 feet and 4 inches in height, which would be generally comparable with the roof height of the proposed building. The heights of existing structures closer to the Project site include:</p> <ul style="list-style-type: none"> • Office buildings to the southwest: approximately 24 feet to 27 feet in height • Movie theatre to the northeast: approximately 40 feet in height • Buildings across Anacapa Drive including 260 Newport Center Drive: approximately 22 feet to 74 feet 4 inches in height • Mall buildings to the north across Newport Center Drive: approximately 23 to 75 feet in height <p>In addition to the existing building heights, prevailing height limits in the area are often higher than that of existing development. Height limits for the properties located immediately west and south of the Project site (Block 100 in Newport Center) is 50 feet for buildings, which allows an additional 10 feet for appurtenances. Height limits for blocks 200 and 300, to the east of the Project site are 32 feet for buildings, which allows up to 37 feet for appurtenances. The portions of Fashion Island regional shopping center located immediately west of the Project site have a height limit of 75 feet for mall buildings, which allows an additional 10 feet for appurtenances. Refer to Figure 4.7-2, <i>Height Limits in the Project Area</i>, for more information. Although the Project would result in the construction of a building that is higher than the immediately surrounding buildings, the proposed building would be much lower in scale than other developments within the northeasterly area of the Newport Center area. As such, the proposed Project would result in a structure that is consistent with Policy LU 6.14.4 in that the area of greatest building mass and height would remain concentrated in the northeasterly section of Newport Center along San Joaquin Hills Road.</p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
<p><i>Policy LU 6.14.6 Pedestrian Connectivity and Amenity.</i></p> <p>Encourage that pedestrian access and connections among uses within the district be improved with additional walkways and streetscape amenities concurrent with the development of expanded and new uses.</p>	<p><u>Consistent.</u> The Project includes a pedestrian walkway and pedestrians would be able to travel to and from the Project site via a crosswalk at the intersection of Anacapa Drive and Newport Center Drive. The crosswalks connect to Fashion Island regional shopping center to the north and to the commercial development directly to the east. Additionally, streetscape amenities such as new street trees are proposed along Anacapa Drive. Accordingly, the Project would be consistent with Policy LU 6.14.6.</p>
Historical Resources Element	
<p><i>HR 2.1 New Development Activities.</i></p> <p>Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.</p>	<p><u>Consistent.</u> The proposed Project has the potential to result in impacts to paleontological and archaeological resources during excavation. However, mitigation measures identified in this EIR to reduce potential impacts to paleontological and archaeological resources to a less than significant level. Refer to EIR Subsection 4.4, <i>Cultural Resources</i>, for a detailed discussion of impacts to cultural resources.</p>
Circulation Element	
<p><i>Policy CE 4.1.4: Land Use Densities Supporting Public Transit.</i></p> <p>Accommodate residential densities sufficient to support transit patronage, especially in mixed use areas such as the Airport Area.</p>	<p><u>Consistent.</u> The Project Applicant proposes to develop the site with 49 condominiums in one building on the 1.26-acre site, resulting in a density of approximately 38.9 dwelling units per acre. This level of density would support transit patronage within the Project area. OCTA bus stops are located across Newport Center Drive from the Project site and approximately 0.8 mile west of the Project site and are served by OCTA bus routes 1, 57, and 79 (Google Earth Pro, 2015). No bus stops are located along Anacapa Drive. Approximately 0.6 mile from the Project site is the Newport Transportation Center, from which OCTA bus routes 1, 55, 57, 76, and 79 arrive. The proposed Project does not include any components that would impede the use of these transit facilities. Accordingly, the Project would be consistent with Circulation Element Policy CE 4.1.4.</p>
<p><i>Policy CE 5.1.1: Trail System.</i></p> <p>Promote construction of a comprehensive trail system as shown on Figure CE4.</p>	<p><u>Consistent.</u> As detailed on Figure CE5, Equestrian, and Hiking Trails Master Plan, of the City’s General Plan, there are no existing hiking trails or equestrian trails on or near the Project site. Accordingly, the Project would not conflict with Policy CE 5.1.1.</p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
<p><i>Policy CE 5.1.2: Pedestrian Connectivity.</i></p> <p>Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.</p>	<p><u>Consistent.</u> The Project would reduce existing vehicular traffic volumes and develop a residential building in an urban setting that has an established pedestrian and bicycle network. As detailed in the grading plan for the proposed Project, the existing three-foot sidewalk easement, along the northern and eastern boundaries of the Project site, would be maintained. Thus, pedestrians would have access from the Project site to sidewalks, commercial centers, and nearby park uses in the Project vicinity. Accordingly, the Project would be consistent with Circulation Element Policy CE 5.1.2.</p>
<p><i>Policy CE 5.1.3: Pedestrian Improvements in New Development Projects.</i></p> <p>Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.</p>	<p><u>Consistent.</u> The proposed Project includes a small pedestrian plaza/gathering space at the northeast corner of the Project site which would provide pedestrian access to and from Anacapa Drive and Newport Center Drive (TJW, 2015, p. 4). An existing pedestrian access easement at the easterly and southerly edges of the subject property would continue to provide adequate pedestrian connectivity across the subject property toward the adjoining commercial development to the east and south. Accordingly, the Project would be consistent with Circulation Element Policy 5.1.3.</p> <p>An existing Class I bicycle lane exists along both sides of Newport Center Drive on the segment that radiates southwards from the Newport Center Drive Loop and connects to East Coast Highway (Google Earth Pro, 2015). As detailed in the City of Newport Beach 2014 Bicycle Master Plan, an existing Class I bicycle lane exists on the loop portion of Newport Center Drive. There are no bicycle lanes along Anacapa Drive. The Project would not affect the existing Class I bicycle lanes. Accordingly, the Project would not conflict with Policy CE 5.1.3.</p>
<p><i>Policy CE 7.1.1: Required Parking.</i></p> <p>Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.</p>	<p><u>Consistent.</u> Based on the City of Newport Beach off-street parking requirements for the Project land use, the Project is required to provide 98 covered parking spaces for residents and 25 parking spaces for guests. Within the proposed subterranean parking structure, the Project proposes to provide 100 covered parking spaces for residents and 26 parking spaces for guests, satisfying the City’s minimum parking requirement. (TJW, 2015, p. 4) Two of the 26 guest parking spaces would be located at the entry level south of the porte cochere. Accordingly, the Project would be consistent with Circulation Element Policy 7.1.1.</p>
<p>Recreation Element</p>	
<p><i>R 1.1 New Residential Subdivisions</i></p> <p>Require developers of new residential subdivisions to provide parklands at five acres per 1,000 persons, as stated in the City’s Park Dedication Fee Ordinance, or to contribute in-lieu fees</p>	<p><u>Consistent.</u> Due to the limited size of the Project site (1.26 acres), the Project does not include any on-site parkland. The Project Applicant would be required to pay in-lieu park fees for 49 dwelling units, as required by the City of Newport Beach.</p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
<p>for the development of public recreation facilities meeting demands generated by the development’s resident population, as required in the City’s Park Dedications Fees Ordinance.</p>	
Arts and Cultural Element	
<p>There are no applicable policies from this General Plan element.</p>	
Natural Resources Element	
<p><i>NR 1.1 Water Conservation in New Development.</i> Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.</p>	<p><u>Consistent.</u> As detailed on page 7 of the Planned Community Development Plan for the proposed Project, site landscaping and irrigation would be designed and planted in accordance with Chapter 20.36 (Landscaping Standards) of the Newport Beach Municipal Code (NBMC) and Chapter 14.17 (Water-Efficient Landscaping) of the NBMC. Plants would be required to be adapted to the coastal climate of Newport Beach and appropriate to the specific soil, topographic, and sun/shade conditions of the project site. Drought-tolerant plants would be used to the maximum extent practicable. Plant species having comparable water requirements would be grouped together for efficient use of irrigation water. The conditions of approval for the Project would require the site's existing potable irrigation system to be converted and connected to reclaimed water infrastructure, should this infrastructure be installed along Newport Center Drive.</p>
<p><i>NR 1.2 Use of Water Conserving Devices.</i> Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.</p>	<p><u>Consistent.</u> See response to Policy NR 1.1</p>
<p><i>NR 3.4 Storm Drain Sewer System Permit.</i> Require all development to comply with the regulations under the City’s municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.</p>	<p><u>Consistent.</u> The proposed Project would be required by the City of Newport Beach to comply with the regulations under the City’s municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System.</p>
<p><i>NR 3.9 Water Quality Management Plan.</i> Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from</p>	<p><u>Consistent.</u> A Preliminary Water Quality Management Plan (WQMP) has been prepared for the proposed Project and is appended to this EIR as <i>Technical Appendix H.</i></p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
rainfall events during construction and post-construction.	
<p><i>NR 3.11 Site Design and Source Control.</i> Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.</p>	<p><u>Consistent.</u> The WQMP for the proposed Project contains both site design and source control BMPs, see <i>Technical Appendix H</i>. (Fuscoe, 2015, pp. 15-16 and 25-28)</p>
<p><i>NR 3.14 Runoff Reduction on Private Property.</i> Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.</p>	<p><u>Consistent.</u> As detailed in the Preliminary WQMP prepared for the Project (<i>Technical Appendix H</i>), the amount of impermeable surfaces (including the building footprint, hardscape, and other impermeable surfaces) on-site would increase from the existing 80% to 85%, with the Project (Fuscoe, 2015, p. 5). However, the Project is designed to reduce runoff from the Project site, including the use of detention facilities to prevent surface runoff from the site in a manner that would not create flooding on or off-site. Impervious surfaces are minimized by incorporating landscaped areas on the site including around the perimeter of the proposed structure. Proposed drainage patterns would largely mimic existing drainage patterns with storm water runoff flowing in a south/southwest direction and connect to existing storm drain facilities. Low-flows and first flush runoff would drain through a proposed biotreatment system prior to discharge. (Fuscoe, 2015, p. 15)</p>
<p><i>NR 3.15 Street Drainage Systems.</i> Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.</p>	<p><u>Consistent.</u> See response for Policy NR 3.14 above.</p>
<p><i>NR 3.19 Natural Drainage Systems.</i> Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.</p>	<p><u>Consistent.</u> See response for Policy NR 3.14 above.</p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
<p><i>NR 3.20 Impervious Surfaces.</i> Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.</p>	<p><u>Consistent.</u> See response for Policy NR 3.14 above.</p>
<p><i>Policy NR 18.1 New Development.</i> Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA</p>	<p><u>Consistent.</u> The proposed Project may result in potentially significant impacts to paleontological and archaeological resources during excavation. Mitigation measures are identified in this EIR to reduce potential impacts to paleontological and archaeological resources to a less than significant level. Refer to EIR Subsection 4.4, <i>Cultural Resources</i>, for a detailed discussion of impacts to paleontological and archeological resources.</p>
<p><i>Policy NR 18.3 Potential for New Development to Impact Resources.</i> Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.</p>	<p><u>Consistent.</u> Because the proposed Project includes a General Plan Amendment, the City of Newport Beach is subject to the requirements associated with the SB 18 process for Native American consultation as well as the requirements of AB 52, which requires “a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.” The City of Newport Beach complied with the provisions of each of these regulations in relation the proposed Project. Details regarding compliance with the provisions of AB 18 and AB 52 are provided in EIR Subsection 4.4, <i>Cultural Resources</i>.</p>
<p><i>Policy NR 18.4 Donation of Materials.</i> Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a</p>	<p><u>Consistent.</u> The proposed Project may result in potentially significant impacts to paleontological resources during excavation. Mitigation measures are identified in this EIR to reduce potential impacts to paleontological resources to a less than significant level. Refer to EIR Subsection 4.4, <i>Cultural Resources</i>, for a detailed discussion of impacts to paleontological and archeological resources.</p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.	
Safety Element	
<p><i>Policy S 4.7 New Development.</i> Conduct further seismic studies for new development in areas where potentially active faults may occur</p>	<p><u>Consistent.</u> A Geotechnical Feasibility Report for the Project site was prepared by NMG Geotechnical Inc. (NMG), dated February 3, 2015, and appended to this EIR as <i>Technical Appendix D</i>. The primary purpose of the feasibility report was to provide a summary of the geologic and geotechnical conditions of the site to identify potential geotechnical issues that might impact, and/or be caused by, the proposed Project. This report indicated that no potentially active faults are known to occur within the Project site or immediate surrounding area. The City of Newport Beach will require that a site-specific geotechnical study is prepared prior to the issuance of building permits as a mandatory condition of approval for the Project.</p>
Noise Element	
<p><i>N 1.1 Noise Compatibility of New Development.</i> Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3.</p>	<p><u>Consistent.</u> The proposed Project is required by the City’s noise ordinance to comply with the City’s interior and exterior noise standards as they relate to the proposed residential land use. The Project would comply with the City’s noise ordinance through the incorporation of conventional residential construction components, which will include a fresh air supply system and/or air conditioning system. The incorporation of these components would accommodate closed-window conditions that would typically attenuate interior noise to a level that would satisfy interior noise standards. Additionally, any unusual noise generated by individual residents would be regulated by Chapter 10.28 (Loud and Unreasonable Noise) of the Newport Beach Municipal Code (NBMC); any future residents that violate the provisions of Chapter 10.28 would be subject to penalties as set forth in the ordinance. Any noise generated by the heating, ventilation, and air conditioning (HVAC) system, rooftop pool, or valet would be regulated under Chapter 10.28 (Loud and Unreasonable Noise) of the NBMC.</p>
<p><i>N 1.2 Noise Exposure Verification for New Development.</i> Applicants for proposed projects that require environmental review and are, located in areas projected to be exposed to a CNEL of 60 dBA and higher, as shown on Figure N4, Figure N5, and Figure N6 may conduct a field survey, noise measurements or other modeling in a manner acceptable to the City to provide evidence that the depicted noise contours do not adequately account for</p>	<p><u>Consistent.</u> General Plan Figure N4 shows the future 60 and 65 dBA CNEL contours along Newport Center Drive affecting the Project site along the roadway frontage. The proposed Project is required by the City’s noise ordinance to comply with the City’s interior and exterior noise standards as they relate to the proposed residential land use.</p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
<p>local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall be used to determine the level of exterior or interior, noise attenuation needed to attain an acceptable noise exposure level and the feasibility of such mitigation when other planning considerations are taken into account.</p>	
<p><i>N 1.4 New Developments in Urban Areas.</i> Require that applicants of residential portions of mixed-use projects and high density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code.</p>	<p><u>Consistent.</u> The proposed Project is required to comply with the California Building Standards Code (CBSC) and City’s Noise ordinance and meet interior and exterior noise standards as they relate to the proposed residential land use.</p>
<p><i>N 2.1 New Development.</i> Require that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.</p>	<p><u>Consistent.</u> General Plan Figure N4 shows the future 60 and 65 dBA CNEL contours along Newport Center Drive affecting the Project site along the roadway frontage. The proposed Project is required by the City’s noise ordinance to comply with the City’s interior and exterior noise standards as they relate to the proposed residential land use. The Project would comply with the City’s noise ordinance through the incorporation of conventional residential construction components, which will include a fresh air supply system and/or air conditioning system. The incorporation of these components would accommodate closed-window conditions that would typically attenuate interior noise to a level that would satisfy interior noise standards. Additionally, any unusual noise generated by individual residents would be regulated by Chapter 10.28 (Loud and Unreasonable Noise) of the Newport Beach Municipal Code (NBMC); any future residents that violate the provisions of Chapter 10.28 would be subject to penalties as set forth in the ordinance. Any noise generated by the heating, ventilation, and air conditioning (HVAC) system, rooftop pool, or valet would be regulated under Chapter 10.28 (Loud and Unreasonable Noise) of the NBMC.</p>
<p><i>N 2.2 Design of Sensitive Land Uses.</i> Require the use of walls, berms, interior noise insulation, double paned windows, or other noise mitigation measures, as appropriate, in the design</p>	<p><u>Consistent.</u> General Plan Figure N4 shows the future 60 and 65 dBA CNEL contours along Newport Center Drive affecting the Project site along the roadway frontage. The proposed Project is required by the City’s noise ordinance to comply with the City’s interior and exterior noise standards as they relate to the proposed residential land use.</p>



Table 4.7-2 Proposed Project General Plan Consistency

POLICY OR PROGRAM	PROJECT CONSISTENCY DISCUSSION
of new residential or other new noise sensitive land uses that are adjacent to major roads. Application of the Noise Standards in Table N3 shall govern this requirement.	

Source: T&B Planning, 2016

3. Analysis of Consistency with the City of Newport Beach Zoning Code

The City of Newport Beach Zoning Code is contained as Title 20 “Planning and Zoning” of the City’s Municipal Code. Under existing conditions, the Project site is zoned “OR (Office Regional Commercial) Zoning District.” The existing convenience market and gas station are ancillary uses to the car wash, which is permitted via a use permit in the OR zone (Use Permit No. UP1461). Proposed Zoning Code Amendment No. CA2014-008 would apply the “PC (Planned Community District)” zoning designation to the entire 1.26-acre site. According to City Municipal Code Section 20.26.010(B) (Planned Community Zoning District), the PC Zoning District is “...intended to provide for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment...” The PC Zoning District requirements would be met by the Project Applicant’s preparation of development standards and plans for the development of the Project site with the proposed 49-unit condominium units in one building. The Project Applicant has requested a waiver of the 10-acre minimum requirement for the establishment of a Planned Community. Section 20.56.020 (Area Requirements) of the City’s Zoning Code indicates that the City Council may waive the minimum acreage requirement. The Planned Community standards that were prepared for the proposed Project are intended to integrate the Project design and land use with a greater consideration of land uses, design, and development standards found throughout the Newport Center area. A separate Planned Community was requested in order to better facilitate the implementation of development standards since the Project Site is not owned in common with other properties located within the North Newport Center Planned Community.

Proposed Zoning Code Amendment No. CA2014-008 would apply the “Planned Community District (PC)” Zoning district to the entire 1.26-acre site and establish development standards for building heights and setbacks that vary from the height and setback standards of the City’s Zoning Code. Assuming approval of the Zoning Code Amendment, Planned Community Development Plan No. PC 2014-004, and Site Development Review No. SD2014-006 would ensure that the Project is fully compatible with the site’s zoning designations, surrounding land uses, and requirements. As detailed in Zoning Code Section 20.52.080 (Site Development Review), the City may approve or conditionally approve a site development review application, only after first finding that the proposed development is: 1) allowed within the subject zoning district; 2) in compliance with all of the applicable criteria identified in subsection (C)(2)(c) of this section; and 3) not detrimental to the harmonious and orderly growth of the City, nor endangers, jeopardizes, or otherwise constitutes a hazard to the public

convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development. Although the Project proposes a Zoning Code Amendment, no impacts associated with the zone change would be significant and unavoidable. Thus, the Project would have a less-than-significant impact in this regard.

4. *City Council Policy A-18/City Charter Section 423*

The Project site is located within Statistical Area L1 of the General Plan Land Use Element, and would result in an increase of 49 dwelling units to Statistical Area L1. In conjunction with the Planning Commission and City Council review and action regarding the proposed Project, City staff shall conduct an analysis pursuant to City Charter Section 423 and City Council Policy A-18 to determine whether a vote by the electorate of the proposed Project is mandated, if City Council approves the proposed Project.

5. *City of Newport Beach Height Restrictions (Sight Plane Ordinance and Zoning Code)*

The Project site is located outside of the areas subject to the City's Sight Plane Ordinance. As depicted in Figure 4.7-1, the properties that are subject to the Sight Plane Ordinance are generally located south of Civic Center Drive, west of MacArthur Boulevard, north of East Coast Highway and northwest of the intersection of Newport Center Drive and East Coast Highway. These areas are located to the south and west of the Project site. Because the Project site is located north and east of the geographic area covered by the Sight Plane Ordinance, the Project has no potential to conflict with the ordinance. In addition, the development of the proposed Project would have no potential to obstruct ocean views available from structures that benefit from the geographic area covered by the Sight Plane Ordinance because the Project site is located inland of these structures, including those that occur in the Broadmoor Hills Community.

The base height limits established in Part 2 of the Municipal Code (Zoning Districts, Allowable Land Uses, and Zoning District Standards) may be increased within specified areas with the adoption of a Planned Community District, adoption of a specific plan, or approval of a planned development permit, or site development review. (Newport Beach, 2015a, Section 20.20.060).

The existing car wash building that is located on the Project site is approximately 12.5 feet high. The Project proposes a new seven-story building that would be 75 feet 6 inches tall at the top of the roof. As detailed in the PC-text for the Project, the proposed seven-story building is limited to a maximum height of 83 feet 6 inches (which includes the height of building in addition to architectural projections, the elevator override, and rooftop mechanical equipment). In comparison, the height of existing structures in the vicinity of the Project site are as follows:

- Office buildings to the southwest: approximately 24 feet to 27 feet in height
- Movie theatre to the northeast: approximately 40 feet in height
- Buildings across Anacapa Drive: range from approximately 22 feet to 75 feet in height



- Mall buildings to the north across Newport Center Drive: approximately 23 to 75 feet in height

Although the Project would result in the construction of a building that is taller than immediately surrounding existing buildings, height limits range from 32 feet (for properties to the east across Anacapa Drive), to 50 feet (for Block 100), to 75 feet (height limit for mall buildings in Fashion Island). The proposed building on the Project site would be compatible with height limits within the Newport Center area, including buildings up to 21 stories in height (300 feet). Because tall buildings already occur within the Project site's general vicinity, the construction of a new seven-story residential building on the Project site would not conflict with or substantially alter the visual character of the Newport Center area in a manner that would result in potentially significant physical impacts. Therefore, impacts associated with this issue would be less than significant. Refer to EIR Subsection 4.1, *Aesthetics*, for a more detailed evaluation of Visual Character.

6. *John Wayne Airport (JWA) Environs Land Use Plan (AELUP)*

JWA is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport. As detailed in the AELUP for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA. The Project site is located approximately 19,200 feet from the nearest point of the JWA runway. By applying the imaginary surface slope of 100:1, at this distance from the runway, the Project would not penetrate the imaginary surface extending 100 feet outward and one foot upward (slope of 100:1) from the JWA runway at a height of 191 feet. Therefore, the Project does not fall within the AELUP Airport Planning Area and does not require ALUC review. Additionally, the seven-story building proposed by the Project would be 83 feet 6 inches in height, so FAA notification is not required because the structure does not exceed 200 feet in height. (OCALUC, 2008) The Project would have a less than significant impact regarding the JWA AELUP.

Threshold c: Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan??

No Impact. The Project site is located within the Orange County Central and Coastal Orange County NCCP/HCP, which does not identify the Project site and surrounding areas for conservation (Orange County, 1996, Figure 11). Due to the developed nature of the Project site, the site also does not contain any habitat for any of the plant or animal species addressed by the NCCP/HCP. Accordingly, the Project has no potential to conflict with the NCCP/HCP. There are no additional Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project site or vicinity. Accordingly, no impact would occur.

4.7.5 CUMULATIVE IMPACT ANALYSIS

Regarding Threshold a), the Project site does not provide access to established communities. Therefore, the proposed Project would not isolate any established communities or residences from neighborhood communities. As such, the Project has no potential to result in cumulatively considerable impacts associated with the physical arrangement of an established community.

The Project would change the land use and zoning designation applied to the Project site to accommodate residential development. Other nearby cumulative projects within the Newport Center area include the Museum House Residential Tower project, the Fashion Island Villas Project, and the Meridian Condominiums Project, which are each described below.

The proposed Museum House Residential Tower project (PA2015-152), located at 850 San Clemente Drive approximately 0.6-mile north of the Project site within the northern portion of the Newport Center area at 850 San Clemente Drive, would result in the development of a 100-unit, 295-foot tall residential tower at 850 San Clemente Drive. The approval of the Museum House Residential Tower project would require an amendment to the General Plan (General Plan Amendment No GP2015-001) to accommodate residential development of the property.

The Fashion Island Villas project (PA2012-020) was approved by City Council in 2012 and was under construction at the time that this EIR was prepared. The Fashion Island Villas project is located at 1101 San Joaquin Hills Road, approximately 0.8-mile north of the proposed Project site in the northern portion of the Newport Center area. This project did not require a General Plan amendment, but did require a transfer of development rights and an amendment to the North Newport Center Planned Community in order to transfer the residential development allocation for the area.

The Meridian Condominiums project (PA2004-210) was approved in 2006. This project is located at 1001 Santa Barbara Drive approximately 0.5-mile northwest of the proposed Project site, within the western portion of Newport Center. This project was completed at the time this EIR was prepared. The Meridian Condominiums project included a General Plan amendment to modify the General Plan land use designation in order to accommodate the development of 79 multi-family residential units at the site. This General Plan Amendment was approved in early 2006, which was prior to the adoption of the 2006 General Plan.

The Project would not result in cumulatively considerable impacts associated with Threshold b). Although the proposed Project would result in a change to the General Plan land use and zoning designations for the Project site, these changes when considered with those that would occur with the other cumulative projects in the Newport Center area would not result in a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or reducing an environmental effect. Accordingly, no cumulatively significant physical environmental impacts would occur regarding conflict with land use policies or regulations.

As discussed under the analysis of Threshold c), the proposed Project would not conflict with or adversely affect the implementation of any habitat conservation plan/natural community conservation plan. Accordingly, there is no potential for the Project to contribute to any cumulatively significant impacts due to a conflict with a habitat conservation plans/natural community conservation plan.

4.7.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a): No Impact.

Threshold b): Less-than-Significant Impact.

Threshold c): No Impact.

4.7.7 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.

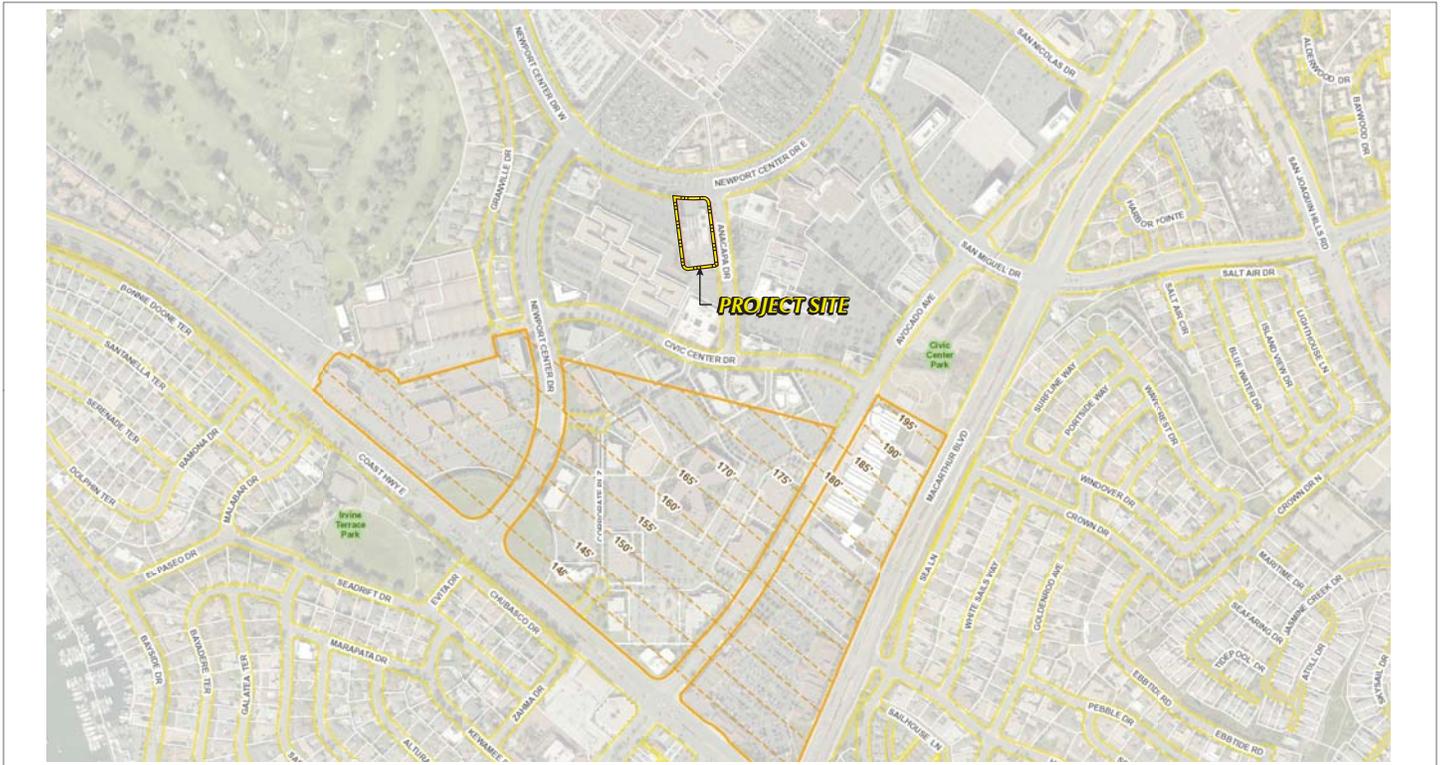


Figure 4.7-1





Figure 4.7-2



4.8 NOISE

This Subsection is based on information from the following sources: the Noise section of the certified City of Newport Beach Final General Plan 2006 Update EIR (SCH # 2006011119) (Newport Beach, 2006b); the City of Newport Beach General Plan (Newport Beach, 2006a); Google Earth Pro (Google Earth Pro, 2015), City of Newport Beach Municipal Code (Newport Beach, 2015a); the Air Quality Impact Analysis prepared for the proposed Project by Urban Crossroads and dated February 2016 (*Technical Appendix C* to this EIR) (Urban Crossroads, 2016a); and the Airport Environs Land Use Plan for John Wayne Airport (OCALUC, 2008). Refer to EIR Section 7.0, *References*, for a complete list of reference sources.

4.8.1 NOISE FUNDAMENTALS

A. Noise Definitions

Noise is generally defined as “unwanted” sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise are the effects of distinguishable sources (e.g., an occasional aircraft or loud vehicle passing, the virtually continuous roar of traffic on a major highway, etc.). The standard unit of sound amplitude is the decibel (dB), which is a measure of the physical magnitude of the pressure variations relative to the human threshold of perception. The human ear’s sensitivity to sound amplitude is frequency-dependent, and so a modification is usually made to the decibel to account for this; the A-weighted decibel (dBA) accounts for the additional human sensitivity to a sound’s frequency (Newport Beach, 2006b, p. 4.9-1). The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal human voice conversation at three feet is roughly at 60 dBA, while loud jet engine noises equate to 110 dBA at approximately 100 feet.

There are several quantitative indicators that are frequently used to gauge the likelihood that environmental noise would have an adverse effect on a community. These noise indicators are as follows (Newport Beach, 2006b, p. 4.9-2):

- Leq, the equivalent energy noise level, is the average acoustic energy content of noise over any chosen exposure time. The Leq is the constant noise level that would deliver the same acoustic energy to the ear as the actual time-varying noise over the same exposure time. Leq does not depend on the time of day during which the noise occurs.
- CNEL, the community noise equivalent level, is a 24-hour average Leq with a 10 dBA “weight” added to noise during the hours of 10:00 p.m. to 7:00 a.m., and a 5 dBA “weight” added during the evening hours between 7:00 p.m. to 10:00 p.m. to account for increased noise sensitivity in the evening and nighttime.

B. Vibration

Vibration is the periodic oscillation of a medium or object. As detailed in the City's General Plan EIR (Newport Beach, 2006b, p. 4.9-3):

“Vibrating objects in contact with the ground radiate energy through that medium; if a vibrating object is massive enough and/or close enough to the observer, its vibrations are perceptible. The rumbling sound caused by the vibration of room surfaces is called groundborne noise. The ground motion caused by vibration is measured in vibration decibels (VdB). The background vibration velocity level in residential areas is usually around 50 VdB. The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people.”

4.8.2 EXISTING NOISE CONDITIONS

A. Existing Study Area Ambient Noise Conditions

The Project site occurs in an urbanized portion of the City of Newport Beach. The noise environment at the Project site is primarily influenced by vehicular traffic along Newport Center Drive and Anacapa Drive. Aircraft activity is also periodically audible. Vehicular traffic within the nearby parking areas serving surrounding businesses also contribute to the ambient noise conditions at the Project site. The existing car wash on the Project site generates noise from the vehicle trips to and from the Project site, as well as stationary noise that is related to the mechanical components of the car wash operation, including vehicular dryers and vacuums.

B. Existing Groundborne Vibration

Based on the nature of the currently operational car wash on the site, there are no sources of groundborne vibration on the Project site because no heavy machinery is used on the site. No sources of groundborne vibration occur in the Project site's vicinity because the primarily office and commercial/retail land uses that exist in the vicinity of the Project site do not have operational characteristics that would generate groundborne vibration.

C. Airport Noise and Vibration

The nearest airport to the Project site is the John Wayne Airport (JWA), which is located approximately 3.6 miles north/northeast of the Project site. There are no private airstrips near the Project site (Google Earth Pro, 2015). After aircraft depart JWA they generally follow Newport Bay to the coast. As such, the Project site and surrounding area are approximately 1.5 miles east of the flight path of flights that depart from John Wayne Airport and are subject to airport noise in the existing condition. However, as shown in Figure 4.8-1, *Existing Noise Contours in Project Vicinity*,

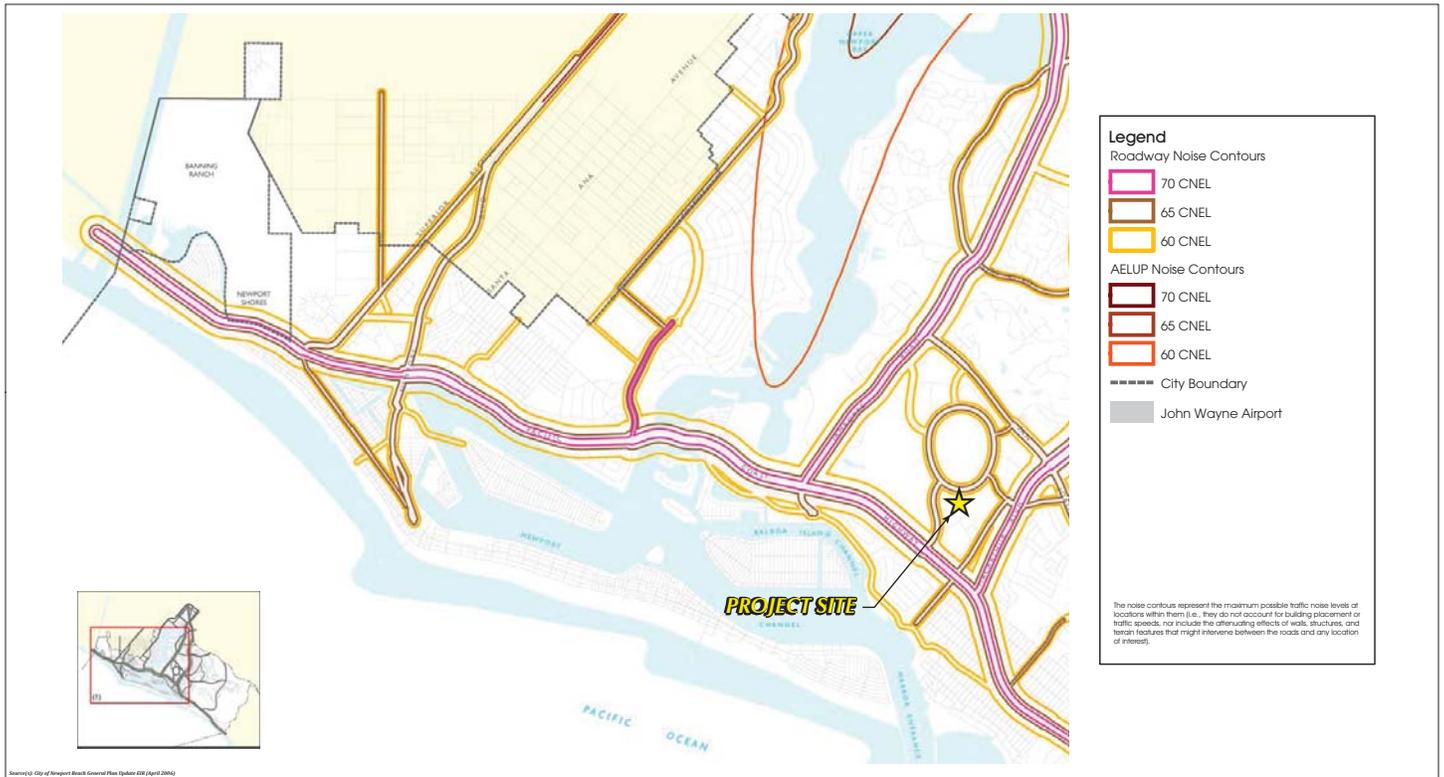


Figure 4.8-1



the Project site is outside of the 60 Community Noise Equivalent Level (CNEL) Airport Environs Land Use Plan (AELUP) zone for John Wayne Airport. Being outside of the 60 CNEL zone for the airport means that the Project site is not subjected to significant airport noise from JWA. Therefore, airport activities are not considered a source of substantial noise or vibration in the Project area in the existing condition.

4.8.3 APPLICABLE REGULATORY REQUIREMENTS

Following is a description of the existing regulatory setting for the Project's study area in relation to the subject of environmental noise. The applicable noise standards, policies, and regulations of the City of Newport Beach are presented below.

A. City of Newport Beach General Plan Noise Element

The City of Newport Beach General Plan Noise Element identifies noise sensitive land uses and noise sources, and defines areas of noise impact for the purpose of developing policies to insure that Newport Beach residents would be protected from excessive noise intrusion (Newport Beach, 2006a, p. 12-2). Sensitive land uses are generally defined as locations where people reside or where the presence of noise could adversely affect the use of the land. Sensitive land uses include but are not limited to uses such as schools, hospitals, residences, libraries, and recreation areas. The nearest sensitive receptor to the Project site is the Newport Center Women's Health Center, located approximately 100 meters south of the Project site at 180 Newport Center Drive (Urban Crossroads, 2016a, p. 28).

The following goals and policies from the General Plan Noise Element are applicable to the Project:

- Policy N 1.1: "Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3." (Newport Beach, 2006a, p. 12-25)
- Policy N 1.4: "Require that applicants of residential portions of mixed-use projects and high density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code." (Newport Beach, 2006a, p. 12-25)

B. City of Newport Beach Municipal Code

The City of Newport Beach Municipal Code Chapter 10.26, *Community Noise Control*, sets forth noise measurement procedures, as well as exterior noise limits and interior noise standards. These standards are shown in Table 4.8-1, *City of Newport Beach Municipal Code Exterior Noise Standards*, and Table 4.8-2, *City of Newport Beach Municipal Code Interior Noise Standards*. The commercial exterior noise standards listed in Table 4.8-1 as Noise Zone II apply because the land uses surrounding the Project site are primarily commercial in nature. Additionally, the exterior

residential noise standards listed in Table 4.8-1 and the interior residential noise levels listed in Table 4.8-2 as Noise Zone I are applicable to the Project because the proposed land use on the site is residential.

Table 4.8-1 City of Newport Beach Municipal Code Exterior Noise Standards

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (Equivalent Noise Level, Leq)	
		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

Note: If the ambient noise level exceeds the resulting standards, the ambient shall be the standard.

Source: (Newport Beach, 2015a, § 10.26.025)

Table 4.8-2 City of Newport Beach Municipal Code Interior Noise Standards

Noise Zone	Type of Land Use	Allowable Interior Noise Level (Equivalent Noise Level, Leq)	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Residential	45 dBA	40 dBA
II	Residential portions of mixed-use properties	45 dBA	40 dBA

Note: If the ambient noise level exceeds the resulting standards, the ambient shall be the standard.

Source: (Newport Beach, 2015a, § 10.26.030)

C. Construction Noise Standards

The City of Newport Beach Municipal Code Chapter 10.28.040, *Construction Activity-Noise Regulations*, regulates noise from construction activity. Construction and demolition activities in the City of Newport Beach are normally prohibited between the hours of 6:30 p.m. and 7:00 a.m., or on a Saturday between the hours of 6:00 p.m. or 8:00 a.m., or at any time on Sundays or holidays. (Newport Beach, 2015a) Activities authorized in writing by the Building Official outside of these hours must comply with the Exterior Noise Standards of the Municipal Code.

D. Project Operational Standards

Any unusual noise generated by individual residents of the proposed Project would be regulated by City of Newport Beach Municipal Code Chapter 10.2 (Loud and Unreasonable Noise). (Newport Beach, 2015a)

E. Vibration Standards

The City of Newport Beach Municipal Code Chapter 17.26, *Community Noise Control*, defines vibration as “any movement of the earth, ground or other similar surface created by a temporal and spatial oscillation device or equipment located upon, affixed in conjunction with that surface.” As detailed in the General Plan EIR for the City of Newport Beach, the City has a threshold of significance of 72 Vdb for vibration levels associated with Category 2 land uses identified as residences and buildings where people normally sleep (Newport Beach, 2006b, p. 4.9-32), as detailed in Table 4.8-3, *City of Newport Beach Groundborne Vibration and Groundborne Noise Impact Criteria*. Various types of construction equipment emit a certain amount of vibration noise levels. The California Department of Transportation (Caltrans) has developed a list of vibration noise levels for construction equipment which is used for reference for the types of vibration noise that could be expected during Project construction. Table 4.8-4, *Reference Vibration Noise Levels for Construction Equipment*, provides the reference vibration levels for typical construction equipment as measured at a distance of 25 feet from the source.

Table 4.8-3 City of Newport Beach Groundborne Vibration and Groundborne Noise Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (VdB re 1 micro inch/sec)		Groundborne Noise Impact Levels (dB re 20 micro Pascals)	
	Frequent Events ¹	Infrequent Events ²	Frequent Events	Infrequent Events
Category 1: Buildings where low ambient vibration is essential for interior operations.	65 VdB ³	65 VdB ³	NA ⁴	NA ⁴
Category 2: Residences and Buildings where people normally sleep.	72 VdB	80 VdB	35 dBA	43 dBA
Category 3: Institutional land uses with primarily daytime use.	75 VdB	83 VdB	40 dBA	48 dBA

¹"Frequent Events" is defined as more than 70 vibration events per day.

²"Infrequent Events" is defined as fewer than 70 vibration events per day.

³This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes.

⁴Vibration sensitive manufacturing or research will require detailed evaluation to define the acceptable vibration levels.

⁵Vibration sensitive equipment is not sensitive to groundborne noise.

Source: (Newport Beach, 2006b, Table 4.9-6)

Table 4.8-4 Reference Vibration Noise Levels for Construction Equipment

Equipment	Reference PPV at 25 ft. (in/sec)
Vibratory roller	0.210
Large bulldozer	0.089
Caisson drilling	0.089
Loaded trucks	0.076
Jackhammer	0.035
Small bulldozer	0.003
Crack-and-seat operations	2.4

Source: (Caltrans, 2013, Table 18)

4.8.4 BASIS FOR DETERMINING SIGNIFICANCE

The proposed Project would result in a significant noise impact if the Project or any Project-related component would cause:

- 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;*
- b. *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;*
- c. *A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project;*
- d. *A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project;*
- e. *For a Project located 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 expose people residing or working in the Project area to excessive noise levels; or*
- 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.*

A. Operational Noise Threshold of Significance

For evaluation under Threshold a), noise impacts will be considered significant if the Project was to result in the exposure of persons to or generate noise levels in excess of standards established in the City of Newport Beach General Plan or Municipal Code Chapter 10.26, *Community Noise Control*. Based on the City of Newport Beach exterior and interior noise standards, impacts of the proposed Project will be considered significant if Project-related traffic or operational stationary noise were to result in an increase in noise that causes the exceedance of an exterior or interior noise level standard on an off-site property above the levels shown on Table 4.8-1 and Table 4.8-2 for the respective noise zone (Newport Beach, 2015a, § 10.26.025) (Newport Beach, 2015a, § 10.26.030). Additionally, although impacts of the existing environment on a proposed project are not required to be evaluated under CEQA, analysis is provided herein that discusses the City's Municipal Code requirement for the proposed Project to be designed to meet the Zone I (residential) noise level standards set forth in Table 4.8-1 and Table 4.8-2.

For evaluation under Threshold b) as detailed in the General Plan EIR, vibration impacts will be considered significant if the Project exposes persons to or generates vibration levels above the City's significance threshold of 72 Vdb (Newport Beach, 2006b, p. 4.9-32).

B. Construction Noise Threshold of Significance

As detailed in the City's General Plan Noise Element, "The most effective method to control community noise impacts from non-transportation noise sources is through application of Municipal Code standards. The noise levels established by the Municipal Code assure that noise from

mechanical equipment, and other types of non-transportation noise are not excessive in residential and other noise-sensitive areas.” (Newport Beach, 2006a, p. 12-10) For evaluation under Threshold a), the Project will be considered to have a significant short-term noise impact during Project construction if the Project would not comply with Section 10.28.040, *Construction Activity-Noise Regulations*, of the City of Newport Beach Municipal Code. Activities authorized in writing by the Building Official outside of the normally permitted construction hours must comply with the Exterior Noise Standards of the Municipal Code.

For evaluation under Threshold d), the Project will be considered to have a significant short-term noise impact during Project construction if the Project’s construction operation will generate noise levels experienced by persons at off-site properties of 90 dBA or greater for more than 8 hours per day, which is the level that can affect human health (hearing loss) if the noise exposure was experienced by the same persons for a period of several years. Periodic exposure to high noise levels in short duration is typically considered an annoyance, but not impactful to human health. The *Occupational Noise Exposure Criteria* prepared by the National Institute for Occupational Safety and Health (NIOSH) in June 1998 shows the estimated risk of hearing impairment across three organizations over a 40-year working lifetime: the International Organization for Standardization (IOS), the Environmental Protection Agency (EPA), and NIOSH. All three organizations identify a risk of hearing impairment above 20% when workers are exposed to a 90 dBA average daily noise exposure over a 40-year working lifetime (CDC, 1998). NIOSH also recommends a maximum exposure limit of 2 hours for noise levels of 90 dBA for workers over a period of several years (CDC, 2015). Exposure to average noise levels of 90 dBA or higher over an 8-hour period is generally considered to cause hearing loss in workers by the Occupational Safety and Health Administration (OSHA) without hearing protection if exposed over a period of years. Single event or one-time exposures do not pose an immediate risk of hearing loss unless sound levels equal or exceed 140 decibels (CDC, 2015) Given this information, the use of a significance threshold for construction noise of 90 dBA or higher for more than 8 hours per day during the Project’s construction period is supported by available information from ISO, EPA, NIOSH, and OSHA.

4.8.5 IMPACT ANALYSIS

Threshold a. Would the Project result in 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?

Potentially Significant Impact. The Project site generates noise under existing conditions in relation to vehicle traffic (discussed below), as well as stationary noise from the car wash, including components such as the dryer for the vehicles, vacuums, and compressed air that is used to detail the vehicles. The car wash also has an amplification (speaker) system in the outdoor waiting area that broadcasts music. The proposed Project would remove the existing car wash use with ancillary gas station and convenience market and construct a seven-story residential building. The potential for exposing sensitive receptors to noise levels in excess of standards established in the City’s General

Plan and Municipal Code are discussed below. Standards of other agencies are not applicable to the Project site.

A. Construction Noise

Construction noise and noise from construction-related traffic (including haul truck trip noise) would be temporary in nature and would be required to comply with all City requirements. Construction noise is explicitly exempted from the noise standards specified in Municipal Code § 10.26 (Community Noise Control), provided such activities adhere to the timing restrictions specified in Municipal Code § 10.28 (Loud and Unreasonable Noise). The Construction Activity-Noise Regulations in § 10.28.040 (Construction Activity-Noise Regulations) limits construction activities to between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday and between the hours of 8:00 a.m. and 6:00 p.m. Saturdays, and prohibits construction activities on Sundays and federal holidays. The Project Applicant is proposing to deviate from § 10.28.040 during a period of approximately two days, when construction staging activities associated with the construction of the building foundation would begin on the Project site at 6:00 a.m., instead of 7:00 a.m. The Project's construction activities would comply with all of the City's other Municipal Code requirements.

The Project's proposal to begin construction at 6 a.m. over a duration of approximately two days would have a less-than-significant impact to people in the surrounding area. The Project site is surrounded by commercial and office land uses, the majority of which are not occupied between 6 a.m. and 7 a.m. Due to the predominantly commercial/office nature of surrounding land uses, there is only one sensitive receptor that is in close proximity to the Project site, which is the Newport Center Women's Health Center, located approximately 100 meters south of the Project site at 180 Newport Center Drive. This facility opens at 8:30 a.m., and would not be affected by construction noise between the hours of 6 a.m. – 7 a.m. No residential properties occur adjacent to the Project site, with the nearest residential uses being the Granville community (a private gated residential community located approximately 0.15-mile west of the Project site); The Meridian (a 79-unit condominium Project located at 1001 Santa Barbara Drive, approximately 0.5-mile northwest of the Project site); and The Colony Apartment Homes (an apartment complex located approximately 0.6-mile northwest of the Project site). Development and distance that occurs between the Project site and these residential areas would attenuate construction noise. Although the construction noise that would occur during the two days where construction would begin at 6 a.m. is not anticipated to result in adverse effects to sensitive receptors, in an abundance of caution this impact is regarded as potentially significant.

B. Operational Noise

The Project site generates noise under existing conditions in relation to the vehicle traffic generated by the car wash, as well as stationary noise from the car wash. The proposed Project would remove the existing car wash use with ancillary gas station and convenience market and redevelop the Project site with a condominium building with 49 residences. Residential land uses are not typically associated with the generation of substantial stationary noise. The primary source of stationary noise that would be generated by the proposed Project would be associated with mechanical ventilation/air

conditioning components that would be located on the rooftop of the building. This equipment would not be located near (within 50 meters of) any off-site sensitive receptors and would represent an overall decrease in the amount of stationary noise that would be generated at the Project site when compared to the existing car wash use. Any unusual noise generated by individual residents would be regulated by Chapter 10.28 of the Newport Beach Municipal Code (NBMC); any future residents that violate the provisions of Chapter 10.28 would be subject to penalties as set forth in the ordinance. Any noise generated by the heating, ventilation, and air conditioning (HVAC) system, rooftop pool, or valet would be regulated under Chapter 10.28 of the NBMC. Accordingly, under long-term operating conditions, the Project would not generate substantial amounts of stationary noise that would violate the noise standards established in NBMC Chapter 10.26 (Community Noise Control).

The Project would contribute to off-site noise levels resulting from vehicular traffic that would be generated by the residents, visitors, employees, and delivery vehicles. However, as discussed in more detail in EIR Subsection 4.9, *Transportation/Traffic*, the proposed Project would result in a reduction in the total number of average daily vehicular trips traveling to and from the site by 614 trips, compared to existing conditions. As such, implementation of the Project would result in a corresponding reduction in the amount of vehicular-related noise affecting off-site areas. Therefore, based on the significance criteria set forth in Subsection 4.8.4, because the Project would not increase exterior noise levels, impacts associated with noise resulting from Project-generated vehicular trips would be less than significant.

Although impacts of the existing environment on a proposed project are not required to be evaluated under CEQA, it is acknowledged that NBMC § 10.26.030 (Interior Noise Standards) requires the Project's interior noise level to be 40 dBA or less during the nighttime hours and usable exterior areas to be 65 dBA or less. Conventional residential construction, with closed windows and fresh air supply systems or air conditioning provided, would typically suffice to satisfy interior noise standards. The City of Newport Beach would require the Project be designed to attenuate noise for residents to a level that is within the City's standards; thus, impacts would be less than significant in relation to noise standards established in the City's General Plan and Municipal Code for on-site residential uses.

Threshold b. Would the Project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less-than-Significant Impact. The only potential source of ground-borne vibration associated with the Project would occur as a result of construction activities, during which large machinery would be used in support of Project excavation and grading activities. The typical vibration levels associated with the construction equipment was previously listed in Table 4.8-4. Construction activities associated with the Project would not require the use of pile drivers, rock crushers, or blasting, which are the primary sources of substantial vibration-related impacts during construction. As such, groundborne vibration and groundborne noise impacts during construction would be less than significant.

The proposed residential land use is not of a nature that would generate excessive groundborne vibration because typical residential activities such as traveling to/from the parking garage and inhabiting one's dwelling would not cause substantial groundborne vibration. As such, the Project would not create or result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. Additionally, there are no sources of groundborne vibration or groundborne noise in the Project area, such as railroad lines. Accordingly, future Project residents also would not be subject to groundborne vibration or groundborne noise levels and impacts associated with this issue would be less than significant.

Threshold c. Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Less-than-Significant Impact. As indicated above under the discussion of Threshold a), residential uses typically do not generate substantial amounts of ambient noise because no large machinery or other uses that typically produce loud sounds are proposed on the site. The proposed Project would generate sounds similar to those of surrounding land uses including sounds from vehicles and delivery trucks. Any unusual noise generated by individual residents would be regulated by Chapter 10.28 (Loud and Unreasonable Noise) of the Municipal Code, and any future residents that violate the provisions of Chapter 10.28 would be subject to penalties as set forth in the ordinance. Residential uses can result in an increase in ambient noise levels due to an increase in vehicular trips in the Project area. However, and as discussed in more detail in EIR Subsection 4.9, *Transportation/Traffic*, the Project would generate less traffic when compared to the existing car wash use, thereby reducing the amount of vehicular-related noise affecting off-site areas when compared to the existing conditions at the Project site. Therefore, the Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project, and impacts would be less than significant.

Threshold d. Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Potentially Significant Impact. Construction noise and noise from construction traffic (including haul truck trip noise) would be temporary in nature and vary in sound level each day as different construction activities occur on the property. Construction would be confined to between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday and between the hours of 8:00 a.m. and 6:00 p.m. Saturdays, with the exception of two days when construction staging activities also would occur from 6:00 a.m. to 7:00 am. Although the construction noise that would occur during the two days when construction would begin at 6 a.m. is not anticipated to result in adverse effects to sensitive receptors, in an abundance of caution this impact is regarded as potentially significant.

During demolition of the Project site's existing car wash operation and other on-site improvements and the construction of the proposed Project, equipment including concrete/industrial saws, rubber tired dozers, tractors/loaders/backhoes, graders, cranes, forklifts, generator sets, welders, cement and

mortar mixers, pavers, paving equipment, rollers and air compressors would generate noise at the Project site. Refer to Table 3-2, *Construction Equipment*, in EIR Section 3.0. Back-up beepers on construction vehicles are usually particularly audible as a discrete sound, as they are designed to draw attention for safety purposes. Although it is highly improbable that all pieces of construction equipment listed on Table 3-2 would be operating simultaneously on the Project site, for analysis purposes herein, it is assumed that all pieces of construction equipment listed in Table 3-2 would be used daily. Temporary and periodic noise levels approaching 90 dBA have the potential to occur during the grading and excavation phase of the construction process when the largest pieces of equipment are operating. As detailed in Table 3-1, *Construction Duration*, in EIR Section 3.0, this phase of construction is anticipated to occur over a period of approximately 30 working days. The temporary and periodic increase in noise is considered a less-than-significant impact because loud noise would be periodic and occur fewer than 8 hours per day; also, due to the commercial character of surrounding properties, persons on adjacent properties would spend a majority of their time indoors with windows closed and not be exposed to loud construction noise. Typical building construction provides a noise reduction of approximately 12 dBA with windows open, so even if windows were open, the loudest construction noise exposure would be roughly 78 dBA, assuming the worst-case scenario of construction equipment producing a periodic noise level of nearing 90 dBA at an adjacent property line with no intervening noise attenuation. Given the Project's construction schedule (30 days during the grading and excavation phase when noise would be the loudest) and expected construction equipment fleet, construction-related noise would not occur for a period long enough or loud enough to cause hearing damage to receivers at off-site properties. Due to the predominantly commercial nature of surrounding land uses, there is only one sensitive receptor that is close enough to the Project site to experience loud noise, the Newport Center Women's Health Center, located approximately 100 meters south of the Project site at 180 Newport Center Drive. Noise diminishes with distance and as such, the distance of 180 Newport Center Drive from the Project site diminishes construction noise impacts from the proposed Project. For these reasons, temporary and periodic construction-related noise impacts would be less-than-significant. Regardless, mitigation measures are recommended herein to reduce the potential for general nuisance noise from construction activity associated with the proposed Project.

During the Project's operation, temporary and periodic noise increases that could occur include voices, music, and noise from trash truck activities, delivery trucks, and car alarms. However, these are noises that are typical of an urban environment and similar to types of noise generated by land uses in the surrounding Project site vicinity. Additionally, the existing car wash on-site, which generates noise from both washing and vacuuming operations, as well as noise amplification (speakers) in the outdoor customer waiting area, and people talking in the car washing, drying, and waiting areas, would be removed and replaced with residential land uses. Accordingly, the Project's operation would not generate substantial temporary or periodic increases in ambient noise levels above levels existing without the Project. Impacts would be less than significant.

Threshold e. For a Project located 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 expose people residing or working in the Project area to excessive noise levels?

No Impact. The only airport in the vicinity of the Project site is John Wayne Airport, which is located approximately 3.6 miles north/northeast of the Project site. As shown on Figure N4 of the Newport Beach General Plan, and as similarly presented on the Airport Impact Zones exhibit of the AELUP, the Project site is not subject to airport-related noise levels exceeding 60 dBA CNEL (Newport Beach, 2006a, Figure N4; OCALUC, 2008, Appendix D). Accordingly, the Project would not expose people residing or working in the Project area to excessive airport-related noise levels (in excess of 60 dBA CNEL). The City of Newport Beach General Plan Noise Element (Table N2, Land Use Noise Compatibility Matrix) includes the noise compatibility guidelines derived from the State General Plan Guidelines. The City's Noise Compatibility guidelines presents criteria used to assess the compatibility of proposed land uses with the noise environment. For single-family and multi-family residential uses, an ambient noise level of up to 60 dBA CNEL is considered "Clearly Compatible." Thus, there would be no impacts in this regard.

Threshold 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. There are no private airstrips within the vicinity of the Project site. Accordingly, there would be no impact due to the exposure of people residing or working in the area to excessive noise levels associated with private airstrips.

4.8.6 CUMULATIVE IMPACT ANALYSIS

The cumulative impact analysis considers construction and operation of the proposed Project in conjunction with other development projects in the vicinity of the Project site that have the potential to collectively increase noise above existing levels. The analysis of potential cumulative impacts is divided into three general topics of discussion combining the Thresholds of Significance (listed in Subsection 4.8.4) into groupings of like topics.

A. Substantial Permanent or Temporary Noise Increase (Thresholds a, c, and d)

1. Short-Term Cumulative Construction-Related Noise Impacts

Construction activities associated with the proposed Project, especially activities involving heavy equipment, would create intermittent periods of noise when construction equipment is in operation and cause a short-term increase in ambient noise levels. The list of cumulative projects that have the potential to collectively increase noise is provided in Table 4.0-1 in Section 4.0, *Environmental Analysis*, of this EIR. As detailed on that list, there are no ongoing or imminent construction projects in the immediate vicinity of the proposed Project site. The nearest projects located in Newport Center are the Meridian Condominiums Project (constructed completed at the time this EIR was prepared) located approximately 0.5-mile northwest of the Project site in the western portion of Newport Center, the Museum House Residential Tower project located at 850 San Clemente Drive, approximately 0.6-mile northwest of the Project site, and Fashion Island Villas project (1101 San

Joaquin Hills Road), approximately 0.6-mile northwest of the Project site. There would be a less-than-significant cumulative construction noise impact should these projects be constructed at the same time because of the intervening structures and buildings, including the structures in Fashion Island, which would attenuate construction noise from each project. Due to the over ½-mile distance between each of the cumulative projects, noise receptors would not be subject to construction noise from these projects at the same time, except for nominal increases in construction-related vehicular traffic. The Project's contribution to any cumulative traffic noise concern would be less than significant, because the volume of construction traffic would be less than the volume of traffic generated by the existing on-site car wash operation. Therefore, the Project would have less than significant and less than cumulatively considerable construction-related noise impacts.

2. *Long-Term Cumulative Operational Noise Impacts*

As detailed in EIR Subsection 4.9, *Transportation and Traffic*, and as detailed earlier in this EIR Subsection, the proposed Project would result in a reduction in the total number of average daily vehicular trips by 614 trips, compared to existing conditions, which would result in a reduction in vehicular noise compared to existing conditions. Also, any generation of noise on the Project site or due its operation is expected to be low in volume and required to comply with NBMC Chapter 10.28 (Loud and Unreasonable Noise). All other properties in Newport Beach are equally subject to NBMC Chapter 10.28, compliance with which would reduce any cumulative noise levels of a level of below significance and control any unusual noise generated on any property. Thus, the Project would have less-than-significant and less-than-cumulatively considerable operational-related noise impacts.

B. *Groundborne Vibration and Groundborne Noise (Threshold b)*

As indicated under the analysis of Threshold b), the proposed Project would have a less-than-significant impact regarding groundborne vibration and groundborne noise because any vibration created during Project construction would be temporary in nature. Additionally, based on the cumulative projects list (refer to Table 4.0-1 in EIR Section 4.0), no construction projects would occur in close enough proximity to the Project site that would generate groundborne noise that could combine with the Project's construction activities to create cumulative vibration. No sources of vibration are expected from the Project's construction, or its operation. Persons living in their condominiums in the proposed Project's building would not create or result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. Based on a review of surrounding land uses (Google Earth Pro, 2015) which are comprised of commercial and office land uses, there are no land uses within the Project's vicinity that have the potential to generate noise and vibration in a manner that could result in cumulatively considerable impacts. Accordingly, Project-related groundborne noise and vibration associated with short-term construction and long-term Project operation would be less-than-cumulatively considerable.

C. Public and Private Airport-Related Noise Levels (Thresholds e and f)

The proposed Project does not involve the construction, operation, or use of any public airports or public use airports. There are no conditions associated with the Project that would contribute airport noise or exposure of additional people to airport noise levels in excess of 60 dBA CNEL. Therefore, the Project would have no potential to cumulatively contribute to impacts associated with noise from a public airport, public use airport, or private airstrip. Accordingly, cumulatively considerable impacts would not occur.

4.8.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a): Potentially Significant Impact.

Threshold b): Less-than-Significant Impact.

Threshold c): Less-than-Significant Impact.

Threshold d): Potentially Significant Impact.

Threshold e): No Impact.

Threshold f): No Impact.

4.8.8 MITIGATION

The following mitigation measures are identified to reduce noise levels associated with construction activities.

MM 4.8-1 Construction staging before 7:00 a.m. shall only be permitted with the express written consent of the Building Official. Residents of the Granville community shall be notified in advance of the proposed construction hours and sound blankets shall be installed on-site to minimize noise during these hours. A sound blanket is a sound-absorbing material that can be hung on construction fencing or other surface located between the noise source and noise receiver to reduce noise levels at the receiver location. Back-up alarms on construction vehicles shall be disabled when construction vehicles are operating on the Project site before 7:00 a.m.

MM 4.8-2 The construction contractor shall inspect all motorized construction equipment operating on the site monthly, to ensure the proper installation of noise-attenuating mufflers. Inspection records shall be made available to the City of Newport Beach upon request.

4.8.9 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Threshold a): Less-than-Significant Impact with Mitigation.

Threshold d): Less-than-Significant Impact with Mitigation.

4.9 TRANSPORTATION AND TRAFFIC

The following analysis is based, in part, on a traffic and parking evaluation prepared by TJW Engineering (TJW), titled “Traffic and Parking Evaluation: Newport Center Villas, Newport Beach CA- FINAL,” dated August 19, 2015, and included as *Technical Appendix G1* to this EIR (TJW, 2015). Appendix A to the Traffic and Parking Evaluation is an Existing Site Trip Generation Memo dated April 7, 2016, and prepared by Kunzman Associates, Inc. (Kunzman) (Kunzman, 2016). Additionally, a Circulation Analysis prepared by Kunzman titled “Newport Center Villas Circulation Analysis” and dated September 1, 2015 is included as *Technical Appendix G2* to this EIR. (Kunzman, 2015). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.9.1 EXISTING CONDITIONS

The Project site is located within the Newport Center area, a highly urbanized portion of the City of Newport Beach that is fully developed with a variety of office, retail, and residential land uses. The Project site is bordered by Anacapa Drive on the east. Abutting the Project site on the east, at the southeastern corner of Newport Center Drive and Anacapa Drive, is Muldoon’s Irish Pub and an office building occupied by a fitness studio, a rehabilitation and sports therapy office as well as other commercial/office-related businesses. The Project site is bordered by Newport Center Drive on the north, beyond which is Fashion Island, a regional shopping center. Two restaurants are located at the southern edge of the Fashion Island parking lot and are directly across Newport Center Drive from the Project site at the intersection with Anacapa Drive. To the south and west of the Project site is a parking lot that serves the adjacent Gateway Plaza office complex, which is comprised of six two-story low rise office buildings, and associated surface parking, as well as a two-story building at the intersection of Anacapa Drive and Civic Center Drive.

A. *Site Access*

Primary roadway access to the Project site is provided in the existing condition by a driveway on Anacapa Drive, located along the southeastern Project boundary and at driveways on Civic Center Drive, which provide access to the adjoining office parking areas to the south and direct access to the Project site via an ingress/egress easement to the Project site. Local access to the Project vicinity is provided by Newport Center Drive, located north and west of the Project site, Civic Center Drive, located south of the Project site, and Avocado Avenue, located east of the Project site. These local streets provide access to State Route 1 (SR-1) also known as East Coast Highway, located approximately 0.31-mile south of the Project site, which provides access to MacArthur Boulevard, located approximately 0.3-mile east of the Project site. MacArthur Boulevard provides access to California State Route 73 (SR-73), located approximately 2.0 miles northeast of the Project site.

B. *Existing Site Trip Generation*

Kunzman prepared the Existing Site Trip Generation Memo, which details traffic counts for the existing car wash located on the Project site. Traffic counts were obtained at the 150 Newport Center Drive Car Wash over three average weekdays: Tuesday (March 24, 2015), Wednesday (March 25,

2015), and Thursday (March 26, 2015). Table 4.9-1, *150 Newport Center Drive Car Wash Count Summary*, shows the existing car wash count summary (TJW, 2015, Appendix A). As shown in Table 4.9-1, car wash traffic counts were averaged for the three weekdays. Based upon the traffic counts, the car wash currently generates approximately 819 daily vehicle trips, 54 of which occur during the morning peak hour and 75 of which occur during the evening peak hour. (TJW, 2015, Appendix A, p. 1)

Table 4.9-1 150 Newport Center Drive Car Wash Count Summary

Day of Week	Date	Peak Hour						Daily		
		Morning			Evening			In	Out	Total
		In	Out	Total	In	Out	Total			
Tuesday	March 24, 2015	29	30	59	28	37	65	380	379	759
Wednesday	March 25, 2015	28	16	44	35	52	87	403	403	806
Thursday	March 26, 2015	34	25	59	37	38	75	444	448	892
Average		30	24	54	33	42	75	409	410	819

Source: (TJW, 2015, Appendix A, Table 1)

C. Existing Mass Transit

The Project study area is within the service areas of the Orange County Transportation Agency (OCTA), a public transit agency serving Orange County. The Newport Transportation Center/Park-and-Ride, located at the intersection of Avocado Avenue and San Nicholas, provides access to the following OCTA bus routes: 1, 55, 57, 76, and 79. (OCTA, 2015a) OCTA bus stops are located across Newport Center Drive from the Project site and approximately 0.8-mile west of the Project site and are served by OCTA Bus routes 1, 57, and 79 (Google Earth Pro, 2015). No bus stops are located along Anacapa Drive which abuts the Project site to the east.

D. Existing Pedestrian and Bicycle Facilities

With regard to pedestrian movement around the Project site, sidewalks are located along Anacapa Drive, to the east of the Project site and along Newport Center Drive, to the north of the Project site. Crosswalks are located at the intersection of Anacapa Drive and Newport Center Drive and provide pedestrian access to nearby businesses and the Fashion Island shopping center. Pedestrian activity in the Project area is generally from persons walking to/from nearby offices and the Fashion Island regional shopping center.

An existing Class II (on-road striped lane) bicycle lane exists along both sides of Newport Center Drive on the segment that radiates southwards from the Newport Center Drive Loop and connects to East Coast Highway (Google Earth Pro, 2015). No bicycle lanes currently exist along Anacapa Drive.

E. Existing Airport Facilities

John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. As detailed in the Airport Environs Land Use Plan (AELUP) for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA. The AELUP establishes requirements for notifying the Airport Land Use Commission (ALUC) for Orange County and the Federal Aviation Administration (FAA) of certain construction activities and alterations to existing structures within the AELUP Part 77 Notification Area, in order to ensure there are no obstructions to navigable airspace. Within the Notification Area boundary, ALUC must be notified of any proposed construction or structural alterations involving a land use or legislative amendment in the AELUP Planning Area, development that exceeds 200 feet above ground level, and all heliports or helistops. In addition, projects that surpass 200 feet above ground level must also file Form 7460-1 with the FAA. (OCALUC, 2008, p. 4)

The Project site is located approximately 19,200 feet from the nearest point of the JWA runway. By applying the imaginary surface slope of 100:1, at this distance from the runway, the Project does not penetrate the imaginary surface extending 100 feet outward and one foot upward (slope of 100:1) from the JWA runway at a height of 191 feet. Therefore, the Project does not fall within the AELUP Airport Planning Area and does not require ALUC review. Additionally, the seven-story building proposed by the Project would be a maximum 83 feet 6 inches in height; therefore, FAA notification is not required because the structure does not exceed 200 feet in height. (OCALUC, 2008)

4.9.2 REGULATORY SETTING

A. Local Regulations

1. SCAG Regional Transportation Plan

The Southern California Association of Governments (SCAG) is a regional agency established pursuant to California Government Code § 6500, also referred to as the Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). The Project site is within SCAG's regional authority. On April 4, 2012, SCAG adopted a Regional Transportation Plan (RTP) with goals to: 1) maximize mobility and accessibility for all people and goods in the region; 2) ensure travel safety and reliability for all people and goods in the region; 3) preserve and ensure a sustainable transportation system; 4) maximize productivity of the transportation system; 5) protect the environment, improve air quality, and promote energy efficiency; 6) encourage land use and growth patterns that complement the transportation investments and improve the cost-effectiveness of expenditures; and 7) maximize the security of the transportation system (SCAG, 2012, p. 13). Performance measures and funding strategies also are included to help encourage implementation of the adopted goals.

2. Orange County Congestion Management Program (CMP)

The Orange County Congestion Management Plan (CMP) was prepared by the OCTA in accordance with Proposition 111. In June 1990, Proposition 111 was passed, which made additional funding available for transportation projects through a nine cent increase in the state gas tax and mandated that each county with 50,000 or more residents develop a CMP. (OCTA, 2015b) The nearest CMP Highway System to the Project site is East Coast Highway, located about 0.5-mile due south of the Project site (OCTA, 2013, Figure 2). No CMP intersections are located adjacent to the Project site. The closest CMP intersection to the Project site is MacArthur Boulevard and East Coast Highway (SR-1), located approximately 0.55-mile southeast of the Project site, which has a CMP AM and PM Level of Service (LOS) B (OCTA, 2013, Figure 3). Refer to Section 4.9.3 below which discusses LOS.

3. City of Newport Beach General Plan

The General Plan for the City of Newport Beach contains a Circulation Element (Chapter 7) that governs the long term mobility system of the City of Newport Beach. The goals and policies in the Circulation Element are closely correlated with the Land Use Element and are intended to provide the best possible balance between the City’s future growth and land use development, roadway size, traffic service levels, and community character. (Newport Beach, 2006a, p. 7-2)

- Policy CE 2.1.1: “Plan the arterial roadway system to accommodate projected traffic at the following level of service standards:
 - A. Level of Service (LOS) “D” throughout the City, unless otherwise noted
 - B. LOS “E” at any intersection in the Airport Area shared with [the City of] Irvine
 - C. LOS “E” at Coast Highway (EW) and Dover Drive (NS) due to right-of-way limitations
 - D. LOS “E” at Marguerite Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of Corona del Mar
 - E. LOS “E” at Goldenrod Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of Corona del Mar (Newport Beach, 2006a, p. 7-12 and 7-13)”
- Policy CE 2.2.6: “Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles. (Newport Beach, 2006a, p. 7-14)”
- Policy CE 5.1.2: “Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving. (Newport Beach, 2006a, p. 7-21)”

- Policy CE 5.1.3: “Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails. (Newport Beach, 2006a, p. 7-22)”
- Policy CE 5.1.12: “Implement improved pedestrian crossings in key high volume areas such as Corona Del Mar, Mariners’ Mile, West Newport, Airport Area, Newport Center/Fashion Island, and the Balboa Peninsula. (Newport Beach, 2006a, p. 7-22)”
- Policy CE 7.1.1: “Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors. (Newport Beach, 2006a, p. 7-29)”
- Policy CE 8.1.10: “Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways. (Newport Beach, 2006a, p. 7-32)”

4. City of Newport Beach Municipal Code

A. Traffic Phasing Ordinance

Chapter 15.40 (Traffic Phasing Ordinance) of the City’s Municipal Code requires the phasing of development in accordance with circulation system improvements to accommodate project-generated traffic. Projects are exempt from the applicable provisions of the Traffic Phasing Ordinance if the project would generate no more than 300 average daily trips (ADT). The proposed Project generates 205 ADT and therefore would be exempt from the provisions of the Traffic Phasing Ordinance.

4.9.3 METHODOLOGY FOR ESTIMATING PROJECT-RELATED TRAFFIC IMPACTS

A. Level of Service (LOS)

Traffic operations on roadways are described using the term "Level of Service." LOS is a qualitative description of traffic flow based on variables including speed, travel time, delay, and freedom to maneuver and is based on an intersection’s volume to capacity ratio. Six levels (A-F) define how freely vehicles can move. LOS A, represents completely free-flow conditions and LOS F, represents breakdown in flow resulting in stop-and-go conditions. LOS E represents operations at or near capacity, an unstable level where vehicles are operating with the minimum spacing for maintaining uniform flow.

The City of Newport Beach General Plan establishes LOS “D” as the standard for most intersections, and allows LOS “E” at a limited number of intersections. The Project would have a significant impact if it resulted in an exceedance of the City’s established LOS criteria of “D” and “E.” As demonstrated in the analysis below, because the proposed Project would generate fewer daily and peak hour traffic than the existing car wash that would be displaced, analysis of the Project’s impact on the surrounding roadway network is not necessary (TJW, 2015, p. 4)

B. Cumulative Impact Analysis

CEQA Guidelines §15130 requires that an EIR disclose the impact from the Project along with the incremental impacts from closely related past, present, and reasonably foreseeable future projects (i.e., cumulative impact analysis). A list of 46 cumulative projects, including the proposed Project, was identified in consultation with planning staff from the City of Newport Beach based on their records of past, pending, and foreseeable future projects in Newport Beach as of March 2016. The cumulative projects list is included as Table 4.0-1 in Section 4.0 of this EIR.

4.9.4 BASIS FOR DETERMINING SIGNIFICANCE

The proposed Project would result in a significant traffic impact if the Project or any Project-related component would:

- 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;*
- b. *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;*
- 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;*
- d. *Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment);*
- e. *Result in inadequate emergency access; or*
- f. *Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.*

4.9.5 IMPACT ANALYSIS

Threshold a: *Would the Project 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?*

A. Short-Term Construction Traffic Impact Analysis

Less-than-Significant Impact. During the construction phase of the Project, traffic to-and-from the Project site would be generated by activities such as construction employee trips, delivery of construction materials, and use of heavy equipment. Approximately five construction employees would be working on-site during Project demolition. The Project Applicant anticipates that over the course of the Project's construction, a maximum of 250 construction workers would be employed by the construction activity; however, certain phases of construction would require substantially fewer workers. As detailed in the Preliminary Construction Management Plan for the Project (*Technical Appendix M* to this EIR), it is assumed that there would be an average of 40 workers daily at the Project site during demolition and excavation and parking structure. During construction of the super structure and the interiors, there would be an average of 80-90 workers on-site.

Construction workers would park within a parking lot located at the Newport Beach Tennis Club, located approximately 0.22-mile southwest of the Project site and would be conveyed to the Project site via a shuttle vehicle. As detailed in the paragraph below, vehicular traffic associated with construction employees would be less than daily and peak hour traffic volumes generated by the Project operational activities. Deliveries of construction materials to the Project site also would have a nominal effect to the local roadway network. Construction materials would be delivered to the site throughout the construction phase based on need and would not occur on an everyday basis. Heavy equipment would be utilized on the Project site during the construction phase. Because most heavy equipment is not authorized to be driven on a public roadway, most equipment would be delivered and removed from the site via flatbed trucks. As with the delivery of construction materials, the delivery of heavy equipment to the Project site would not occur on a daily basis, but would occur periodically throughout the construction phase based on need. Temporary lane closures may be required on Newport Center Drive and Anacapa Drive abutting the Project site during short periods of the Project's construction period to connect the proposed Project's building to the existing utility facilities within the roadways. However, any such closure would be temporary and intermittent in nature. Additionally, the construction of the proposed Project would not require the complete closure of any public or private streets or roadways during construction. Prior to any work any temporary lane closures, the City's Public Works Department would require the approval of a traffic management plan that would provide specific traffic control measures to reduce the potential for impacts to surrounding roadways during intermittent, temporary lane closures.

The Project's construction would require the export of demolition and earth materials from the site. During the demolition and grading period, approximately 12-13 haul trucks per day or 24-26 round trips (assuming 20 tons of material per load) would be required to accommodate the removal of demolished materials and excavated soils on the Project site. Because the approximately 819 daily vehicular trips that are generated by the existing car wash use on the Project site would be eliminated during Project construction (upon closure of the car wash business), the number of vehicular trips that would be generated during Project construction would be reduced in comparison to those generated in the existing condition. Accordingly, traffic generated by the Project's construction phase would not result in or contribute to a conflict with an applicable plan, ordinance, or policy

establishing measures of effectiveness for the performance of the circulation system. Impacts during the Project’s construction phase would thus be less than significant.

B. Long-Term Operational Traffic Impact Analysis

Less-than-Significant Impact. Based on the land use categories and trip generation rates contained in the Institute of Traffic Engineers (ITE) Trip Generation Handbook (9th Edition, 2012), the most appropriate ITE land use category for the proposed Project is High-Rise Residential Condominium. The analysis in the Traffic and Parking Evaluation (*Technical Appendix G1*) calculates the AM peak hour trips, PM peak hour trips, and average daily trips (ADT) forecast to be generated by the proposed Project’s land use. Table 4.9-2, *Trip Generation Rates for Proposed Project Land Use*, summarizes ITE trip generation rates for the High-Rise Residential Condominium land use.

Table 4.9-2 Trip Generation Rates for Proposed Project Land Use

Land Use (ITE Code)	Unit	AM Peak Hour			PM Peak Hour			Daily Trips
		In	Out	Total	In	Out	Total	
High-Rise Residential Condo (232)	DU	0.06	0.28	0.34	0.24	0.14	0.38	4.18
Note: DU= Dwelling Unit Source: (TJW, 2015, Table 1)								

Table 4.9-3, *Gross Trip Generation of Proposed Project- Vehicle Trips at Project Driveways*, shows the gross trip generation that were calculated for the proposed Project, based on the trip generation rates shown in Table 4.9-2, before accounting for the displacement of the existing land use on the Project site (car wash with ancillary convenience market and gas station) that currently generates trips. As indicated in Table 4.9-3, the proposed Project is expected to generate 205 daily trips during Project operation.

Table 4.9-3 Gross Trip Generation of Proposed Project- Vehicle Trips at Project Driveways

		AM Peak Hour			PM Peak Hour			Daily Trips
		In	Out	Total	In	Out	Total	
High-Rise Residential Condo	49 DU	3	14	17	12	7	19	205
Note: DU= Dwelling Unit Source: (TJW, 2015, Table 2)								

Table 4.9-4, *Net New Trip Generation of Proposed Project*, provides a comparison of the Project site’s existing daily and peak hour traffic volumes with those that are projected to occur during Project operation. Traffic counts were collected at the car wash driveway to establish existing trip data. As shown, implementation of the Project would result in a net reduction of 37 morning peak hour trips, 56 evening peak hour trips, and 614 total daily trips due to the elimination of the daily and peak hour vehicular trips that are generated by the existing car wash and ancillary uses. Accordingly,

Project implementation would result in a net decrease in the amount of traffic that the Project site would contribute to area intersections and roadway segments during Project operation. Thus, the Project would result in a corresponding improvement to the performance of area intersections and roadway segments as compared to existing conditions.

The City of Newport Beach General Plan establishes LOS “D” as the standard for most intersections, and allows LOS “E” at a limited number of intersections. The Project would have a significant impact if it resulted in an exceedance of the City’s established LOS criteria of “D” and “E.” However, because the Project would result in a reduction in daily and peak hour traffic under Project operation when compared to existing conditions, it has no potential to degrade the existing LOS at any area intersection or road segment, and would therefore not result in a conflict with the General Plan’s LOS standard.

Table 4.9-4 Net New Trip Generation of Proposed Project

Land Use	Size	Unit ¹	AM Peak Hour			PM Peak Hour			Daily Total
			In	Out	Total	In	Out	Total	
Proposed: High-Rise Residential Condo	49	DU	3	14	17	12	7	19	205
Removed: Car Wash	8.5	TSF	30	24	54	33	42	75	819
Total Net New Project Trip Generation (Proposed – Existing):			-27	-10	-37	-21	-35	-56	-614
1. TSF = Thousand Square Feet; DU = Dwelling Units Note: AM Peak Hour, PM Peak Hour, and Daily Total reflect the number of trips. Source: (TJW, 2015, Table 3)									

A Traffic Analysis was previously prepared for the nearby North Newport Center San Joaquin Plaza project in 2012 which identified LOS at intersections within the vicinity of the Project site. At the time the study was prepared, all signalized intersections in the vicinity of the Project site were operating at LOS A. (Stantec Consulting Services, Inc., 2012) Since the preparation of the 2012 Traffic Analysis, the Anacapa Drive/Newport Center Drive intersection was signalized as part of a traffic signal modernization project and has not been analyzed for level of service.

Because the proposed Project would result in a net reduction in the number of average daily trips generated from the site as compared to existing conditions, the Project would have no adverse impact on the existing level of service for City roadways or intersections. Additionally, the Project also does not involve any improvements to any public roads. Therefore, the Project would be consistent with, or otherwise would not conflict with, all applicable policies of the General Plan Circulation Element.

In addition, the City’s Traffic Phasing Ordinance (Municipal Code Chapter 15.40) requires mitigation for any traffic effects caused by new development. However, the Project results in a net reduction in vehicular trips from the site (as shown in Table 4.9-4). Traffic Phasing Ordinance

§ 15.40.030.C (Exemptions) specifically exempts projects that generate no more than 300 average daily trips (net). Accordingly, the Project is exempt from the provisions of the Traffic Phasing Ordinance because it would generate 205 ADTs and result in a net ADT decrease of 614 ADTs. Therefore, the Project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

Threshold b: Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No Impact. The Orange County Transportation Authority (OCTA) Congestion Management Plan (CMP) is the applicable congestion management program for the City of Newport Beach. Pursuant to the 2013 CMP (the most recently adopted CMP), an individual project would result in significant impacts to traffic if it causes the LOS of any CMP Highway System intersections to degrade to below a LOS E, or if it generates sufficient traffic that contributes to a facility already operating below the threshold. As indicated in Table 4.9-4, implementation of the Project would result in a net reduction in morning and evening peak hour trips, and also would result in a net reduction in the total daily traffic generated by the site when compared to the existing car wash use at the Project site. As such, the Project has no potential to cause any CMP Highway System intersection to degrade below LOS E, nor would the Project contribute a substantial amount of traffic to any CMP Highway System intersection that already operates below LOS E under existing conditions. Additionally, although the CMP sets forth travel demand measures that promote the use of alternative modes of transportation, none of the travel demand measures¹ specified in the CMP are directly applicable to the Project (OCTA, 2013, p. 3). A Traffic Analysis was prepared for the nearby North Newport Center San Joaquin Plaza project in 2012, which identified LOS at intersections within the vicinity of the Project site. At the time the study was prepared, all signalized intersections in the vicinity of the Project site were operating at LOS A. (Stantec Consulting Services, Inc., 2012) (Since the preparation of the 2012 Traffic Analysis, the Anacapa Drive/Newport Center Drive intersection was signalized as part of a traffic signal modernization project and has not been analyzed for signalized level of service; regardless, the proposed Project would contribute less traffic to this intersection than is contributed by the existing car wash use on the site under existing conditions.) Accordingly, the Project would not conflict with the OCTA CMP's level of service standards or travel demand measures, and no impact would occur.

¹ The model Travel Demand Management ordinance, prepared by OCTA, promotes carpools, vanpools, alternate work hours, park and ride facilities, telecommuting, and other traffic reduction strategies. Principal provisions of this model ordinance include, among other things, that it applies to non-residential public and private development proposals expected to generate more than 250 employees (OCTA, 2013, p. 25).

Threshold c: Would the Project 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 only airport within the Project vicinity is JWA, which is located approximately 3.6 miles north/northeast of the Project site. Although a portion of the Project site falls within the JWA notification area, the building height does not penetrate the 100:1 imaginary surface for notification nor does it penetrate the FAR Part 77 JWA obstruction imaginary surfaces and thus, the Project does not fall within the Airport Planning Area requiring Airport Land Use Commission review (OCALUC, 2008, Figure 1 and Appendix D). Accordingly, and based on the AELUP, the Project would not occur in a location that results in a substantial safety risk for future Project residents, the limited scale of the proposed development would not result in a substantial increase in the demand for air traffic. Therefore, no impacts associated with air traffic would occur.

Threshold d: Would the Project substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

Less-than-Significant Impact. As detailed in the Traffic Circulation Plan for the Project (refer to *Technical Appendix G2*), a stop sign is recommended be installed to control outbound traffic on all Project site access driveways. These stop signs would be required as a condition of approval for the proposed Project imposed by the City of Newport Beach. Additionally, the Project would be required to maintain landscape plantings to 24 inches in height and signage to 30 inches in height in order to provide adequate visibility for motorists at these driveways. Sight distances at each Project access driveway would be required to comply with City of Newport Beach line of sight standard STD-110-L, and Project plans associated with building permit issuance are required to be reviewed by staff at the City's Public Works Department and Planning Division to ensure compliance.

During Project operation, trash container/storage bins would be located within the parking structure basement level in an area to be designed to accommodate access for trash pick-up. The trash bins would be brought by a scout truck from their regular storage areas in the parking structure basement levels to the southerly residential access drive for pick-up by standard waste disposal trucks. The proposed Project would include the installation of rolled curbs along the private shared-access driveway at the southern edge of the Project site in order to allow waste disposal trucks to move partially outside of the paved driveway area to avoid impeding vehicular access at this driveway. Accordingly, trash pick-up and staging would not block vehicular access through the southerly access drive. (Kunzman, 2015, p. 2)

With the exception of the installation of utility tie-backs at several locations along the Project site's frontage, the Project does not involve any improvements to off-site roadways or intersections and complete street closures would not occur during the Project's construction phase. Similarly, the location of driveway access points on-site would be required to comply with City roadway standards and the proposed driveways would provide for adequate sight distance. All improvements on-site

would consist of private driveways and drive aisles that similarly would have no impact on abutting roadways.

The Project Applicant has provided a Site Circulation Plan (*Technical Appendix F2*) to demonstrate that on-site and right-of-way circulation is designed to the satisfaction of the City Public Works Department. An encroachment agreement may be needed with approval by the City Council for the proposed improvements along Anacapa Drive and Newport Center Drive because tie-backs are proposed that would encroach into these streets to connect water and sewer lines from the Project site. There may be the need to temporarily close a lane in Newport Center Drive and/or Anacapa Drive during construction of tie-backs. However due to the temporary nature of the lane closures, and the required implementation of mandatory traffic control measures during lane closures, less-than-significant impacts would occur. Accordingly, the Project would not increase hazards due to a design feature and less-than-significant impacts would occur.

Threshold e: Would the Project result in inadequate emergency access?

No Impact. The Project Applicant proposes adequate emergency access to the site via compliance with various conditions of approval from the City Fire Department, including the provision of an exclusive off-street staging area for emergency vehicles. The size of the area needs to accommodate the height and width of a fire engine and medic unit and should be located closely to the main entrance into the development. The primary guest/valet entrance driveway would accommodate the City Fire Department's need for emergency access at the front of the building. Additionally, the Project would not require the complete closure of any public or private streets or roadways during construction. Accordingly, temporary construction activities would not impede use of roads for emergencies or access for emergency response vehicles because emergency vehicles would be able to access the Project site during construction if a lane were to be closed. Therefore, the Project would not result in inadequate emergency access, and no impact would occur.

Threshold f: Would the Project conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The General Plan Circulation Element includes a number of goals and policies related to public transit, bicycle, and pedestrian facilities. These include the policies identified under General Plan Circulation Element Goal CE 4.1 (Public Transportation) and CE 5.1 (Alternative Transportation Modes). A brief discussion of Circulation Element Policies that are applicable to the Project is provided below.

Policy CE 4.1.4: *Land Use Densities Supporting Public Transit. Accommodate residential densities sufficient to support transit patronage, especially in mixed use areas such as the Airport Area.*

Project Consistency: The Project Applicant proposes to develop the site with 49 condominiums in one building on the 1.26-acre site, resulting in a density of approximately 38.9 dwelling units per acre. This level of density would support transit patronage within the Project area. OCTA bus stops are located across Newport Center Drive from the Project site and approximately 0.8-mile west of the Project site and are served by OCTA Bus routes 1, 57, and 79 (Google Earth Pro, 2015). No bus stops are located along Anacapa Drive. Approximately 0.6-mile from the Project site is the Newport Transportation Center, from which OCTA bus routes 1, 55, 57, 76, and 79 arrive. Accordingly, the Project would be consistent with Circulation Element Policy CE 4.1.4.

Policy CE 5.1.1: *Trail System. Promote construction of a comprehensive trail system as shown on Figure CE5.*

Project Consistency: As detailed on Figure CE5, Equestrian, and Hiking Trails Master Plan, of the City's General Plan, there are no existing hiking trails or equestrian trails on or near the Project site. Accordingly, the Project would not conflict with Policy CE 5.1.1.

Policy CE 5.1.2: *Pedestrian Connectivity. Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.*

Project Consistency: As detailed in the grading plan for the proposed Project, the existing three-foot sidewalk easement would be maintained. Thus, pedestrians would have access from the Project site to sidewalks in the Project Vicinity. Accordingly, the Project would be consistent with Circulation Element Policy CE 5.1.2.

Policy CE 5.1.3: *Pedestrian Improvements in New Development Projects. Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.*

Project Consistency: The Project Applicant proposes a small pedestrian plaza/gathering space at the northeast corner of the Project site which would provide pedestrian access from the Project site to Anacapa Drive and Newport Center Drive (TJW, 2015, p. 4). An existing 3-foot pedestrian access easement at the easterly edge of the Subject Property and a 5-foot pedestrian access easement at the southerly edge of the Subject

Property would continue to provide adequate pedestrian connectivity across the Subject Property. Figure CE4 (Bikeways Master Plan) of the General Plan, shows a Class II (On-road Striped Lane) bicycle lane exists along both sides of Newport Center Drive on the segment that radiates southwards from the Newport Center Drive Loop and connects to East Coast Highway (Google Earth Pro, 2015). There are no bicycle facilities identified along Anacapa Drive. The Project would not impact the existing Class II bicycle lane. Accordingly, the Project would be consistent with Circulation Element Policy 5.1.3.

Policy CE 7.1.1: *Required Parking. Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.*

Project Consistency: Based on the City of Newport Beach off-street parking requirements for the Project land use, the Project is required to provide 98 covered parking spaces for residents and 25 parking spaces for guests. Within the proposed subterranean parking structure, the Project is proposing to provide 100 covered parking spaces for residents and 26 parking spaces for guests, satisfying the City’s minimum parking requirement. (TJW, 2015, p. 4) Two of the 26 guest parking spaces would be located at the entry level south of the porte cochere. Accordingly, the Project would be consistent with Circulation Element Policy 7.1.1.

The remaining Circulation Element policies related to public transit, bicycle, and pedestrian facilities provide general direction to City staff and/or decision-makers, or are otherwise not applicable to the Project. There are no other adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Accordingly, the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, and no impact would occur.

4.9.6 CUMULATIVE IMPACT ANALYSIS

During the demolition and excavation period, the proposed Project would require the export of soils and demolition materials, which would generate approximately 12-13 haul trucks per day or 24-26 round trips (assuming 20 tons of material per load). Additionally, the proposed Project would generate vehicular traffic during the construction period associated with construction employee access and deliveries of construction materials. Similar to the proposed Project, the construction of other cumulative projects, including the “Museum House” residential tower project located in the northern portion of the Newport Center area (located at 850 San Clemente Drive approximately 0.6 mile from the Project site), would generate construction traffic associated with haul trucks, delivery trucks, and construction employee access to the site. If construction of the proposed Project were to occur simultaneously with the construction of other cumulative projects (including the Museum House project), there would be a cumulative contribution of construction-related traffic within the

Newport Center. However, the implementation of the proposed Project would result in the closure of the existing car wash at the Project site, which would remove the existing 819 daily trips associated with the on-site car wash. The estimated 24-26 truck haul trips per day, along with other vehicular trips related to the construction of the proposed Project would represent a small fraction (3%) of the 819 daily trips associated with the existing on-site car wash. Moreover, the implementation of the Museum House project would result in the closure of the existing Orange County Museum of Art located on the Museum House project site, which (similar to the proposed Project) would likely have a corresponding decrease in the traffic generated in the Newport Center area associated with that existing use throughout the construction period.

In addition to the Museum House project, based on Table 4.0-1, *List of Cumulative Development Projects*, the only other project that could be in the construction phase and located in Newport Center would be the San Joaquin Plaza Apartments (1101 San Joaquin Hills Road), approximately 0.6-mile northwest of the Project site, which are currently under construction. In the case that the proposed Project would be constructed simultaneous with both the Museum House and the San Joaquin Apartments projects, there would be a less-than-significant cumulative construction traffic impacts because the existing trips generated by both the existing car wash on the Project site and existing museum on the Museum House project site would be eliminated; further, due to the ½-mile distance between each of these projects, it is unlikely that a substantial amount of construction traffic would overlap on the same local roadway facilities. The City of Newport Beach intends to review the construction management and traffic plans of each of the respective projects to ensure that construction traffic routes (i.e. for hauling, delivery, etc.) vary between each project such that construction-related traffic conflicts would not occur. For example, construction traffic from the proposed Project would likely travel in an easterly direction towards MacArthur Boulevard while construction traffic from the projects located at the northwest corner of Newport Center are anticipated to utilize Jamboree Road and San Joaquin Hills Road to reach regional freeways/roadways (depending on the receiving site for any excavated soils). Therefore, the Project would have less-than-significant and less-than cumulatively considerable construction-related traffic impacts. Accordingly, traffic generated by the Project's construction phase, when combined with traffic generated by the construction of other projects in the Newport Center area, would not result in or contribute to a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Impacts during the Project's construction phase would be less than cumulatively considerable.

Project implementation would result in a net decrease in the amount of traffic the Project site would contribute to area intersections and roadway segments, resulting in a slight improvement to the performance of Project area intersections and roadway segments as compared to existing conditions. Other development projects that are included on the cumulative project list, including the Museum House Residential Tower project, the San Joaquin Apartments, and the Meridian Condominium (construction completed on the Meridian Condominium Project at the time this EIR was prepared) projects, would likely result in an increase in vehicular trips to the Newport Center area. However, because the proposed Project would reduce the number of vehicular trips generated by the Project

site when compared to the existing car wash use, the traffic generated by the proposed Project would not result in a cumulatively considerable impact.

The analysis under Threshold b) evaluated the Project's potential to result in substantial adverse effects to the Orange County CMP Roadway Systems. Implementation of the Project would result in a net reduction in morning and evening peak hour trips, and also would result in a net reduction in the total daily traffic generated by the site when compared to the existing car wash use at the Project site. As such, the Project has no potential to cause any CMP Highway System intersection to degrade below LOS E, nor would the Project contribute a substantial amount of traffic to any CMP Highway System intersection that already operates below LOS E under existing conditions. Thus, the Project would not have a cumulatively considerable impact on CMP facilities.

The proposed Project has no potential to contribute to a significant cumulative impact under the topics discussed under Thresholds c), d), and e), because the Project has no potential to result in changes to air traffic patterns, to result in transportation design safety concerns, or to adversely affect emergency access on a direct or cumulative basis.

As presented under Threshold f), the proposed Project would not conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities and thus has no potential to contribute to a cumulative impact. The Project would have a less-than-significant cumulatively considerable impact to adopted policies and programs regarding public transit, bicycle, and pedestrian facilities, as well as a less-than-significant cumulatively considerable impact to the performance of such facilities.

4.9.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact.

Threshold b: No Impact.

Threshold c: No Impact.

Threshold d: Less-than-Significant Impact.

Threshold e: No Impact.

Threshold f: No Impact.

4.9.8 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.

5.0 OTHER CEQA CONSIDERATIONS

5.1 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a project that cannot be avoided if the proposed project is implemented (CEQA Guidelines § 15126(b)). As thoroughly described in Subsections 4.1 through 4.9 of this EIR, the proposed Project would result in no impacts to the environment that cannot be reduced to below a level of significance after the implementation of relevant standard conditions of approval, mandatory compliance with applicable laws and regulations, and application of feasible mitigation measures.

5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE CAUSED BY THE PROPOSED PROJECT SHOULD IT BE IMPLEMENTED

The CEQA Guidelines require EIRs associated with projects involving a general plan amendment to address any significant irreversible environmental changes that would be involved with the proposed action should it be implemented (CEQA Guidelines §15126.2(c)). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources are not justified (e.g., the project results in the wasteful use of energy).

Determining whether the proposed Project could result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. A non-renewable resource is any natural resource that cannot be replenished by natural means at the same rates that it is consumed. The Project site has been developed as a car wash with ancillary gas station since 1970. There are no non-renewable resources present at the Project site; therefore, conversion of the land from its current state of a car wash with ancillary fueling station to a residential development would have no direct effect on any non-renewable resources at the Project site.

Natural resources in the form of construction materials and energy resources would be used in the construction of the proposed Project, but redevelopment of the Project site as proposed would have no measurable adverse effect on the availability of such resources, including resources that may be non-renewable (e.g., fossil fuels). Construction and operation of the proposed Project would not involve the use of large sums or sources of non-renewable energy. Additionally, the Project is required by law to comply with the California Building Standards Code (CALGreen), compliance with which reduces a building operation's energy volume that is produced by fossil fuels. A more detailed discussion of energy consumption is provided below in Subsection 5.4, *Energy Conservation*.

The consumption of non-renewable resources to construct and operate the Project over the long-term would likely commit subsequent generations to the same use of the land and similar patterns of energy consumption, since the development of this Project represents a large investment of capital and thus reduces the likelihood that the completed Project would be demolished and some alternative land uses developed in the near future. However, due to the limited scale of the proposed development on 1.26 acres, and because the Project would occur in Newport Center within a predominately built-out portion of the City of Newport Beach, the proposed Project would not be expected to either directly or indirectly result in significant irreversible environmental changes to the Newport Center area. The Newport Center area is developed with urban uses and will continue to be developed with urban uses into the foreseeable future.

Because no natural resources occur within the Project site, the Project is not expected to reduce the availability of any natural resources associated with long-term operational activities.

EIR Subsection 4.6, *Hazards and Hazardous Materials*, provides an analysis of the proposed Project's potential to transport or handle hazardous materials which, if released into the environment, could result in irreversible damage to the environment. As concluded in the analysis, compliance with federal, state, and local regulations related to hazardous materials would be required of all contractors working on the property during the Project's construction and of all residents that occupy the Project's building. Moreover, the proposed Project does not include any components that would result in the storage, use, or disposal of acutely hazardous materials. As such, construction and long-term operation of the proposed Project would not have the potential to cause significant irreversible damage to the environment, including damage that may result from upset or accident conditions. In fact, the Project's proposed removal of ACMs and USTs that exist on the site in the existing condition would lower the property's risk of a hazardous materials release in the event of an upset or accident.

As demonstrated in the analysis presented throughout EIR Subsections 4.1 through 4.9, implementation of the proposed Project would result in no significant and unavoidable environmental effects that cannot be feasibly reduced to below levels of significance.

After applicable mitigation, the Project would cause or contribute less-than-significant impacts associated with all environmental issues analyzed and would not result in significant irreversible environmental changes.

5.3 GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

CEQA requires a discussion of the ways in which the proposed Project could be growth inducing. The CEQA Guidelines identify a project as growth inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines §15126.2(d)). New employees and new residential populations represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area, placing

additional demands on public services and infrastructure systems, and in the generation of a variety of environmental impacts, which are addressed in the other sections of this EIR.

A project could indirectly induce growth at the local level by increasing the demand for additional goods and services associated with an increase in population or employment and thus reducing or removing the barriers to growth. This typically occurs in suburban or rural environs where population or employment growth results in increased demand for service and commodity markets responding to the new population of residents or employees. Population growth would likely take place as a result of the proposed Project's operation as a residential building, but the limited intensity of population growth at the site associated with the construction of 49 residential units with 110 persons would not represent a substantial deviation from the planned growth identified in the City of Newport Beach General Plan. The Project's construction-related and operational-related employees would purchase goods and services in the region, but any secondary increase in employment associated with meeting these goods and services needs would be marginal, accommodated by existing goods and service providers, and highly unlikely to result in any new physical impacts to the environment. The General Plan designates the subject property as "Regional Commercial Office (CO-R)." Proposed General Plan Amendment No. GP2014-003 would change the land use designation of the Project site from "Regional Commercial Office (CO-R)" to "Multiple Unit Residential (RM)." As such, the proposed Project would implement the City's land use Policy LU 3.3 to "*Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: Fashion Island/Newport Center: expanded retail uses and hotel rooms and development of residential in proximity to jobs and services, while limiting increases in office development*".

The area surrounding the Project site is fully built-out and developed with a mix of non-residential uses. As the Project vicinity is built-out, the development of the proposed Project is unlikely to affect the existing uses within the surrounding properties. The proposed Project is limited to the Project site's boundaries and does it include any components that would indirectly affect existing or planned uses on neighboring properties. Accordingly, the Project would not induce growth in the Newport Center area. The placement of a seven-story residential building on the Project site, in the southern portion of Newport Center where building heights are generally lower, would not reasonably or foreseeably cause the redevelopment of other properties or cause development on other properties with taller buildings than current Zoning designations allow.

The City of Newport Beach adopted a Sight Plane Ordinance in 1971 (Ordinance 1371), which provided height limitations for buildings within the Civic Center site, establishing a "Civic Center Sight Plane." In 1975, the Corporate Plaza Planned Community was adopted by Ordinance 1596 for the Civic Center site, and the sight plane was expanded to cover the entire Corporate Plaza Planned Community area, within the area bounded by East Coast Highway, Avocado Avenue, Carillon Drive and Newport Center Drive. The purpose of the ordinance is to ensure that buildings remain low in stature to preserve ocean views benefitting neighboring residential communities such as Broadmoor Hills. Buildings and structures within this area are limited to 32 feet in height and must not exceed

the sight plane established by Ordinance 1596. (Newport Beach, 2008, p. 1) The Project site is not located within an area that is subject to the Sight Plane Ordinance. However, properties generally located south of Civic Center Drive, west of MacArthur Boulevard, north of East Coast Highway and northwest of the intersection of Newport Center Drive and East Coast Highway, which are located to the south and west of the Project site (closer to the Pacific Ocean than the Project site), are subject to the ordinance, and are precluded from redeveloping with tall buildings. Refer to Figure 4.7-1, *Sight Plane Ordinance 1371 Map*, in EIR Subsection 4.7, Land Use.

Furthermore, the Project's potential influence on other nearby properties to redevelop at greater intensities and/or different uses than the City's General Plan, Zoning Code, and Site Plane Ordinance allow is speculative beyond the rule of reason. CEQA does not require the analysis of speculative effects (CEQA Guidelines §151454). If any other property owner were to propose redevelopment of a property in Newport Center or in any part of the City, the redevelopment project would require evaluation under CEQA based on its own merits, including an analysis of direct and cumulatively considerable effects.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as SCAG. Significant growth impacts also could occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way. A General Plan Amendment is required as this particular residential development is not currently contemplated in the General Plan. However, the development remains consistent with regional agency projections as the projected population increase would represent only a 0.123% increase over the City's estimated Department of Finance 2015 population (DOF, 2015a).

The Project site is located within a highly urbanized portion of the City of Newport Beach and is bordered by the Fashion Island shopping center to the north, and office and commercial buildings to the south, east, and west. Thus, the area surrounding the Project site is primarily characterized by commercial uses including but not limited to retail, food service, medical office, theater, professional office, and civic uses. The proposed Project would help to meet the demand for luxury multi-family residences within Newport Beach and would be served by the existing infrastructure in the Project area, as well as the nearby commercial and employment opportunities. The operation and maintenance of the Project would generate several jobs, but any potential growth-inducing impact of the employment of persons at the Project site would be offset by the removal of the jobs associated with the existing car wash and ancillary fuel operation. Accordingly, the proposed Project would not directly promote growth either at the Project site or at the adjacent and surrounding properties.

In conclusion, it is unlikely, speculative, and not reasonably foreseeable that the Project would induce growth in the form of additional economic activity or employment that would result in measurable impacts on the off-site physical environment.

5.4 ENERGY CONSERVATION

Energy conservation generally refers to efforts made to reduce energy consumption in order to preserve resources for the future and reduce environmental pollution. Public Resources Code Section 21100(b)(3) and CEQA Guidelines Appendix F requires a description (where relevant) of the wasteful, inefficient, and unnecessary consumption of energy caused by a project. State CEQA Guideline §15126.4(a) (1) states that an EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy. CEQA Guidelines *Appendix F: Energy Conservation*, states the following:

“in order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy (see Public Resources Code Section 2100(b)(3)). Energy conservation implies that a project’s cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, cost effectiveness may be determined more by energy efficiency than by initial dollar costs. A lead agency may consider the extent to which an energy source serving the project has already undergone environmental review that adequately analyzed and mitigated effects of energy production.”

To the extent relevant and applicable to the proposed Project, energy expenditure (use) and conservation are considered herein and in other applicable EIR sections.

5.4.1 REGULATORY ENVIRONMENT

The proposed Project would be required to directly and indirectly comply with all mandatory regulatory requirements aimed at energy conservation and fuel use that would lessen the energy demands of the proposed Project. There are many such regulatory requirements, with the primary ones discussed briefly below.

A. U.S. Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 (EPCA) is a United States Act of Congress that responded to the 1973 oil crisis by creating a comprehensive approach to federal energy policy. The primary goals of EPCA are to increase energy production and supply, reduce energy demand, provide energy efficiency, and give the executive branch of the federal government additional powers to respond to disruptions in energy supply. Of particular note, this legislation established fuel economy standards for new light-duty vehicles sold in the United States. The law placed responsibility on the National Highway Traffic and Safety Administration (a part of the U.S. Department of Transportation (DOT) for establishing and regularly updating vehicle standards. The

U.S. Environmental Protection Agency (EPA) administers the Corporate Average Fuel Economy (CAFE) program, which determines vehicle manufacturers' compliance with existing fuel economy standards. Since the inception of the CAFE program, fuel economy standards have become more and more stringent and have expanded their scope to address air emission pollutants and effects on the global climate associated with tailpipe emission exhausts. Currently, CAFE standards for vehicle model years 2012-2016 are in place. Cars and light trucks sold in the United States hit a new record for fuel efficiency in 2014 (the most recent year for which data is available) of 34.2 miles per gallon (mpg) for cars and 26.2 mpg for light trucks. This is a substantial improvement from 27.5 mpg for cars and 20.0 mpg for light trucks in 1990 (U.S. DOT, 2014).

B. U.S. Energy Independence and Security Act of 2007

Signed into law in December 2007, the U.S. Energy Independence and Security Act is an energy policy adopted by Congress which consists mainly of provisions designed to increase energy efficiency and the availability of renewable energy. The law requires automakers to increase passenger car and light truck mileage standards, and also addresses biofuels, conservation measures, and building efficiency. The law requires automakers to boost fleet wide gas mileage averages from 25 miles per gallon (mpg) to 35 mpg by 2020, which will reduce energy needs by 28.5%. This fleet wide average is known as the Corporate Average Fuel Economy (CAFE). The law also mandated the increased use of ethanol and other renewable fuels by 36 billion gallons by 2022, of which 21 million gallons is to include advanced biofuels. The bill also established a new energy block grant program for use by local governments in implementing energy-efficiency initiatives, as well as a variety of green building incentives and programs.

C. Energy Star Program

In 1992, under the authority of the Clean Air Act Section 103(g), the U.S. EPA introduced Energy Star as a voluntary labeling program designed to identify and promote energy-efficient products to reduce GHG emissions. The program applies to major household appliances, lighting, computers, and building components such as windows, doors, roofs, and heating and cooling systems. Under this program, appliances that meet specifications for maximum energy use established under the program are certified to display the Energy Star label. In 1996, U.S. EPA joined with the Energy Department to expand the program, which now also includes qualifying commercial and industrial buildings, as well as homes. The U.S. EPA continues to increase the stringency of Energy Star performance specifications. For example, today an Energy Star clothes washer uses about 75 percent less water and 70 percent less energy than a standard washer 20 years ago. (U.S. EPA EnergyStar, 2016, p. 22).

D. California Renewables Portfolio Standard

The California Renewables Portfolio Standard (RPS) program was established in 2002 under Senate Bill 1078, and was accelerated in 2006 under Senate Bill 107. Additional policies were put in place in 2008 under Executive Order S-14-08, which were expanded in 2011 under Senate Bill 2. The RPS program is jointly implemented by the California Public Utilities Commission (CPUC) and the

California Energy Commission and is one of the most aggressive of such programs in the United States. It requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33% of total procurement by 2020. It should be noted that Governor Jerry Brown is committed to increasing this regulation such that the renewable portfolio in 2030 would be at least 50%. State government agencies are directed to take all appropriate actions to implement this target in all regulatory proceedings, including siting, permitting, and procurement for renewable energy power plants and transmission lines.

E. California Assembly Bill (AB32)

The passage of the California Global Warming Solutions Act of 2006 (Assembly Bill 32) amplified the need for intensive energy efficiency efforts across California. The California Air Resources Board (CARB) issued a Scoping Plan for AB 32 implementation describing that while California has a long history of success in implementing regulations and programs to encourage energy efficiency, the State would need to greatly expand those efforts to meet CARB's GHG emission reduction goals. Thus, AB 32 accelerated efforts to expand the use of renewable energy resources, and cleaner methods and modes of transportation in California.

F. California's Energy Efficiency Strategic Plan

On Sept. 18, 2008, the CPUC adopted California's first long term *Energy Efficiency Strategic Plan*, which is a statewide plan to achieve maximum energy savings across all sectors of California's economy (as amended in 2011 to address lighting). In California, efficiency programs are largely administered by utility companies utilizing universal contacts with homes and businesses throughout the state, while government maintains primary responsibility for program direction and oversight. As such, the Strategic Plan identifies specific savings goals tied to energy supply procurement and outlines financial incentives and funding associated with electric and gas utilities.

G. Pavley Fuel Efficiency Standards Assembly Bill 1493 (AB1493)

The Pavley Fuel Efficiency Standards (AB1493) establishes fuel efficiency ratings for new vehicles in California. In September 2009, the California Air Resources Board (CARB) adopted amendments to the "Pavley" regulations that reduce GHG emissions from model year vehicles 2009 through 2016. It is expected that the Pavley regulations would reduce GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016, while improving fuel efficiency and reducing motorists' costs. (CARB, 2013)

H. California Building Energy Efficiency Standards

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential buildings in 1978 in response to a legislative mandate to reduce energy consumption. Since that time, the statewide building standards have become more and more stringent in regards to energy efficiency requirements. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods.

The Energy Commission adopted the 2008 changes to the Building Energy Efficiency Standards for some of the following reasons that would reduce both natural gas and electrical demand:

1. *To provide California with an adequate, reasonably-priced, and environmentally-sound supply of energy.*
2. *To respond to Assembly Bill 32, the Global Warming Solutions Act of 2006, which mandates that California must reduce its greenhouse gas emissions to 1990 levels by 2020.*
3. *To pursue California energy policy that energy efficiency is the resource of first choice for meeting California's energy needs.*
4. *To act on the findings of California's Integrated Energy Policy Report (IEPR) that Standards are the most cost effective means to achieve energy efficiency, expects the Building Energy Efficiency Standards to continue to be upgraded over time to reduce electricity and peak demand, and recognizes the role of the Standards in reducing energy related to meeting California's water needs and in reducing greenhouse gas emissions.*
5. *To meet the West Coast Governors' Global Warming Initiative commitment to include aggressive energy efficiency measures into updates of state building codes.*
6. *To meet the Executive Order in the Green Building Initiative to improve the energy efficiency of nonresidential buildings through aggressive standards.*

The most recent, 2013 Building Energy Efficiency Standards for Residential and Nonresidential buildings, became effective on July 1, 2014. The 2013 Standards also include updates to the energy efficiency divisions of the California Building Code Standards (Title 24, Part 11) (CEC, 2012, Abstract). Part 11 of the Title 24 Building Standards Code, also known as the CalGreen Code, is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices through (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental air quality. Unless otherwise indicated in the code, all newly constructed buildings in California are subject to the requirements of the CalGreen Code. Per Section 101.10, CalGreen contains both mandatory and voluntary green building measures.

The CEC estimates that the implementation of the 2013 Building Energy Efficiency Standards may reduce statewide annual electricity standards by approximately 613 gigawatt-hours per year, electrical peak demand by 195 megawatts, and natural gas consumption by 10 million therms per year (CEC, 2012, Abstract).

5.4.2 ENERGY DEMANDS OF THE PROPOSED PROJECT

A. Short-Term Construction Energy Demands

Construction of the proposed Project would result in short-term energy demand generated by the use of construction equipment and from worker and vendor vehicle trips to and from the Project site.

As detailed in the Preliminary Construction Management Plan, construction is expected to commence in 2017 and continue for a duration of 21 months into 2018. Construction would include the following phases: demolition, grading, evacuation, and shoring; foundation; construction of basement; construction of super structure; waterproofing; installation of exterior finishes; installation of mechanical, electrical, plumbing; installation of interiors; installation of landscape and irrigation; and installation of furniture and equipment.

Construction equipment is expected to operate on the Project site between six to eight hours per day, up to six days a week. A list of the construction equipment to be used during construction activities is found in Table 3-1, *Construction Equipment Assumptions* in EIR Section 3.0, *Project Description*. There is no aspect of the proposed short-term construction process that would result in the inefficient, wasteful, and unnecessary consumption of energy because all construction equipment operating on the Project would be required to meet applicable regulatory requirements for fuel efficiency.

B. Long-Term Operation Energy Use

Long-term operation of the proposed Project would result in energy demands from the operation of the proposed seven-story residential building and associated infrastructure. Under operational conditions, the proposed Project is estimated to result in a natural gas demand of 775,433 British thermal units per year (kBtu/yr) and a total electricity demand of 1,110,079 kilowatt hours per year (kWh/yr), which is based on 211,907 kWh/yr for the residential component and 898,172 kWh/yr for the enclosed parking and elevator components.

Energy demands would result from electricity, natural gas usage, water conveyance, and wastewater conveyance. Energy demand also would result from delivery, resident, employee, and visitor vehicle trips to and from the Project site. As detailed in the PC Text for the proposed Project, construction shall comply with applicable provisions of the California Building Standards Code and the various other mechanical, electrical, and plumbing codes related thereto as adopted by the Newport Beach Municipal Code. This includes but is not limited to Title 24 energy standards. There is no aspect of the proposed Project's operation that would result in the inefficient, wasteful, and unnecessary consumption of energy.

Removal of the existing car wash and gas station would correspondingly reduce the site's existing energy and water demands. The proposed Project would be constructed under the current California Building Standards Code, including Title 24 (CALGreen) and such would be more energy efficient on a square foot basis.

5.4.3 CONCLUSION

Implementation of the proposed Project would consume energy, but not in a wasteful, inefficient, or unnecessary manner.

5.5 EFFECTS FOUND NOT TO BE SIGNIFICANT AS PART OF THE INITIAL STUDY PROCESS

CEQA Guidelines §15128 requires that an EIR:

“...contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.”

An Initial Study was prepared for the proposed Project, which is included as *Technical Appendix A* to this EIR. Through the Initial Study process, the City of Newport Beach determined that the proposed Project could potentially cause adverse environmental effects, and an EIR is required. The Initial Study concluded that the Project would result in no impacts or clearly less-than-significant adverse effects involving eight categories of potential impacts: Agriculture and Forest Resources; Greenhouse Gases; Hydrology and Water Quality; Mineral Resources; Population and Housing; Public Services; Recreation; and Utilities and Service Systems. Following completion of the Initial Study, the City filed a Notice of Preparation (NOP) with the California Office of Planning and Research (OPR) (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Project’s potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to Responsible Agencies, Trustee Agencies, and other interested parties for a 30-day public review period. Public comments were received in response to the NOP and are summarized in *Table 1-1, Summary of NOP Comments* of this EIR. As a result of the NOP comments, the City determined that the scope of the EIR as determined by the Initial Study was appropriate. One comment regarding the water deficit (drought) was considered for its potential to expand the scope of the EIR to analyze the Project’s effects on water supply in more detail, but because, the Project would result in a decreased demand for domestic water when compared to the existing car wash that occurs on the Project site, the Project’s impact on water supply would be clearly less than significant and does not require detailed study. A brief summary of the issues found not significant is presented below.

5.5.1 AGRICULTURE AND FOREST RESOURCES

The Project site and surrounding areas do not contain any lands that are mapped by the California Resources Agency as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (“Important Farmland”). The Project site is designated as “Urban and Built-Up Land” and has been developed as a car wash and ancillary gas station since 1970. Accordingly, implementation of the Project would result in no impact to Important Farmlands and has no potential to convert farmlands to non-agricultural use. No land zoned for agricultural use or Williamson Act contract lands are located on or near the Project site. The property is not located on designated forest lands or timberlands. No forests or any zoning for forest land or timberland are located on or near the Project site. The proposed Project would not result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use.

5.5.2 GREENHOUSE GASES

The Project would generate greenhouse gas (GHG) emissions calculated at 704.33 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year (Urban Crossroads, 2016b p. 33), which is well below the SCAQMD draft screening level threshold of 3,000 MTCO_{2e} that is utilized by the City of Newport Beach for evaluating the significance of a residential development project's GHG emissions. For more information, refer to the Project's Greenhouse Gas Analysis attached to this EIR as *Technical Appendix E*.

Additionally, activities associated with the Project would be subject to all applicable federal, state, and regional requirements adopted for the purpose of reducing GHG emissions, including, but not limited to: CBSC Title 24 Energy Standards (also known as CalGreen); California Assembly Bill (AB) 1493; Executive Order S-3-05; AB 32; SB 1368; SB 97; and the applicable policies of the City's General Plan that reduce GHG emissions. There are no other plans, policies, or regulations adopted for the purpose of reducing GHG emissions that are applicable to the Project area; therefore, the Project would have no potential to conflict with such plans, policies, or regulations. Although Executive Order (EO) B-30-15 was signed by Governor Edmund Brown Jr. in April 2015, no plans, policies, or regulations have been yet put in place to achieve its GHG reduction targets for years 2030 and 2050. The EO seeks to establish a California GHG reduction target of 40 percent below 1990 levels by 2030 which would help the State meet targets of reducing GHG emissions to 80 percent below 1990 levels by 2050 covered under EO S-3-05. EO B-30-15 establishes a policy goal and it does not require local agencies to take any action to meet its reduction targets. No statutes or regulations have been adopted to translate the 2030 and 2050 GHG reduction goals into comparable, scientifically-based emission reduction targets. In other words, rendering a significance determination relative to EO B-30-15 and EO S-3-05 would be speculative because they establish goals 14 and 34 years into the future; no agency with GHG subject matter expertise has adopted regulations to achieve these statewide goals at the project-level; and, available analytical models cannot presently quantify all project-related emissions in those future years. Further, due to the technological shifts anticipated and the unknown parameters of the regulatory framework in 2030 and 2050, available GHG models and the corresponding technical analyses are subject to limitations for purposes of quantitatively estimating the Project's emissions in 2030 and 2050. Accordingly, any conclusion as to the significance of the Project's contribution to cumulative, statewide GHG emissions in years 2030 and 2050 would be speculative (CEQA Guidelines § 15145). Further, the Project would not interfere with implementation of any of the State's GHG reduction goals for 2030 or 2050. For these reasons, the Project's GHG emissions would be clearly less-than-cumulatively considerable.

5.5.3 HYDROLOGY AND WATER QUALITY

Pursuant to the requirements of the Santa Ana Regional Water Quality Control Board (RWQCB) and the City of Newport Beach, the Project would be required to obtain a National Pollutant Discharge Elimination System NPDES Municipal Stormwater Permit for construction activities. In addition, the Project would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin

Water Quality Control Program. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a Storm Water Pollution Protection Plan (SWPPP) for construction-related activities. Mandatory compliance with the SWPPP would ensure that the Project does not violate any water quality standards or waste discharge requirements during construction activities.

The proposed Project would nominally increase the amount of impervious surface area; thus the Project would increase the amount of storm water runoff discharged from the subject property as compared to existing conditions. Under existing conditions, the Project site is covered by impervious surfaces (80% coverage); with implementation of the Project, the amount of impervious surfaces on the subject property would be increased to 85%. However, this nominal increase in storm water discharge volume would not represent a substantial increase in storm water quantity and would not result in a substantial increase in the potential for polluted storm water runoff to occur compared to the existing condition. The Project's Water Quality Management Plan (WQMP) (*Technical Appendix H*) identifies the inclusion of the site design best management practices (BMPs), site design BMPs, non-structural source control BMPs, and structural source control BMPs would minimize, prevent, and/or otherwise appropriately treat storm water runoff flows before they are discharged from the site. Mandatory compliance with the WQMP would ensure that the Project does not violate any water quality standards or waste discharge requirements during long-term operation. Additionally, the Project would be required to comply with provisions set forth in the Orange County Drainage Area Management Plan (DAMP), including the implementation of appropriate BMPs identified in the DAMP, to control stormwater runoff on-site so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of the water. (Newport Beach, 2006b, page 4.7-31)

With implementation of the Project, the site's existing hydrological characteristics would not be substantially altered; under the proposed conditions, runoff would continue to drain towards the southwest portion of the site where a new area storm drain line would be constructed on the south, east, and northern sections of the site. The new storm drain lines would tie into the existing 10-inch storm drain and catch basin at the southwest end of the site. The Project would not substantially alter the existing drainage pattern of the subject property or surrounding area in a manner that would result in substantial erosion or siltation on- or off-site.

The Project is designed to reduce runoff from the Project site, including the use of detention facilities to prevent surface runoff from the site in a manner that would create flooding on or off-site. Impervious surfaces are minimized by incorporating landscaped areas throughout the site including around the perimeter of the proposed structure. Proposed drainage patterns would largely mimic existing drainage patterns with storm water runoff flowing in a south/southwest direction and connect to existing storm drain facilities. Low-flows and first flush runoff would drain through a proposed biotreatment system prior to discharge. (Fusco, 2015, p. 15) The Project would neither substantially alter the existing drainage pattern of the subject property or surrounding area nor

substantially increase the rate or amount of surface runoff discharged from the Project site in a manner that would alter the course of a stream or river or result in flooding on- or off-site.

The Project is designed to ensure that post-development runoff rates and volumes closely resemble those that occur under existing conditions. Under existing conditions, storm water runoff generally sheets flows towards the south-southwest portion of the site and ties into an existing 10-inch storm drain (Fusco, 2015, p. 6). Because the existing 10-inch storm drain has sufficient capacity to convey runoff from the Project site under existing conditions, and because the rate and volume of runoff would not substantially increase with buildout of the Project, the Project would not create or contribute runoff which would exceed the capacity of any existing or planned storm water drainage system.

Mandatory compliance with the Project's SWPPP during near-term construction activities and WQMP during long-term post-development activities would reduce the Project's potential to generate substantial amounts of polluted runoff, including runoff containing pollutants of concern for downstream impaired waters to a level below significant. Other than surface storm water runoff from the site, there are no other known sources of pollutants that could adversely affect or degrade water quality.

The entire Project site is located within FEMA Flood Zone "X (Unshaded)", indicating that the subject property is located outside of the 100-year floodplain and outside the 500-year floodplain (greater than 0.2% annual chance of flooding). No portion of the Project site is located within a designated 100-year flood hazard area (Newport Beach, 2006a, Figure S3). Therefore, the Project would have no potential to place housing within a 100-year flood hazard area.

No portion of the Project site is located within a designated 100-year flood hazard area. Accordingly, the Project would not place any structure within a 100-year flood hazard area that could impede or redirect flood flows.

The Project site is not located within an area subject to significant flood hazard risks and as stated above, the entire Project site is located within FEMA Flood Zone "X (Unshaded)". Thus, the Project would not subject future residents from either 100-year or 500-year flood hazards. The Big Canyon Reservoir is the nearest dam to the Project site. As identified in the Dam Failure Inundation Map in the City of Newport Beach Emergency Operations Plan, the Project site is not identified as being within any of the dam failure areas. Additionally, the City's General Plan EIR does not identify the Project location as being within an area subject to potential flooding due to dam or levee failure (Newport Beach, 2006b, p. 4.7-40).

As detailed in Figure S1, *Coastal Hazards*, of the City's General Plan Safety Element, the Project site is not located in either a 100-year or 500-year zone for inundation from a tsunami at extreme high tide. Thus, there would be no potential impacts regarding tsunamis. Lands surrounding the Project site are generally characterized as flat and are developed with urban land uses. There are no

prominent topographic landforms within the Project vicinity. Accordingly, the Project site is not subject to any mudflow hazards. The Project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow.

The Project site is not located within a groundwater recharge basin, and implementation of the Project would not result in a significant net deficit in aquifer volume or lowering of the local groundwater table.

5.5.4 MINERAL RESOURCES

The Project site is developed with urban uses. No mines, wells, or other resource extraction activity occurs on the property or is known to have ever occurred on the property. According to the City's General Plan EIR, which relies on mapping conducted by the California Geological Survey for areas known as Mineral Resources Zones (MRZs), the Project site is mapped as being on the boundary between MRZ-1 and MRZ-3. Areas mapped MRZ-1 are defined as "areas where available geologic information indicates that there is little or no likelihood for presence of significant mineral resources." Areas mapped MRZ-3 are defined as "areas containing mineral deposits of undetermined significance." (Newport Beach, 2006b, Figure 4.5-4)

The Project site is not identified as a locally-important mineral resource recovery site delineated on a City's general plan, specific plan, or other land use plan. Thus, the Project has no potential to impact a locally-important mineral resource.

5.5.5 POPULATION AND HOUSING

Although the Project would result in an increase in the City's population by approximately 110 persons, this increase represents only a 0.123% increase over the City's estimated Department of Finance (DOF) 2015 population (DOF, 2015). Additionally, none of the improvements proposed as part of the Project would foster an indirect increase in the City's population. The Project would provide for an additional 49 condominium units in one building in Newport Center, but the population accommodated by the Project would not be substantial such that the additional population growth would adversely affect the physical environment.

There are no residences or persons living on-site under existing conditions. Accordingly, implementation of the Project would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere, and no impact would occur.

5.5.6 PUBLIC SERVICES

Because the Project site is developed under existing conditions, public services are already provided to the site. Due to the limited scale of the Project being only 49 condominium units in one building, the addition of approximately 110 persons on the Project site would not significantly impact fire protection and police protection response times because the Project site would be adequately served by existing Fire Department and Police Department services.

Fire Station Fire Station No. 3, located at 868 Santa Barbara Drive would be a first responder to the Project site because it is the closest fire station to the Project site and is located approximately one mile northwest of the Project site. Based on the most recent available information from 2015, the Newport Beach Fire Department's (NBFD's) average response times for priority incidents requiring full personal protective equipment was 6 minutes and 34 seconds. For priority incidents not requiring full personal protective equipment, the average response time was 4 minutes 54 seconds. According to the NBFD, there are no deficiencies in the level of fire protection service currently provided to the City, and no plans for additional fire stations.

The nearest Police station to the Project site is the City's Police Department, located at 870 Santa Barbara Drive, approximately one mile northwest of the Project site. The Project would be adequately served by existing police protection facilities and no new or expanded facilities are warranted. The Newport Beach Police Department's (NBPD's) goal response time for emergency calls is immediate and never over five minutes. For nonemergency calls, the goal response time is within 15 minutes or less when resources are available. In 2014, the average response time to a top priority call was 2 minutes, 55 seconds from the moment the call was received until an Officer arrived on scene. Thus, the NBPD is responding to all calls within the prescribed goal response time and adequately serving the City's needs. The Project would not result in substantial adverse physical environmental impacts and would not hinder the City's police protection performance objectives. Implementation of the Project would not result in nor require the expansion or construction of any new police protection facilities.

The Project would be adequately served by existing fire services and police protection services and no new or expanded facilities are warranted, as such the Project would not have any physical impact on the environment related to public services.

The most recent information from the California Department of Education shows that the current (2014-2015) school year enrollment at Corona Del Mar High School (grades 7-12) is 2,557 students and 620 students at Lincoln Elementary School (grades K-6) (CA Dept of Education, 2014). The students who would be added to these schools from the Project are estimated at 14 students, an approximate 0.35 percent increase in student enrollment at Corona Del Mar High School, and nine students, an approximate 2.3 percent increase in student enrollment at Lincoln Elementary School. Accordingly, the Project would result in a nominal increase in student enrollment. The Project Applicant would be required to contribute school fees in accordance with Public Education Code Section 17072.10-18. The provision of school fees would assist the NMUSD in meeting the Project's incremental demand for school services. Thus, the Project would not result in substantial adverse physical impacts associated with the provision or need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.

The Newport Beach Central Library underwent an approximately 17,000-square-foot expansion in 2013 to service the City's population. The addition of approximately 110 persons to the City's population associated with the Project has no potential to directly or indirectly create the need to construct a new future library or physically expand an existing library facility. Library services receive funding from property tax, a portion of which from the Project's tax assessment would be dedicated to the City's Library Fund (Newport Beach, 2015a, Section 3.08.020).

5.5.7 RECREATION

Adequate parkland facilities would be accommodated within Service Area 9 (Newport Center) to meet the needs of existing and projected City residents, including residents generated by the Project. Future residents of the Project site are likely to utilize the 14-acre Civic Center Park, located adjacent to Newport Beach City Hall and Library, which is the closest park area to the Project site (located approximately 0.25 mile northwest of the Project site). (Newport Beach, 2015b) Irvine Terrace Park would likely also be used, as would the Back Bay Trail and public use areas at the harbor and beaches. The Project's calculated population of 110 persons would not increase the use of existing neighborhood and regional parks or other recreational facilities at an intensity such that substantial physical deterioration of the facility would occur or be accelerated. Additionally, the proposed Project includes common and private open space areas as part of the Project design in order to help meet the recreation needs of the future residents. The proposed Project would include common open space, including a dog run, pool, common room, and private open space, which would further help to meet the leisure and recreational needs of future Project residents (Project Application Materials, 2015, p. A0.1). The Project would not directly or indirectly result in the need for new or expanded recreational facilities off-site that could have an adverse physical effect on the environment.

5.5.8 UTILITIES AND SERVICE SYSTEMS

The Project would generate approximately 9,470 gallons of wastewater per day (gpd), while the site's existing land use is estimated to generate approximately 11,156 gpd. As such, the Project would decrease demand on Orange County Sanitation District (OCSD) Treatment Plant No. 1 and would therefore not directly or indirectly cause OCSD to exceed wastewater treatment requirements. The proposed wastewater flow from the site is calculated at approximately 9,470 gpd, resulting in 4,735 gpd of wastewater flow to each sewer main that would service the Project site. Given the decrease in wastewater flows that would result from implementation of the proposed Project, impacts associated with sewer capacity would be less than significant.

The Project would result in a decreased demand for domestic water when compared to the existing car wash that occurs on the Project site. As detailed in the Initial Study for the Project, existing water demand from the on-site car wash and ancillary gas station was calculated from water bills from the car wash business over a six-month period. Utilizing this assumption, C&V Engineering calculated that the existing car wash business generates 12,395 gpd of domestic water demand. The proposed Project was calculated as generating a demand for 10,417 gpd of domestic water based on an assumption that 110% of the calculated effluent (wastewater generation) from the OCSD flow factors

would make up the total water demand for the Project site. Adequate supplies exist to service the proposed Project and the Project would not require or result in the construction or expansion of water treatment facilities. The site's existing uses are considered in the City's Urban Water Management Plan (hereby incorporated by reference pursuant to CEQA Guidelines § 15150), which concludes that the City has entitlements to sufficient water supplies to serve its existing and projected demand. More specifically, the City of Newport Beach is capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035 (Malcolm Pirnie, Inc, 2011, p. 2).

The City's Urban Water Management Plan contains a Water Supplies Contingency Plan (WSCP). Due to drought conditions in California as well as the American Southwest, water agencies have developed several policy actions which would be implemented in the event of a water shortage. The City's WSCP describes how new and existing policies that Metropolitan Water District of Southern California (Metropolitan), Municipal Water District of Orange County (MWDOC) and the City of Newport Beach have in place to respond to water supply shortages, including a catastrophic interruption and up to a 50 percent reduction in water supply. The Project would be required to comply with all applicable measures imposed to conserve water in accord with the WSCP (Malcolm Pirnie, Inc, 2011, p. 5-1).

The Project would install new storm water drainage infrastructure on the site that would connect to the existing municipal storm drain system. No storm water-related off-site facilities or expansion of existing off-site facilities would occur. The Project would create a slight increase in the amount of impervious surfaces on the site (an increase from 80% to 85%), which would have a corresponding increase in the amount of stormwater runoff that would enter the municipal storm drain system. However, because this increase would be nominal in comparison to the existing stormwater flows, the Project would not substantially increase the volume or velocity of water discharged from the site. As such, the Project would not require or result in the construction or expansion of any off-site storm water drainage infrastructure.

As detailed above, the Project would demand less water than is demanded by the site under existing conditions and sufficient water supplies would be available from existing entitlements and resources. Thus, the Project would have sufficient water supplies available to serve the Project from existing entitlements and resources. No new or expanded entitlements are needed.

As described above, the Project would generate less wastewater compared to the existing conditions, resulting in a reduction in demand for wastewater treatment capacity. Based on the most recent information, Reclamation Plant No. 1, located in the city of Fountain Valley and Treatment Plant No. 2, located in the City of Huntington Beach have a combined remaining excess capacity of 178 mgd for primary treated wastewater. Thus, the Project would not adversely affect the physical capacity of the existing wastewater infrastructure system that services the site. As such, the Project would result in a determination by the wastewater treatment provider which serves the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

The Project would be served by the Frank R. Bowerman Landfill, which has sufficient permitted capacity to accommodate the Project's solid waste disposal needs. Demolition debris generated as part of the Project is estimated to be 80 tons of debris, 240 cubic yards of concrete, 51,600 cubic yards of soil, and 620 cubic yards of asphalt. Based on the estimated amount of construction and demolition debris that would be generated by the Project, the Frank R. Bowerman Sanitary Landfill's permitted capacity of 11,500 tons per day can accommodate the projected amount of debris estimated to be generated by the Project during the demolition and construction phases, resulting in a less-than-significant impact to landfill capacity. As detailed in the Initial Study, the 49 units proposed on the site would result in the long-term generation of approximately 314.09 pounds per day of solid waste (at a rate of 6.41 pounds per unit per day). This amount of solid waste would result in a nominal increase in the amount of solid waste conveyed to the Frank R. Bowerman Sanitary Landfill that would be met by the landfill's permitted capacity.

The Project would comply with all applicable statutes and regulations related to solid waste. The Project would be subject to the City's Recycling Service Fee pursuant to Municipal Code Chapter 2.30, which is intended to assist the City in meeting the 50% diversion objective. Furthermore, the Project would be required to comply with Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), which mandates that all multi-unit projects with five or more dwelling units "...provide enclosed refuse and recyclable material storage areas with solid roofs." Accordingly, the Project would be fully compliant with all applicable Federal, State, and local statutes and regulations related to solid waste, resulting in a less-than-significant impact.

6.0 ALTERNATIVES

CEQA Guidelines §15126.6(a) indicates the scope of alternatives to a proposed project that must be evaluated:

“An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selection of a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

As discussed in Section 4.0 of this EIR, the proposed Project would not result in any significant adverse environmental effects that cannot be mitigated to below levels of significance after the implementation of mandatory regulatory requirements and feasible mitigation measures.

6.1 ALTERNATIVES UNDER CONSIDERATION

The City of Newport Beach has identified the following alternatives as a range of reasonable alternatives to the proposed Project in accordance with CEQA Guidelines §15126.6. These alternatives are described in more detail and evaluated for their level of environmental effects, compared to the proposed Project’s environmental effects, later in this Section.

6.1.1 NO PROJECT/NO REDEVELOPMENT ALTERNATIVE

CEQA Guidelines §15126.6(e) requires that an alternative be included that describes what would reasonably be expected to occur on the property in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., the “no project” alternative). For development projects that would occur on an identifiable property (such as the proposed Project site), the “no project” alternative is considered to be a circumstance under which the project does not proceed (CEQA Guidelines §15126.6(e)(3)(A-B)). Although the Project Applicant has indicated that the existing car wash on the Project site will close in late 2016 regardless if the proposed Project goes forward (Soderling, 2016a), the No Project/No Redevelopment Alternative considers ongoing operation of the existing uses and not cessation of the uses and the presence of a closed facility. This alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project with an alternative that would leave the property in its existing condition.

6.1.2 NO PROJECT/OFFICE REDEVELOPMENT ALTERNATIVE

As noted above, CEQA Guidelines §15126.6(e) requires that an alternative be included that describes what would reasonably be expected to occur on the property in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., the “no project” alternative). The Project site is located within the City’s Office Regional Commercial (OR) Zoning District and is designated by the City of Newport Beach General Plan for “CO-R (Regional Commercial Office)” land use designation which “...is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses,” this alternative evaluates a scenario under which the Project site is redeveloped with an office use consistent with City regulations. The Project site is located in the area of General Plan Anomaly 35, which indicates that there is a development limit of 199,095 square feet of building space for the block on which the Project site occurs (Newport Beach GIS, 2015). Given other existing development in the block, this alternative evaluates redevelopment of the property with an approximately 8,500–square-foot office building having a height of 32 feet with a flat roof or 37 feet with a sloped roof, with surface parking. The No Project/Office Redevelopment Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against what could reasonably occur if the Project site were developed with office uses in conformance with the site’s existing zoning and General Plan designations.

6.1.3 COMMERCIAL/RESTAURANT REDEVELOPMENT ALTERNATIVE

The Commercial/Restaurant Redevelopment Alternative evaluates redevelopment of the Project site with an approximately 8,500-square-foot single-story or two-story restaurant with 107 surface parking spaces. This alternative would provide for the highest intensity of commercial development allowed under the property’s existing General Plan “Regional Commercial Office (CO-R)” land use designation and “OR (Office Regional Commercial)” Zoning District designation. The Commercial/Restaurant Redevelopment Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against what could reasonably occur if the Project site were developed to the highest traffic-generating use per existing land use and zoning designations. Although technically this alternative is another version of a no project alternative because it considers redevelopment of the site in accordance with a use that is allowed on the site by property’s existing CO-R General Plan and OR Zoning District designation, the Lead Agency has not identified the Commercial/Restaurant Redevelopment Alternative as a true no project alternative, because food service businesses require the approval of a Conditional Use Permit (CUP) or Minor Use Permit (MUP) in order to operate in the OR Zoning District and is not an outright permitted use.

6.1.4 MULTIPLE UNIT RESIDENTIAL (RM) ALTERNATIVE

The Multiple Unit Residential (RM) Alternative evaluates redevelopment of the Project site with a multi-family residential building that offers 25 market-rate rental or ownerships units. The residential building would utilize surface parking within the Project site, thus, subsurface excavation would be limited to that needed for footings and utilities. The building would be within the allowable height limit for the RM (Multiple Residential) Zoning District (32 feet for flat roof structures and 37 feet for

sloped roofs) (Newport Beach, 2015a, Chapter 20.18) with the approval of a site development review for increased height. Access to the site would be the same as the access points proposed by the Project, with vehicular access provided by driveways along Anacapa Drive and from the shared access to the south of the site. The Multiple Unit Residential (RM) Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against what could reasonably occur on the Project site if the site was developed with a multi-family residential building that requires substantially less subsurface excavation and a shorter construction duration, to reduce the proposed Project's temporary construction-related effects.

6.1.5 REDUCED DWELLING UNITS AND BUILDING HEIGHT ALTERNATIVE

The Reduced Dwelling Units and Building Height Alternative considers redevelopment of the Project site in a similar manner as proposed by the Project, but with 45 dwelling units in a six-story condominium structure with an overall building height of 65 feet 6 inches to the top of the parapet and 69 feet 6 inches to the top of the elevator override/mechanical equipment screen. In comparison, the Project evaluated in this EIR proposes a height of 83 feet 6 inches to the top of all rooftop appurtenances. The building considered under this alternative would thus be 14 feet shorter in total height than the building proposed by the Project. The building footprint and setbacks would be identical to the proposed Project, with the building footprint measuring 29,800 square feet resulting in a lot coverage of 63%. The approximate gross floor area for this alternative's building would be 141,013 square feet, providing 45 dwelling units comprised of 43 two-bedroom units and two three-bedroom units. The Reduced Dwelling Units and Building Height Alternative would not modify the Project's proposed access and parking configurations, but the number of parking spaces would be reduced. Under this alternative there would be 91 residential parking spaces and 25 visitor parking spaces, including spaces in three levels of underground parking. The Reduced Dwelling Units and Building Height Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against a building design that is shorter and provides a fewer number of dwelling units.

6.2 ALTERNATIVES CONSIDERED AND REJECTED

An EIR is required to identify any alternatives that were considered by the Lead Agency but were rejected as infeasible. Among the factors described by CEQA Guidelines §15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR are: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the proposed Project, CEQA Guidelines §15126.6(f)(1) notes:

“Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...”

In determining an appropriate range of alternatives to be evaluated in this EIR, possible alternatives were initially considered and, for a variety of reasons, rejected. Alternatives were rejected because either: 1) they could not accomplish the basic objectives of the Project, 2) they would not have resulted in a reduction of significant adverse environmental impacts, or 3) they were considered infeasible to construct or operate. A summary of the alternatives that were considered but rejected are described below.

6.2.1 CAR WASH REDEVELOPMENT ALTERNATIVE

The Lead Agency considered but rejected an alternative that would result in redevelopment of the Project site with another car wash. This alternative was rejected because it would meet only one of the Project's 11 fundamental objectives. The objective that would be met is Objective A "Redevelop an underutilized property in Newport Center." Furthermore, the Project Applicant indicated that the financial cost of redeveloping the Project site with a modern car wash, including the installation of new car wash technology, would render use of the site as a new car wash uncompetitive in the economic market, particularly given that the car wash and gas stations located at Jamboree Road and San Joaquin Hills Road have been recently renovated and compete for the same market share. (Soderling, 2016a) and (Soderling, 2016b) As such, redevelopment of the site with a new car wash is economically unrealistic.

6.2.2 ALTERNATIVE SITES

CEQA does not require that an analysis of alternative sites always be included in an EIR. However, if the surrounding circumstances make it reasonable to consider an alternative site then this alternative should be considered and analyzed in the EIR. In making the decision to include or exclude analysis of an alternative site, the *"key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR"* (CEQA Guidelines §15126.6(f) (2)). As documented in Section 4.0, *Environmental Analysis*, of this EIR, the proposed Project would not result in any significant and unavoidable effects.

The Project proposes to redevelop a 1.26-acre property in the Newport Center area of the City of Newport Beach with a residential condominium project. The Project's significant effects under the topics of biology (tree removals that could potentially contain active migratory bird nests), cultural and paleontological resources (potential presence of significant subsurface resources that could be unearthed and impacted during ground excavation), geology/soils (temporary slope instability and potential for expansive soils to be encountered during ground excavation), and noise (temporary construction-related noise) would not be avoided or substantially lessened by placing the Project in another location. Implementation of the Project in any other location in or near Newport Center would likely result in tree removals and would involve the same amount of ground disturbance and subsurface excavations that would occur on the Project site thereby causing the same type of cultural and paleontological resources and geology/soils and hydrology/water quality effects.

Regarding the feasibility of finding another potential location for the Project, every developable property in Newport Center is currently developed; no vacant land having development potential is present that could be used as an alternate location for the proposed Project. Similarly, there are no existing, developed sites for sale that are a similar size as the Project site and that could reasonably be controlled by the Project Applicant for the purpose of developing the proposed Project. The current site of the Orange County Museum of Art located at 850 San Clemente Drive is of similar size, but plans for its development with a residential tower are already in process by another entity and thus the site cannot be reasonably controlled by the Project Applicant. Furthermore, the Project Applicant does not hold ownership control over any other parcels of land in or near Newport Center that could be used as an alternative location for the proposed Project. Therefore, because an alternative location is not available that would avoid or substantially lessen the significant environmental effects of the Project, and because the Project Applicant does not have ownership control over, and cannot reasonably obtain ownership control over, any other parcels of land in the nearby area under the jurisdiction of the City of Newport Beach that could accommodate the Project, an alternative location alternative is not feasible. Accordingly, the analysis of an alternative site is not required for the proposed Project.

6.3 ALTERNATIVES ANALYSIS

The following discussion compares the impacts of each alternative considered by the City of Newport Beach with the impacts of the proposed Project, as detailed in Section 4.0, *Environmental Analysis*, of this EIR. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), CEQA Guidelines §15126.6(d) requires that the discussion of alternatives focus on alternatives which are capable of avoiding or substantially lessening the significant effects of the Project. Therefore, the analysis provided herein focuses on a comparison of the Project's significant impacts to the level of impact that would occur under each evaluated alternative. The Project's significant effects fall under the topics of biology (tree removals that could potentially contain migratory bird nests), cultural and paleontological resources (potential presence of significant subsurface resources), geology/soils (temporary slope instability and potential for expansive soils to be encountered during ground excavation), and noise (temporary construction-related noise). Although the Project's less-than-significant impacts also are mentioned and compared to the alternatives evaluated herein, the emphasis is on the significant impacts of the Project that require mitigation as required by CEQA. Subject areas to which the Project would clearly have no impact or a less-than-significant impact, as discussed in EIR Subsection 5.5, *Effects Found Not to Be Significant as Part of the Initial Study Process*, are not required to be discussed herein. A conclusion is provided for each significant impact of the Project as to whether the alternative results in one of the following: (1) reduction or elimination of the proposed Project's impact, (2) a greater impact than would occur under the proposed Project, (3) the same impact as the proposed Project, or (4) a new impact in addition to the proposed Project's impacts.

Table 6-2, *Comparison of Environmental Impacts and Ability to Meet Project Objectives by Alternative*, at the end of this Section compares the significant impacts of the Project with the level of impact that would be caused by the alternatives evaluated herein and identifies the ability of each alternative to meet the fundamental purpose and basic objectives of the Project. As described in EIR

Subsection 3.2, the proposed Project's underlying purpose is to redevelop an underutilized property in the Newport Center area with multi-family, for-sale luxury high-rise (three + stories) residential units located within walking distance to employment, shopping, entertainment, and recreation. The basic objectives of the Project are to:

- A. Redevelop an underutilized property in Newport Center.
- B. Redevelop an underutilized property with a use that is financially feasible to construct and operate.
- C. Make efficient use of existing infrastructure by repurposing a property with a higher and better use than currently occurs on the property.
- D. Maximize the surface use of a redeveloped property by accommodating parking underground.
- E. Respond to the demand for luxury, multi-family, high-rise residential development in the City of Newport Beach.
- F. Add for-sale, owner-occupied housing units in Newport Center to diversify the mix of uses and the range of available residential housing unit types.
- G. Introduce a luxury, multi-family residential development in Newport Center that can attract households in the surrounding area that are seeking to downsize from a single-family home, thereby making those single-family homes available for resale.
- H. Provide a new multi-family residential development in Newport Center that is within walking distance of, and has pedestrian connections to, employment, shopping, entertainment, public services, and recreation.
- I. Maintain high-quality architectural design in Newport Center by adding a building that has a recognizable architectural style and that complements the architectural styles that exist in the surrounding Newport Center community.
- J. Implement a residential development that provides on-site amenities for its residents.
- K. Redevelop a property that uses outdated operational technologies with a new use that is designed to be energy efficient and avoid the wasteful use of energy and water.

6.3.1 NO PROJECT/NO REDEVELOPMENT ALTERNATIVE

The No Project/No Redevelopment Alternative allows decision-makers to compare the environmental impacts of approving the proposed Project to the environmental impacts that would occur if the

property were to be unchanged from existing conditions for the foreseeable future. The No Project/No Redevelopment Alternative evaluates no redevelopment of the property and no additional development on the Project site beyond that which occurs under existing conditions. As such, the Project site would remain occupied by the existing car wash with ancillary gas station and convenience market, which this alternative assumes would continue to operate. Although the Project Applicant has indicated that these existing uses will close in late 2016 regardless if the proposed Project goes forward (Soderling, 2016a), this alternative considers ongoing operation of the uses and not cessation of the uses and the presence of a closed facility. Under this alternative, no substantial physical modifications would be made to the Project site and none of the Project's off-site improvements (i.e. removal of existing ornamental trees, filling in of existing median south of the Project site) would occur.

Under existing conditions, the 1.26-acre Project site contains an 8,500 square foot single-story building that is operating as a car wash with an ancillary convenience market, gas station, and asphalt/concrete parking area. The car wash was built in approximately 1970. Ornamental landscaping, including trees and groundcover, is present on the Project site; no sensitive vegetation communities or special-status plant or wildlife species occur on the site. Elevations range from a low of 158.5 feet above mean sea level (amsl) in the south-southwest corner of the site to a high elevation of 170.3 feet above amsl in the northeast corner (Fusco, 2015, p. 11). Refer to the description of the Project site's existing physical conditions in Section 2.0, *Environmental Setting*, of this EIR.

A. Aesthetics

The Project site does not contain any unique aesthetic resources and is not designated as a scenic view point in the General Plan Natural Resources Element. Under existing conditions, the Project site contains an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary gas station and convenience market. Under the No Project/No Redevelopment Alternative, the visual character and quality of the site would be maintained in its existing condition. Although Section 4.1 of this EIR concludes that Project-related impacts associated with scenic vistas and visual resources would be less than significant, the No Project/No Redevelopment Alternative would avoid all visual changes on the site that would occur as a result of the proposed Project, including the visibility of a seven-story building on the site that would be all or partially visible from some public view corridors that provide scenic views such as the Pacific Ocean to the southwest, distant views to the San Joaquin Hills and Santa Ana Mountains to the north, and distant views to the Palos Verdes Peninsula and San Gabriel Mountains on clear days. Under both this alternative and the proposed Project, improvements on the site would not be visible from East Coast Highway due to intervening topography and development. Similarly, due to the location of the site north of the segment of Newport Center Drive that is designated as a coastal view road, neither the proposed Project nor continuation of the existing uses would affect views of the Pacific Ocean from Newport Center Drive because views of the Pacific Ocean are directed west and south of Newport Center Drive, in the opposite direction of the Project site. Additionally, from the segments of Avocado Avenue and MacArthur Boulevard east of the site that the City designates as coastal view roads, the existing uses are not visible whereas the upper two floors of the Project's residential building would be visible if a traveler on the roadway were to look toward the site.

The existing car wash with ancillary gas station and convenience market features a utilitarian architectural design that is typical of car washes that were constructed in 1970 and lack any distinctive design elements. The relatively low profile of the existing structure, along with its pad elevation below the abutting streets, combined with the presence of landscaping minimizes views of the existing car wash operation, gas station pumps, and other on-site features from adjacent and nearby public roadways, including but not limited to Newport Center Drive, Anacapa Drive, and MacArthur Boulevard. In comparison, the architecture of the proposed Project's seven-story building would feature a classically-themed contemporary design with articulation that is compatible with the established architectural character of Newport Center. Although arguments could be made for whether the No Project/No Redevelopment Alternative or the proposed Project would be more in keeping with the existing visual character and quality of the site and area, neither this alternative nor the proposed Project would introduce physical features that would have a demonstratively inconsistent character and/or would be constructed with inferior design characteristics than currently found in the Newport Center area, leading to a substantial degradation of visual quality and character. Less-than-significant impacts would occur in either case.

The existing car wash generates light from nighttime security lighting along the building and parking areas. Moreover, the site does not include any design or operational components that function as substantial sources of glare, such as large glass or metallic surfaces. In comparison to the proposed Project, the No Project/No Redevelopment Alternative would be a continuation of the existing condition and have little to no potential for increased levels of light and glare. Though the proposed Project would not generate significant levels of light or glare as discussed in EIR Subsection 4.1, Aesthetics, light would be visible at greater heights above the ground surface (associated with a seven-story building) than occurs in the existing condition (associated with a one-story building and car washing/fueling activities).

Overall, the selection of the No Project/No Redevelopment Alternative would maintain existing aesthetic conditions, whereas implementation of the Project would change the character of the site from a one-story car wash with ancillary gas station and convenience market to a seven-story residential building. In either case, impacts would be less than significant.

B. Air Quality

As identified in EIR Subsection 4.2, *Air Quality*, the proposed Project would result in less-than-significant air quality impacts during construction and operation. Under the No Project/No Redevelopment Alternative, the Project's construction-related emissions of criteria pollutants would be avoided because no construction activity would occur.

The existing car wash with ancillary gas station and convenience market generates a higher number of vehicular trips when compared to the number of trips that would be generated by the proposed Project (819 trips as compared to 205 trips). Thus, vehicular-related air pollutants associated with trips traveling to and from the Project site would be greater under the No Project/No Redevelopment Alternative than would selection of the proposed Project. Furthermore, redeveloping the Project site

to locate residential uses within a short walking distance to employment, shopping, and entertainment uses in Newport Center would likely contribute to a lower number of vehicle miles traveled (VMTs) for the on-site residents compared to the VMTs by other residential developments in the City that are not within walking distance to such uses. Instituting policies and implementing projects at the local level that reduce VMTs is a goal of the State in its efforts to reduce vehicular air pollutant emissions, and particularly those that are considered greenhouse gases (SB 375, 2016). A quantification of the distance that people drive to get their car washed at the Project site under existing conditions is speculative, in that the origin of each trip is not known. In some cases, traveling to the next nearest car wash location may actually be closer than traveling to the Project site. In other cases, the travel distance may be up to 0.87-mile further, because the next closest car wash is located at the intersection of Jamboree Road and San Juan Hills Road about 0.87 miles away. In any case, the No Project/No Redevelopment Alternative would have a net-zero effect on air quality associated with development on the site by maintaining the existing condition, whereas the proposed Project would generate short-term construction emissions and reduce vehicular-related operational emissions associated with trips to and from the site. In either case, impacts would be less-than-significant.

C. Biological Resources

The No Project/No Redevelopment Alternative would leave the property in its existing condition. No sensitive vegetation communities or plant or wildlife species exist on the property in the existing condition. Because there would be no tree removals under the No Project/No Redevelopment Alternative, the selection of this alternative would avoid potentially significant impacts to nesting birds that would occur with the implementation of the proposed Project. Overall, the implementation of the No Project/No Redevelopment Alternative would avoid this biological resources impact that has the potential to occur under the proposed Project.

D. Cultural Resources

The No Project/No Redevelopment Alternative would leave the property in its existing condition; no grading or subsurface excavation would occur. As such, this alternative would avoid potentially significant impacts to significant subsurface archeological and paleontological resources that may exist beneath the ground surface and that have the potential to be discovered during the Project's construction process. Similar to the proposed Project, continued operation of the existing car wash and ancillary gas station and convenience market use would not affect significant historical resources, because no such resources occur within the Project site. Overall, the implementation of the No Project/No Development Alternative would avoid potentially significant impacts to cultural resources when compared to the proposed Project.

E. Geology and Soils

The Project site is located in a seismically active area of southern California and any development on the property, whether the existing car wash with ancillary gas station and convenience market, the proposed Project, or other use, would be subject to ground shaking. As such, the continued operation

of the site's existing uses under the No Project/No Redevelopment Alternative would result in similar less-than-significant exposure to impacts associated with strong seismic ground shaking.

The No Project/No Redevelopment Alternative would leave the property in its existing condition; no grading or subsurface excavation would occur. The implementation of this alternative would avoid the excavation of the soils within the site, which would avoid the Project's significant impacts associated with unstable soils and encountering groundwater during construction of the proposed Project. Moreover, the avoidance of excavation would also have a similar reduction in the potential for erosion-related impacts that could occur during construction in the absence of implementation mandatory storm water/water quality management requirements. Overall, the No Project/No Redevelopment Alternative would have no effects on the existing rate of soil erosion whereas the proposed Project would have less-than-significant erosion impacts during its temporary construction period which would be reduced to a less-than-significant level with mandatory regulatory compliance.

F. Hazards and Hazardous Materials

Because no development would occur under the No Project/No Redevelopment Alternative, potential Project-related hazardous materials impacts associated with removal of the site's underground storage tanks (USTs) and existing building would be avoided. The existing car wash and ancillary gas station operations would remain in place on the site. USTs associated with the existing gas station, as well as other gasoline delivery facilities, would not be removed. Potential asbestos-containing materials (ACM) in the existing building would remain. Although impacts associated with hazards and hazardous materials were identified as less than significant for the Project in light of mandatory compliance with regulatory requirements that apply to the removal of USTs and ACM, implementation of the No Project/No Redevelopment Alternative would avoid the proposed Project's potential to result in exposing construction workers to hazards during the removal of these existing hazardous substances.

The continued operation of the existing car wash would result in the ongoing transportation, use, and disposal of common materials associated with car washing, which are used in larger quantities when compared to the use of common household chemicals that would occur under the proposed Project's residential use. Additionally, the operation of the existing ancillary gas station would require the continued delivery of gasoline to the Project site, which represents an increased risk of an accidental release of gasoline at the site, or during transportation of the fuel to the site, as compared to on-site risks associated with the proposed Project's residential use. Therefore, the operational impacts associated with hazards and hazardous materials would be increased under the No Project/No Redevelopment Alternative when compared to the proposed Project.

Overall, the No Project/No Redevelopment Alternative would avoid construction-related worker exposure to ACMs and the removal of USTs but would increase the potential for the accidental release of hazardous materials during ongoing operation of the car wash and gas station compared to operation of a residential condominium building as proposed by the Project. In either case, impacts would be less than significant with mandatory compliance to regulatory requirements that pertain to the transportation, storage, and use of hazardous substances.



G. Land Use/Planning

The No Project/No Redevelopment Alternative would result in the continued operation of the existing car wash and ancillary gas station and convenience market; therefore, this Alternative would not require the approval of a General Plan amendment, Zoning Code amendment, a planned community development plan, tentative tract map or development agreement to accommodate the Project's proposed change of use from commercial to residential. Although impacts to land use and planning would be less than significant for the proposed Project because the Project would not physically divide an established community and would not conflict with an applicable land use plan, policy, regulation, or habitat conservation plan that was adopted for the purpose of avoiding or mitigating an environmental effect, the continued operation of the car wash with ancillary convenience market and gas station would avoid the Project's site-specific inconsistencies with the City's Zoning Code designation and General Plan land use designation. The No Project/No Redevelopment Alternative would have no impacts associated with land use.

H. Noise

The No Project/No Redevelopment Alternative would leave the property in its existing condition; no grading, subsurface excavation, or construction activities would occur. Therefore, this alternative would not generate any near-term noise associated with redevelopment of the property and avoid the Project's short-term significant impacts related to construction noise.

Because the existing car wash and ancillary gas station and convenience store generates a higher number of vehicular trips when compared to the number of trips that would be generated by the proposed Project (819 trips as compared to 205 trips), the proposed Project would have a corresponding decrease in the amount of operational, vehicular-related noise associated with development on the Project site as compared to continuation of the existing condition. Thus, selection of the No Project/No Redevelopment Alternative would be more impactful on ambient noise levels associated with roadway travel in the Newport Center area. Regarding on-site operations, the existing car wash on the Project site generates noise from vehicular movement on the site, as well as stationary noise that is related to the mechanical components of the car wash operation, including vehicular dryers and vacuums. An outdoor amplification system also broadcasts music in the outdoor customer waiting area. These noise sources would remain. In comparison, the Project would generate on-site noise associated with vehicular operations as well as noise common to a residential use.

In summary, the No Project/No Redevelopment Alternative would avoid the Project's significant short-term construction noise on the site, but would maintain the higher volumes of operational noise that occur under existing conditions than would occur under the proposed Project's residential use. In either case, operational noise would be less than significant.

I. Transportation/Traffic

The No Project Alternative would maintain the status quo, generating 819 average daily trips. In comparison, the proposed Project would result in a reduction in the number of vehicular trips (819 trips

as compared to 205 trips). The Project would change the site's existing driveway locations, but there are no components of the existing site configuration or of the proposed Project that would result in an increase in traffic levels or result in substantial safety risks. In the case of either the No Project/No Redevelopment Alternative or the proposed Project, transportation impacts would be less than significant.

J. Conclusion

Implementation of the No Project Alternative would avoid all of the Project's significant impacts to the environment. The Project's significant impacts, which would all be mitigated to below a level of significance, include: biology (tree removals that could potentially contain active migratory bird nests), cultural and paleontological resources (potential presence of significant subsurface resources that could be unearthed and disturbed during ground excavation), geology/soils (temporary slope instability and potential for expansive soils to be encountered during ground excavation), and noise (temporary construction-related noise).

The No Project Alternative would result in no physical environmental impacts beyond those that occur under existing conditions related to the operation and maintenance of the existing car wash with ancillary gas station and convenience market. Because this alternative would avoid all of the Project's impacts, it warrants consideration as the "environmentally superior alternative." However, because the existing car wash with ancillary gas station and convenience market generate more traffic to and from the site than would the Project's proposed residential condominium building, effects associated with traffic and vehicular-related air pollutant emissions, greenhouse gas emissions, and noise would be greater under the No Project/No Redevelopment Alternative than would occur under the proposed Project. In addition, the on-site use dispenses gasoline, uses chemicals in the car washing operation, generates wastewater as a byproduct of the car washing operation, and produces noise from vacuums, dryers, and an outdoor sound amplification system which would continue to occur on the site. For these reasons, the No Project/No Redevelopment Alternative is not an environmentally superior alternative.

The No Project Alternative would also fail to meet all of the Project objectives (A-K) as listed above in Subsection 6.3 and in Table 6-2 which appears at the end of this EIR Section. This alternative would fail to redevelop an underutilized property in Newport Center. It would not remove uses on the site that have outdated operational technologies in favor of a use designed to incorporate energy efficiency and water conservation principals. The retention of the site in its existing condition would not provide a new multi-family residential development in Newport Center that is within walking distance of, and has pedestrian connections to, employment, shopping, entertainment, public services, and recreation. Moreover, selection of the No Project Alternative would not add for-sale, owner-occupied housing units in Newport Center to diversify the mix of uses and the range of available residential housing unit types. The No Project Alternative is also not financially feasible (Soderling, 2016a; Soderling, 2016b). The Project Applicant has indicated that the existing uses are scheduled to close in late 2016 regardless if the proposed Project is implemented.

6.3.2 NO PROJECT/OFFICE REDEVELOPMENT ALTERNATIVE

The No Project/Office Redevelopment Alternative evaluates redevelopment of the Project site with an approximately 8,500 square-foot office building that would either be 32 feet tall with a flat roof or 37 feet tall with a sloped roof. Depending on the design, the building could be one or two stories. The building would have a contemporary architectural style. A total of 34 parking spaces would be required by City regulations¹, provided in a surface lot. The existing car wash with ancillary gas station, convenience market, and associated improvements would be removed from the property as would occur under the proposed Project to redevelop the site. Construction activities would be less intensive under this alternative because of the smaller building size and lack of need for extensive ground excavation to accommodate subsurface parking. Parking for the office building would be accommodated in a surface lot. This alternative would provide for an office building that would implement the site's existing Office Regional Commercial (OR) zoning designation and City of Newport Beach General Plan "CO-R (Regional Commercial Office)" land use designation. The No Project/Office Redevelopment Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against what could reasonably occur if the Project site were developed with office uses in conformance with the site's existing zoning and General Plan designations and other applicable Municipal Code regulations.

A. Aesthetics

The Project site does not contain any unique aesthetic resources and is not designated as a scenic view point in the General Plan Natural Resources Element. Under existing conditions, the Project site contains an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary gas station and convenience market, which would be removed and replaced with an office building having a height of either 32 feet with a flat roof or 37 feet with a sloped roof. Under the No Project/Office Redevelopment Alternative, the visual character and quality of the site would be similar to what occurs on the site under existing conditions, but with a professional office character instead of a commercial car wash with ancillary gas station and convenience market. Although Section 4.1 of this EIR concludes that Project-related impacts associated with scenic vistas and visual resources would be less than significant, the No Project/Office Redevelopment Alternative would result in fewer visual changes than would occur as a result of Project's proposal to redevelop the site with a seven-story building. The No Project/Office Redevelopment Alternative would represent a substantial reduction in the overall height and mass of the building when compared to the seven-story building proposed by the Project. As such, this alternative would have a corresponding reduction in the overall visual impact of the building, as seen from public viewpoints. An office building on the site constructed to a height of 32 feet with a flat roof or 37 feet with a sloped roof would have limited visibility from public view corridors that provide scenic views such as the Pacific Ocean to the southwest, distant views to the San Joaquin Hills and Santa Ana Mountains to the north, and distant views to the Palos Verdes Peninsula and San Gabriel Mountains on clear days. Under both this alternative and the proposed Project, improvements on the site would not be visible from East Coast

¹ Parking calculated as 1 parking space per 250 square feet of net floor area.

Highway due to intervening topography and development. Similarly, due to the location of the site north of the segment of Newport Center Drive that is designated as a coastal view road, neither the proposed Project nor an office building that would occur under this alternative would affect views of the Pacific Ocean from Newport Center Drive because views of the Pacific Ocean are directed west and south of Newport Center Drive, in the opposite direction of the Project site. Similarly, from the segments of Avocado Avenue and MacArthur Boulevard east of the site that the City designate as coastal view roads, a single-story or two-story office building would not be visible, whereas the upper two floors of the Project's proposed seven-story building would be visible and beyond which distant views of the Pacific Ocean would remain visible.

The visual character of the property after development of the No Project/Office Building Alternative would consist of a one- or two-story professional office building. Approval of an office building under this Alternative would require a review by City of Newport Beach at plan check in order to ensure compliance with the development standards for the OR (Office-Regional Commercial) Zoning District. In comparison, the Project proposes a seven-story building with a classically-themed contemporary design that would be compatible with the established character of Newport Center. Although arguments could be made for whether a one- or two-story building or the proposed Project's seven-story building would be more in keeping with the existing visual character and quality of the site and area, neither this alternative nor the proposed Project would introduce physical features that would have a demonstratively inconsistent character and/or would be constructed with inferior design characteristics than currently found in the Newport Center area, leading to a substantial degradation of visual quality and character. Less-than-significant impacts would occur in either case.

Exterior lighting would be required for the operation of an office building on the Project site. Light would be visible on the building exterior and through windows to the height of the building (32 feet with a flat roof or 37 feet with a sloped roof). There would be more exterior lighting at the ground level under this alternative due to lighting needed for a surface parking lot, when compared to the proposed Project that does not propose surface parking. Light poles also would be installed to illuminate the site's surface parking lot. Light could be visible on the building exterior and through windows to the height of the building (32 feet with a flat roof or 37 feet with a sloped roof). In comparison, night lighting would not extend as high into the night skyline as would occur under the proposed Project's seven-story building, making this alternative less visible during nighttime hours from surrounding areas. In both cases, development is required to comply with Section 20.30.070 (Outdoor Lighting) of the City's Municipal Code, which establishes outdoor lighting standards applicable to all new development in the City.

Overall, the redevelopment of the Project site with an 8,500 square foot office building under the No Project/Office Redevelopment Alternative would result in a reduction in aesthetic impacts when compared to the proposed Project, although under either scenario aesthetic impacts would be less than significant.

B. Air Quality

As identified in EIR Subsection 4.2, *Air Quality*, the proposed Project would result in less-than-significant air quality impacts during construction and operation. Because the office building footprint would be smaller and extensive subsurface excavation would be avoided due to the use of surface parking, the No Project/Office Redevelopment Alternative would reduce short-term air quality emissions that would occur during the excavation phase of construction. The implementation of the No Project/Office Redevelopment Alternative also would reduce the overall construction intensity at the Project site due to the reduction in the size of the building that would be constructed, which would reduce the number of days that certain construction equipment operate, the amount of truck deliveries of construction materials that would be required, and the amount of architectural finishes that would be applied during the construction period. Accordingly, there would be a corresponding decrease in the total amount of criteria pollutants that would be emitted during the construction period under the No Project/Office Redevelopment Alternative when compared to the proposed Project.

The operation of the No Project/Office Redevelopment Alternative would generate fewer vehicular trips associated with employees and visitors accessing the site on a weekday basis (94 trips²) than would be generated by the proposed Project (205 trips). Due to the decreased number of trips associated with this alternative, there would be a correspondingly decreased impact to air quality associated with vehicular emissions of criteria pollutants during the long-term operation of an office building as compared to operation of the proposed Project. Also, area source and energy source emissions would be reduced based on the smaller building size (8,500 square feet) compared to the building proposed by the Project (163,260 square feet).

Overall, the No Project/Office Redevelopment Alternative would result in fewer construction-related air pollutant emissions and decreased operational-related air pollutant emissions when compared to the proposed Project.

C. Biological Resources

This alternative would have an identical physical impact footprint as the proposed Project, where all ornamental trees and landscaping on-site would be removed through the demolition and redevelopment process and several trees along Anacapa Drive would be removed. As such, impacts to biological resources that would occur under this alternative are the same as those of the proposed Project described in EIR Subsection 4.3, which includes the potential to impact nesting birds during redevelopment of the site and installation of the associated off-site improvements. No biological resource impacts would be reduced or avoided under this alternative. Both the proposed Project and the No Project/Office Redevelopment Alternative would be subject to the same regulatory requirements and mitigation measures to reduce potential impacts to less-than-significant levels.

² Based on the Institute of Transportation Engineers (ITE) rate of 11.01 trips per 1,000 square feet of general office space and an 8,500 square foot building size (ITE, 2012). Calculated as $8,500/1000 = 8.5$ and 8.5 multiplied by $11.01 = 93.58$ (rounded up to 94 trips).

D. Cultural Resources

No historic resources are located on the Project site, so removal of the car wash and ancillary gas station for redevelopment of the property under either this alternative or the proposed Project would not impact any known historic resources. The No Project/Office Redevelopment Alternative would cause physical impacts to the surface of the Project site and limited subsurface disturbance resulting from excavation needed to install the building foundation and underground utilities. In comparison, the proposed Project would involve substantial subsurface excavation to provide underground parking. Accordingly, the potential to discover and significantly impact archaeological and paleontological resources that may be present beneath the surface of the site would be reduced with the implementation of the No Project/Office Redevelopment Alternative in comparison to the proposed Project. In either case, if subsurface cultural resources were to be discovered, this alternative and the proposed Project would be subjected to the same regulatory requirements and mitigation measures to reduce impacts to less-than-significant levels.

E. Geology and Soils

The Project site is located in a seismically active area of southern California and any development on the property, whether it be a professional office building as would occur under this alternative, a residential condominium project as would occur under the proposed Project, or other use, would be subject to ground shaking. As such, the No Project/Office Redevelopment Alternative and the proposed Project would result in the similar less-than-significant exposure to impacts associated with strong seismic ground shaking, particularly given the mandatory requirement to comply with the seismic design standards that are part of the California Building Standards Code (CBSC).

The No Project/Office Redevelopment Alternative would cause physical impacts to the surface of the Project site and limited subsurface disturbance resulting from excavation needed to install the building foundation and underground utilities. In comparison, the proposed Project would involve substantial subsurface excavation to provide three levels of underground parking. Because the site's entire surface would be disturbed under either scenario, impacts associated with erosion would be similar and less-than-significant with mandatory compliance to regulatory requirements. Potential impacts regarding soil stability and the potential to encounter expansive soils would be lessened under the No Project/Office Redevelopment Alternative as compared to the proposed Project because this alternative would substantially minimize subsurface excavation and thus the potential for the construction process to create unstable soil conditions or encounter expansive soils during subsurface excavation. The Project's subsurface excavation activities would require the employment of shoring methods, which would not be necessary under this alternative.

Overall, the No Project/Office Redevelopment Alternative would have similar less-than-significant seismic risk impacts, similar less-than-significant soil erosion impacts, and a less severe soil stability and expansive soils impact because substantial subsurface excavations would not be needed to implement this alternative. In comparison, the Project's soil stability and expansive soil impacts would be reduced to a less-than-significant level with the implementation of mitigation measures.

F. Hazards and Hazardous Materials

As with the proposed Project, the No Project/Office Redevelopment Alternative would redevelop the entire site. Therefore, similar to the proposed Project, the implementation of the No Project/Office Redevelopment Alternative would require the demolition and removal of the existing car wash building and the ancillary gas station and convenience market components. Accordingly, the potential to encounter ACMs would occur under the No Project/Office Redevelopment Alternative, which would require the compliance with applicable regulations as described in Subsection 4.6 of this EIR. Additionally, the No Project/Office Redevelopment Alternative would require the removal of the USTs, which would also require compliance with applicable regulations. Also, construction materials that may be hazardous would be transported and stored on the site under either scenario. Therefore, the No Project/Office Redevelopment Alternative would result in the same less than significant impacts associated with hazards and hazardous materials during construction activities when compared to the proposed Project.

During the operational phase of the No Project/Office Redevelopment Alternative, the professional office building would result in a similar exposure for employees and visitors to less-than-significant safety hazards associated with operations at John Wayne Airport as would the exposure to residents and visitors that would occur under the proposed Project. Similarly, the implementation of the No Project/Office Redevelopment Alternative would have identical less-than-significant impacts to emergency routes and the risk for wildland fires, both of which were identified as less than significant for the proposed Project. As with the proposed Project, the operation of a professional office building on the site would result in the routine use of common hazardous cleaning and maintenance materials. Therefore, operational impacts associated with the No Project/Office Redevelopment Alternative would be similar to those that would occur with the proposed Project.

Overall, hazards and hazardous materials impacts associated with the No Project/Office Redevelopment Alternative would be similar to those that would occur with the implementation of the proposed Project.

G. Land Use/Planning

The No Project/Office Redevelopment Alternative would result in the development of the entire Project site with an 8,500-square-foot professional office building with surface parking. The implementation of this Alternative would be consistent with the site's existing General Plan "Regional Commercial Office (CO-R)" designation and "Office Regional Commercial (OR)" Zoning District designation, including the maximum floor area ratio and building height limit (32 feet for a flat roof and 37 feet for a sloping roof).

Although impacts to land use and planning would be less than significant for the proposed Project because the Project would not physically divide an established community and would not conflict with an applicable land use plan, policy, regulation, or habitat conservation plan that was adopted for the purpose of avoiding or mitigating an environmental effect, redevelopment of the property with a one-

or two-story 8,500 square foot office building with surface parking would avoid the Project's site-specific inconsistencies with the City's Zoning Code designation and General Plan land use designation. Also, this alternative would be more consistent with General Plan Policy LU6.14.4 (Development Scale). No land use and planning impacts would occur under the No Project/Office Redevelopment Alternative, whereas the proposed Project would have less-than-significant impacts.

Overall, because the No Project/Office Redevelopment Alternative would comply with the existing Zoning Code and General Plan land use designations for the site and would be consistent with the Zoning Code's existing height limits established for the site, impacts associated with land use and planning would be reduced compared to the proposed Project.

H. Noise

As identified in EIR Subsection 4.8, the proposed Project would result in significant periodic, loud noise levels during short-term construction activities on the Project site. With mitigation, the short-term construction-related noise would be reduced to below a level of significance. Because the office building would be smaller and extensive subsurface excavation would be avoided due to the use of surface parking, the No Project/Office Redevelopment Alternative would reduce the duration of the construction-related noise impact. Regardless, the noise levels that would occur when construction is in process would be the same levels that would occur under the proposed Project because the construction equipment to be used would be the same or very similar.

The operation of the No Project/Office Redevelopment Alternative would generate an estimated 94 daily vehicular trips³ associated with employees and visitors accessing the site on a weekday basis compared to 205 vehicle trips that would occur under the proposed Project (TJW, 2015, p. 3). Due to the decreased number of trips associated with this alternative, there would be a corresponding decrease in vehicular noise during the long-term operation of an office building as compared to operation of the proposed Project's residential use.

Overall, the implementation of the No Project/Office Redevelopment Alternative would result in the same levels of construction noise, but for a shorter duration than the proposed Project. Operational noise would be lesser under the No Project/Office Redevelopment Alternative than the proposed Project due to a decrease in vehicular trips.

I. Transportation/Traffic

The operation of the No Project/Office Redevelopment Alternative would generate an estimated 94 daily vehicular trips⁴ associated with employees and visitors accessing the site compared to 205 vehicle

³ Based on the Institute of Transportation Engineers (ITE) rate of 11.01 trips per 1,000 square feet of general office space and an 8,500 square foot building size (ITE, 2012). Calculated as $8,500/1000 = 8.5$ and 8.5 multiplied by $11.01 = 93.58$ (rounded up to 94 trips).

⁴ Based on the Institute of Transportation Engineers (ITE) rate of 11.01 trips per 1,000 square feet of general office space and an 8,500 square foot building size (ITE, 2012). Calculated as $8,500/1000 = 8.5$ and 8.5 multiplied by $11.01 = 93.58$ (rounded up to 94 trips).

trips that would occur under the proposed Project (TJW, 2015, p. 3). Due to the decreased number of trips associated with this alternative, there would be a corresponding decrease in effects to the level of service of roadway intersections and segments in the area during the long-term operation of an office building as compared to operation of the proposed Project. In the case of this alternative and the proposed Project, either scenario would attract fewer vehicle trips to and from the site on a daily basis as compared to the 819 trips that are generated by the existing car wash with gas ancillary gas station and convenience market that occur on the site under existing conditions.

Overall, impacts to transportation and traffic under the No Project/Office Redevelopment Alternative would be decreased in comparison to the proposed Project.

J. Conclusion

The implementation of the No Project/Office Redevelopment Alternative would reduce but not avoid the Project's significant impacts to cultural and paleontological resources (potential presence of significant subsurface resources that could be unearthed and disturbed during ground excavation), geology/soils (temporary slope instability and potential for expansive soils to be encountered during ground excavation), and noise (temporary construction-related noise). Impacts to biology (tree removals that could potentially contain active migratory bird nests) would be identical under this alternative and the proposed Project. All of the Project's significant impacts would be mitigated to below a level of significance, and the same mitigation measures would apply to this alternative. This alternative decreases impacts regarding cultural resources and geology/soils due to the limited need for subsurface excavation. This alternative decreases impacts associated with construction noise because construction would occur over a shorter timeframe. Because the No Project/Office Redevelopment Alternative results in a lower traffic volume than would the proposed Project, this alternative reduces traffic impacts and corresponding reduction in mobile source air quality emissions and vehicular-related operational noise. No impacts to land use and planning would occur because the alternative would be consistent with the site's zoning and General Plan designations and would have reduced aesthetic effects because the building height would be lower than the building height proposed by the Project.

In regards to the Project objectives, the No Project/Office Redevelopment Alternative would develop the property with a professional office building and in doing so would redevelop an underutilized property in Newport Center; however, the office building developed under this alternative would not meet the Project's objectives to provide luxury, multi-family, high-rise residential development in the City of Newport Beach that is within walking distance to other uses. The No Project/Office Redevelopment Alternative would only meet four of the Project's 11 objectives (Objectives A, C, I, and K). Specifically, the No Project/Office Redevelopment Alternative while making efficient use of existing infrastructure by repurposing a property with a higher and better use than currently occurs on the property, would not be financially feasible (Soderling, 2016b) and would not meet the Project objectives related to providing residential development in Newport Center.

6.3.3 COMMERCIAL/RESTAURANT REDEVELOPMENT ALTERNATIVE

The Commercial/Restaurant Redevelopment Alternative evaluates redevelopment of the Project site with an approximately 8,500 square foot single or two-story restaurant in a contemporary architectural design up to 32 feet in height with a flat roof or 37 feet with a sloping roof. The existing car wash and ancillary convenience market, gas station and associated improvements would be removed from the property as would occur under the proposed Project to redevelop the site. Construction activities would be less intensive under this alternative because of the smaller building size and lack of need for subsurface parking. Parking for the restaurant would be accommodated in a surface lot offering 107 parking spaces⁵. This alternative would provide for the highest intensity of commercial development allowed under the property's existing General Plan "Regional Commercial Office (CO-R)" land use designation and "OR (Office Regional Commercial)" Zoning District designation. The Commercial/Restaurant Redevelopment Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against what could reasonably occur if the Project site were developed to the highest traffic generating use per existing land use and zoning designations. Although technically this alternative is another version of a no project alternative because it considers redevelopment of the site in accordance with a use that is allowed on the site by property's existing CO-R General Plan and OR Zoning District designation, the Lead Agency has not identified the Commercial/Restaurant Redevelopment Alternative as a true no project alternative, because depending on physical and operational characteristics, many food service businesses require the approval of a Conditional Use Permit (CUP) or Minor Use Permit (MUP) in order to operate in the OR Zoning District.

A. Aesthetics

The Project site does not contain any unique aesthetic resources and is not designated as a scenic view point in the General Plan Natural Resources Element. Under existing conditions, the Project site contains an approximately 8,500-square-foot single-story building that is operating as a car wash with an ancillary gas station and convenience market, which would be removed and replaced with a single or two-story restaurant building having a height of either 32 feet with a flat roof or 37 feet with a sloped roof. Under the Commercial/ Restaurant Redevelopment Alternative, the visual character and quality of the site would be similar to what occurs on the site under existing conditions, but with a commercial restaurant character instead of a commercial car wash with ancillary gas station and convenience market. Although Section 4.1 of this EIR concludes that Project-related impacts associated with scenic vistas and visual resources would be less than significant, the Commercial/ Restaurant Redevelopment Alternative would result in fewer visual changes than would occur as a result of Project's proposal to redevelop the site with a seven-story building. The Commercial/Restaurant Redevelopment Alternative would represent a substantial reduction in the overall height and mass of the building when compared to the seven-story building proposed by the Project. As such, this alternative would have a corresponding reduction in the overall visual impact of the building, as seen from coastal view roads

⁵ The parking calculation assumes that 50 percent of the allotted gross floor area would be utilized as net public area for the restaurant. This net public area was then parked at a rate of one parking space per 40 square feet of net public area.

and public view corridors. A single or two-story restaurant building on the site would have limited visibility from public view corridors that provide scenic views such as the Pacific Ocean to the southwest, distant views to the San Joaquin Hills and Santa Ana Mountains to the north, and distant views to the Palos Verdes Peninsula and San Gabriel Mountains on clear days. Under both this alternative and the proposed Project, improvements on the site would not be visible from East Coast Highway due to intervening topography and development. Similarly, due to the location of site north of the segment of Newport Center Drive that is designated as a coastal view road, neither the proposed Project nor a restaurant building that would occur under this alternative would affect views of the Pacific Ocean from Newport Center Drive because views of the Pacific Ocean are directed west and south of Newport Center Drive, in the opposite direction of the Project site. Similarly, from the segments of Avocado Avenue and MacArthur Boulevard east of the site that the City designates as coastal view roads, a single-story or two-story restaurant building would not be visible, whereas the upper two floors of the Project's proposed seven-story building would be visible and beyond which distant views of the Pacific Ocean would remain visible.

The approval of a restaurant building under this Alternative would require a Conditional Use Permit (CUP) or Minor Use Permit (MUP) as well as review by the City of Newport Beach at plan check in order to ensure compliance with the development standards for the OR (Office-Regional Commercial) Zoning District. In comparison, the Project proposes a seven-story building with a classically-themed contemporary design that would be compatible with the established character of Newport Center. Although arguments could be made for whether a one- or two-story restaurant building or the proposed Project's seven-story building would be more in keeping with the existing visual character and quality of the site and area, neither this alternative nor the proposed Project would introduce physical features that would have a demonstratively inconsistent character and/or would be constructed with inferior design characteristics than currently found in the Newport Center area, leading to a substantial degradation of visual quality and character. Less-than-significant impacts would occur in either case.

Exterior lighting would be required for the operation of a commercial restaurant on the Project site. There would be more exterior lighting at the ground level under this alternative due to lighting needed for a surface parking lot, when compared to the proposed Project that does not propose surface parking. Light poles also would be installed to illuminate the site's surface parking lot. Light would be visible on the building exterior and through windows to the height of the building (32 feet with a flat roof or 37 feet with a sloped roof). In comparison, night lighting would not extend as high into the night skyline as would occur under the proposed Project's seven-story building, making this alternative less visible during nighttime hours from surrounding areas. In both cases, development is required to comply with Section 20.30.070 (Outdoor Lighting) of the City's Municipal Code, which establishes outdoor lighting standards applicable to all new development in the City.

Overall, the redevelopment of the Project site with a one- or two-story restaurant under the Commercial/Restaurant Redevelopment Alternative would result in a reduction in aesthetic impacts when compared to the proposed Project, although under either scenario aesthetic impacts would be less than significant.

B. Air Quality

As identified in EIR Subsection 4.2, *Air Quality*, the proposed Project would result in less-than-significant air quality impacts during construction and operation. Because the restaurant building footprint would be smaller and extensive subsurface excavation would be avoided due to the use of surface parking, the Commercial/Restaurant Redevelopment Alternative would reduce short-term air quality emissions that would occur during the excavation phase of construction. The implementation of the Commercial/Restaurant Redevelopment Alternative also would reduce the overall construction intensity at the Project site due to the reduction in the size of the building that would be constructed, which would reduce the number of days that certain construction equipment operate, the amount of truck deliveries of construction materials would be required, and the amount of architectural finishes that would be applied during the construction period. Accordingly, there would be a corresponding decrease in the total amount of criteria pollutants that would be emitted during the construction period under the Commercial/Restaurant Redevelopment Alternative when compared to the proposed Project.

The operation of the Commercial/Restaurant Redevelopment Alternative would generate approximately 1,084 daily vehicular trips⁶ associated with restaurant customers and employees accessing the site. In comparison, the proposed Project would generate approximately 205 vehicle trips on a daily basis (TJW, 2015, p. 3). Due to the increased number of trips associated with this alternative, there would be a correspondingly increased impact to air quality associated with vehicular emissions of criteria pollutants during the long-term operation of the restaurant as compared to operation of the proposed Project.

Overall, the Commercial/Restaurant Redevelopment Alternative would result in fewer construction-related air pollutant emissions and increased operational-related air pollutant emissions when compared to the proposed Project.

C. Biological Resources

This alternative would have an identical physical impact footprint as the proposed Project where all ornamental trees and landscaping on-site would be removed through the demolition and redevelopment process and several trees along Anacapa Drive would be removed. As such, impacts to biological resources that would occur under this alternative are the same as those of the proposed Project described in EIR Subsection 4.3, which includes the potential to impact nesting birds during redevelopment of the site and installation of associated off-site improvements. No biological resource impacts would be reduced or avoided under this alternative. Both the proposed Project and the Commercial/Restaurant Redevelopment Alternative would be subject to the same regulatory requirements and mitigation measures to reduce potential impacts to less-than-significant levels.

⁶ Based on the Institute of Transportation Engineers (ITE) rate of 127.15 trips per 1,000 square feet of restaurant space and an 8,500 square foot building size (ITE, 2012). Calculated as $8,500/1000 = 8.5$ and 8.5 multiplied by $127.5 = 1083.75$ (rounded up to 1,084 trips).

D. Cultural Resources

No historic resources are located on the Project site, so removal of the car wash and ancillary gas station for redevelopment of the property under either this alternative or the proposed Project would not impact any known historic resources. The Commercial/Restaurant Redevelopment Alternative would cause physical impacts to the surface of the Project site and limited subsurface disturbance resulting from excavation needed to install the building foundation and underground utilities. In comparison, the proposed Project would involve substantial subsurface excavation to provide underground parking. Accordingly, the potential to discover and significantly impact archaeological and paleontological resources that may be present beneath the surface of the site would be reduced with the implementation of the Commercial/Restaurant Redevelopment Alternative in comparison to the proposed Project. In either case, if subsurface cultural resources were to be discovered, this alternative and the proposed Project would be subjected to the same regulatory requirements and mitigation measures to reduce impacts to less-than-significant levels.

E. Geology and Soils

The Project site is located in a seismically active area of southern California and any development on the property, whether it be a restaurant building as would occur under this alternative, a residential condominium project as would occur under the proposed Project, or other use, would be subject to ground shaking. As such, the Commercial/Restaurant Redevelopment Alternative and the proposed Project would result in the similar less-than-significant exposure to impacts associated with strong seismic ground shaking, particularly given the mandatory requirement to comply with the seismic design standards that are part of the California Building Standards Code (CBSC).

The Commercial/Restaurant Redevelopment Alternative would cause physical impacts to the surface of the Project site and limited subsurface disturbance resulting from excavation needed to install the building foundation and underground utilities. In comparison, the proposed Project would involve substantial subsurface excavation to provide three levels of underground parking. Because the site's entire surface would be disturbed under either scenario, impacts associated with erosion would be similar and less-than-significant with mandatory compliance to regulatory requirements. Potential impacts regarding soil stability and the potential to encounter expansive soils would be reduced under the Commercial/Restaurant Redevelopment Alternative as compared to the proposed Project because this alternative would substantially minimize subsurface excavation and thus the potential for the construction process to create unstable soil conditions or encounter expansive soils during subsurface excavation. The Project's subsurface excavation activities would require the employment of shoring methods, which would not be necessary under this alternative.

Overall, the Commercial/Restaurant Redevelopment Alternative would have similar less-than-significant seismic risk impacts, similar less-than-significant soil erosion impacts, and a reduced soil stability impact because substantial subsurface excavations would not be needed to implement this alternative. In comparison, the Project's soil stability and expansive soil impact would be reduced to a less-than-significant level with the implementation of mitigation measures.

F. Hazards and Hazardous Materials

As with the proposed Project, the Commercial/Restaurant Redevelopment Alternative would redevelop the entire site. Impacts associated with hazards and hazardous materials were identified as less than significant for the proposed Project. Therefore, similar to the proposed Project, the implementation of the Commercial/Restaurant Redevelopment Alternative would require the demolition and removal of the existing car wash building with ancillary gas station and convenience market components. Accordingly, the potential to encounter ACMs would occur under the Commercial/Restaurant Redevelopment Alternative, which would require the compliance with applicable regulations as described in Subsection 4.6 of this EIR. Additionally, the Commercial/Restaurant Redevelopment Alternative would require the removal of the USTs, which would also require compliance with applicable regulations. Also, construction materials that may be hazardous would be transported and stored on the site under either scenario. Therefore, the Commercial/Restaurant Redevelopment Alternative would result in the same impacts associated with hazards and hazardous materials during construction activities when compared to the proposed Project.

During the operational phase of the Commercial/Restaurant Redevelopment Alternative, the restaurant building would result in a similar exposure for customers and employees to less-than-significant safety hazards associated with operations at John Wayne Airport as would the exposure to residents and visitors that would occur under the proposed Project. Similarly, the implementation of the Commercial/Restaurant Redevelopment Alternative would have identical less-than-significant impacts to emergency routes and the risk for wildland fires, both of which were identified as less than significant for the proposed Project. As with the proposed Project, the operation of a restaurant on the site would result in the routine use of common hazardous cleaning and maintenance materials. Therefore, operational impacts associated with the Commercial/Restaurant Redevelopment Alternative would be similar to those that would occur with the proposed Project.

Overall, hazards and hazardous materials impacts associated with the Commercial/Restaurant Redevelopment Alternative would be similar to those that would occur with the implementation of the proposed Project.

G. Land Use/Planning

The Commercial/Restaurant Redevelopment Alternative would result in the development of the entire Project site with an 8,500 square foot restaurant and 107 surface parking spaces. The implementation of this Alternative would be consistent with the site's existing land use and zoning designations, although food service businesses require the approval of a Conditional Use Permit (CUP) or Minor Use Permit (MUP) depending on their physical and operational characteristics in order to operate in the OR Zoning District. This alternative proposes the maximum amount of development allowed under the existing General Plan "Regional Commercial Office (CO-R)" and "OR (Office Regional Commercial) Zoning District" designations for the Project site, including the maximum floor area ratio and maximum building height limit of 32 feet with a flat roof or 37 feet with a sloped roof.

Although impacts to land use and planning would be less than significant for the proposed Project because the Project would not physically divide an established community and would not conflict with an applicable land use plan, policy, regulation, or habitat conservation plan that was adopted for the purpose of avoiding or mitigating an environmental effect, redevelopment of the property with a one-story 8,500 square foot restaurant building with surface parking would avoid the Project's site-specific inconsistencies with the City's Zoning Code designation and General Plan land use designation. As such, the Commercial/Restaurant Redevelopment Alternative would have a much lesser potential to result in land use and planning impacts than the proposed Project. Also, this alternative would be more consistent with General Plan Policy LU6.14.4 (Development Scale).

Overall, because the Commercial/Restaurant Redevelopment Alternative would comply with the existing Zoning Code and General Plan land use designations for the site and would be consistent with the Zoning Code's existing height limits established for the site, impacts associated with land use and planning would be reduced compared to the proposed Project.

H. Noise

As identified in EIR Subsection 4.8, the proposed Project would result in significant periodic, loud noise levels during short-term construction activities on the Project site. With mitigation, the short-term construction-related noise would be reduced to below a level of significance. Because the restaurant building would be smaller compared to the proposed Project's building and extensive subsurface excavation would be avoided due to the use of surface parking, the Commercial/Restaurant Redevelopment Alternative would reduce the duration of the noise impact. Regardless, the noise levels that would occur when construction is in process would be the same levels that would occur under the proposed Project because the construction equipment to be used would be the same or very similar.

The operation of the Commercial/Restaurant Redevelopment Alternative would generate 1,084 daily vehicular trips⁷ associated with restaurant customers and employees accessing the site compared to 205 trips that would occur under the proposed Project. Due to the increased number of trips associated with this alternative, there would be a correspondingly increased traffic-related noise level associated with long-term operation of the restaurant as compared to operation of the proposed Project.

Also, operation of a restaurant has the potential to result in more intense on-site operational noise than would a residential condominium building as proposed by the Project due to frequent food and supply deliveries and patron noise. Municipal Code Section 20.48.090(C) (Eating and Drinking Establishments) requires that owners/operators of an eating and drinking establishment that sells, serves, or gives away alcohol shall post signs at clearly visible locations within the establishment and at both on-site and off-site parking areas requesting that patrons keep noise to a minimum. With

⁷ Based on the Institute of Transportation Engineers (ITE) rate of 127.15 trips per 1,000 square feet of restaurant space and an 8,500 square foot building size (ITE, 2012). Calculated as $8,500/1000 = 8.5$ and 8.5 multiplied by $127.5 = 1083.75$ (rounded up to 1,084 trips).

adherence to mandatory requirements in the City's Municipal Code, operational noise levels associated with the Commercial/Restaurant Redevelopment Alternative would be less-than-significant.

Overall, the implementation of the Commercial/Restaurant Redevelopment Alternative would result in the same levels of construction noise, but for a shorter duration than the proposed Project. Operational noise would be greater under the Commercial/Restaurant Redevelopment Alternative than the proposed Project due to an increase in vehicular trips and on-site operational noise associated with deliveries, restaurant patrons, and sound amplifications that may be associated with its operation.

I. Transportation/Traffic

The operation of the Commercial/Restaurant Redevelopment Alternative would generate 1,084 daily vehicular trips⁸ associated with restaurant customers and employees accessing the site compared to 205 vehicle trips that would occur under the proposed Project. (TJW, 2015, p. 3). Due to the increased number of trips associated with this alternative, there would be correspondingly increased traffic impacts associated with the level of service at nearby intersections and roadway segments with long-term operation of the restaurant as compared to operation of the proposed Project.

Therefore, impacts to transportation and traffic under the Commercial/Restaurant Redevelopment Alternative would be increased in comparison to the proposed Project.

J. Conclusion

The implementation of the Commercial/Restaurant Redevelopment Alternative would reduce, but not avoid, the Project's significant impacts to cultural and paleontological resources (potential presence of significant subsurface resources that could be unearthed and disturbed during ground excavation), geology/soils (temporary slope instability and potential for expansive soils to be encountered during ground excavation), and noise (temporary construction-related noise). Impacts to biology (tree removals that could potentially contain active migratory bird nests) would be identical under this alternative and the proposed Project. All of the Project's significant impacts would be mitigated to below a level of significance, and the same mitigation measures would apply to this alternative. This alternative would have decreased impacts regarding cultural resources and geology/soils due to the limited need for subsurface excavation. This alternative would have decreased impacts associated with construction noise because construction would occur over a shorter timeframe. Because the Commercial/Restaurant Redevelopment Alternative would result in a higher traffic volume than would the proposed Project, this alternative would have increased traffic impacts and a corresponding increase in vehicular-related air quality emissions and operational noise. Few if any impacts to land use and planning would occur because the alternative would be consistent with the site's zoning and General Plan designations and would have reduced aesthetic effects because the building height would be lower than the building height proposed by the Project.

⁸ Based on the Institute of Transportation Engineers (ITE) rate of 127.15 trips per 1,000 square feet of restaurant space and an 8,500 square foot building size (ITE, 2012). Calculated as $8,500/1000 = 8.5$ and 8.5 multiplied by $127.5 = 1083.75$ (rounded up to 1,084 trips).

In regards to the Project objectives, the Commercial/Restaurant Redevelopment Alternative would develop the property with a restaurant and in doing so would redevelop an underutilized property in Newport Center; however, the restaurant developed under this alternative would not meet the Project's objectives to provide luxury, multi-family, high-rise residential development in the City of Newport Beach that is within walking distance to other uses. The Commercial/Restaurant Redevelopment Alternative would meet four of the Project's 11 objectives (Objectives A, C, I, and K). Specifically, the Commercial/Restaurant Redevelopment Alternative, while making efficient use of existing infrastructure by repurposing a property with a higher and better use than currently occurs on the property, would not be financially feasible (Soderling, 2016b) and would not meet the Project objectives related to providing residential development in Newport Center.

6.3.4 MULTIPLE UNIT RESIDENTIAL (RM) ALTERNATIVE

The Multiple Unit Residential (RM) Alternative evaluates redevelopment of the Project site with a multi-family residential building with surface parking lot that offers 25 residential for-rent or ownership units. The building would be constructed to height of either 32 feet with a flat roof or 37 feet with a sloped roof, which is within the allowable height limit for the RM (Multiple Residential) Zoning District (Newport Beach, 2015a, Chapter 20.18). The architectural style and articulation would be similar compared to the proposed Project. Access to the site would be the same as the access points proposed by the Project, with vehicular access provided by driveways along Anacapa Drive and from the shared access to the south of the site. This alternative would provide 75 surface parking spaces to meet the City's Municipal Code requirements⁹. The Multiple Unit Residential (RM) Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against a multi-family residential project that requires substantially less subsurface excavation and a shorter construction duration, to reduce the proposed Project's temporary construction-related effects.

A. Aesthetics

The Project site does not contain any unique aesthetic resources and is not designated as a scenic view point in the General Plan Natural Resources Element. Under existing conditions, the Project site contains an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary gas station and convenience market, which would be removed and replaced with a multi-family residential building having a height of either 32 feet with a flat roof or 37 feet with a sloped roof. Although Section 4.1 of this EIR concludes that Project-related impacts associated with scenic vistas and visual resources would be less than significant, the lower stature building that would occur under this alternative would have a corresponding reduction in the overall visual impact of the building as seen from coastal view roads and public view corridors. A residential building constructed to height of 32 feet with a flat roof or 37 feet with a sloped roof would have limited visibility from public view corridors that provide scenic views such as the Pacific Ocean to the southwest, distant views to the San Joaquin Hills and Santa Ana Mountains to the north, and distant views to the Palos Verdes Peninsula and San Gabriel Mountains on clear days. Neither the proposed Project, nor the building that would

⁹ Parking required is two parking spaces per unit plus one guest space for unit; therefore, 50 resident spaces and 25 guest spaces would be required for a total of 75 surface parking spaces.

be constructed under the Multiple Unit Residential (RM) Alternative would be visible from East Coast Highway due to intervening topography and development. Similarly, due to the location of site east of the segment of Newport Center Drive that is designated as a coastal view road, neither the proposed Project nor the Multiple Unit Residential (RM) Alternative would affect views of the Pacific Ocean from Newport Center Drive as views of the Pacific Ocean would be directed west and south of Newport Center Drive, in the opposite direction of the proposed Project. However, from the segments of Avocado Avenue and MacArthur Boulevard east of the site are designated as coastal view roads maximum 37-foot-high multi-family residential building would not be visible, whereas the upper two floors of the Project's proposed seven-story building would be visible and beyond which distant views of the Pacific Ocean would remain visible.

Compared to the proposed Project's seven-story tall building, this alternative would be perceived as having less building bulk and scale due to the reduction in building height compared to the proposed Project; however, the overall visual character would be similar to that of the Project. In both cases, the building would feature a classically-styled contemporary building with a highly articulated architectural design that is compatible with the established character of Newport Center. Neither the Project's seven-story building nor the shorter building that would occur under this alternative would introduce physical features that would have a demonstratively inconsistent character and/or would be constructed with inferior design characteristics than currently found in the Newport Center area, leading to a substantial degradation of visual quality and character. Less-than-significant impacts would occur in either case.

The Multiple Unit Residential (RM) Alternative would have more exterior lighting at the ground level due to lighting needed for a surface parking lot, when compared to the proposed Project that does not propose surface parking. More light poles would be installed under this alternative to illuminate the site's surface parking lot. In regards to lighting associated with the building, this alternative would result in an incremental reduction in the amount of nighttime light generated by the building due to having fewer floors of residential use at the site and 24 fewer residential units. Night lighting would not extend as high into the night skyline, making the Multiple Use Residential (RM) Alternative less visible during nighttime hours from surrounding areas. In both cases, development is required to comply with Section 20.30.070 (Outdoor Lighting) of the City's Municipal Code, which establishes outdoor lighting standards applicable to all new development in the City.

Overall, a residential building that would be constructed pursuant to the implementation of the Multiple Unit Residential (RM) Alternative would reduce impacts to aesthetics when compared to the proposed Project, although under either scenario aesthetic impacts would be less than significant.

B. Air Quality

As identified in EIR Subsection 4.2, *Air Quality*, the proposed Project would result in less-than-significant air quality impacts during construction and operation. Because the multi-family residential building under this alternative would be smaller and the amount of subsurface excavation would be substantially reduced because the site would not be graded below the level of existing fill on-site, the

Multiple Unit Residential (RM) Alternative would reduce air quality emissions that would occur during the excavation phase of construction. The implementation of the Multiple Unit Residential (RM) Alternative also would reduce the overall construction intensity at the Project site due to the reduction in the size of the building that would be constructed, and the reduction of subsurface excavation through the elimination of subsurface parking, which would result in a corresponding reduction to the number of days that certain construction equipment operate, the amount of truck deliveries of construction materials would be required, and the amount of architectural finishes that would be applied during the construction period. Accordingly, there would be a corresponding decrease in the amount of criteria pollutants that would be emitted during the construction period under the Multiple Unit Residential (RM) Alternative when compared to the proposed Project.

The Multiple Unit Residential (RM) Alternative would result in 25 residential units on the Project site, which would result in 167 vehicle trips.¹⁰ Compared to the Project's 205 daily vehicle trips, this alternative would result in 38 fewer daily vehicular trips. The slightly lower volume of daily vehicular trips would result in an associated reduction in the amount of transportation-related emissions of criteria pollutants, representing a slight reduction in operational impacts to air quality compared to the proposed Project.

Overall, the Multiple Unit Residential (RM) Alternative would result in reduced impacts to air quality during construction and operation when compared to the proposed Project.

C. Biological Resources

The Multiple Unit Residential (RM) Alternative would have an identical physical impact footprint as the proposed Project where all ornamental trees and landscaping on-site would be removed through the demolition and redevelopment process and several trees along Anacapa Drive would be removed. As such, the potentially significant impacts to nesting birds that would occur under this alternative are the same as those impacts described in EIR Subsection 4.3 for the proposed Project and installation of associated off-site improvements. No biological resource impacts would be reduced or avoided, and no new impacts to biological resources would occur as a result of the implementation of the Multiple Unit Residential (RM) Alternative. Both development scenarios would be subject to the same regulatory requirements and mitigation measures to reduce potential impacts to nesting birds to less-than-significant levels.

Therefore, the Multiple Unit Residential (RM) Alternative would result in the same impacts to biological resources when compared to the proposed Project.

D. Cultural Resources

No historic resources are located on the Project site, so removal of the car wash with ancillary gas station and convenience market for redevelopment of the property under either this alternative or the proposed Project would not impact any known historic resources. The Multiple Unit Residential (RM)

¹⁰ Trips calculated as 6.65 daily trips per unit (6.65 trips x 25 units = 166.25 trips) rounded up to 167.

Alternative would cause physical impacts to the surface of the Project site and limited subsurface disturbance resulting from excavation needed to install the building foundation and underground utilities. In comparison, the proposed Project would involve substantial subsurface excavation to provide underground parking. Accordingly, the potential to discover and significantly impact archaeological and paleontological resources that may be present beneath the surface of the site would be reduced with the implementation of the Multiple Unit Residential (RM) Alternative in comparison to the proposed Project. In either case, if subsurface cultural resources were to be discovered, this alternative and the proposed Project would be subjected to the same regulatory requirements and mitigation measures to reduce impacts to less-than-significant levels.

E. Geology and Soils

The Project site is located in a seismically active area of southern California and any development on the property, whether it be a 25-unit multi-family for-rent or ownership building as would occur under this alternative, a 49-unit residential condominium project as would occur under the proposed Project, or other use, would be subject to seismic ground shaking. As such, the Multiple Unit Residential (RM) Alternative and the proposed Project would result in the similar less-than-significant exposure to impacts associated with strong seismic ground shaking, particularly given the mandatory requirement to comply with the seismic design standards that are part of the California Building Standards Code (CBCS).

The Multiple Unit (RM) Alternative would cause physical impacts to the surface of the Project site and limited subsurface disturbance resulting from excavation needed to install the building foundation and underground utilities. In comparison, the proposed Project would involve substantial subsurface excavation to provide three levels of underground parking. Because the site's entire surface would be disturbed under either scenario, impacts associated with erosion would be similar and less-than-significant with mandatory compliance to regulatory requirements. Potential impacts regarding soil stability and the potential to encounter expansive soils would be less with the Multiple Unit (RM) Alternative than with the proposed Project because this alternative would substantially reduce the potential for the construction process to create unstable soil conditions and encounter expansive soils during subsurface excavation. The Project's subsurface excavation activities would require the employment of shoring methods, which would not be necessary under this alternative.

Overall, the Multiple Unit (RM) Alternative would have similar less-than-significant seismic risk impacts, similar less-than-significant soil erosion impacts, and a less severe impacts associated with soil stability and the potential to encounter expansive soils because substantial subsurface excavations would not be needed to implement this alternative. In comparison, the Project's soil stability impact would be reduced to a less-than-significant level with the implementation of mitigation measures.

F. Hazards and Hazardous Materials

Impacts associated with hazards and hazardous materials were identified as less than significant for the proposed Project. The Multiple Unit Residential (RM) Alternative would have the same development

footprint as the proposed Project; therefore, as with the proposed Project, the implementation of the Multiple Unit Residential (RM) Alternative would require the demolition and removal of the existing car wash building and the ancillary convenience market and gas station components. Accordingly, the potentially to encounter ACMs identified for the proposed Project would occur under the Multiple Unit Residential (RM) Alternative, which would require the compliance with applicable regulations as described in Subsection 4.6 of this EIR. Additionally, the Multiple Unit Residential (RM) Alternative would require the removal of the USTs, which would also require compliance with applicable regulations. Therefore, the construction of the Multiple Unit Residential (RM) Alternative would result in the same construction-related impacts associated with hazards and hazardous materials when compared to the proposed Project.

During the operational phase of the Multiple Unit Residential (RM) Alternative, the building would result in a similar less-than-significant exposure of people residing or working in the area to safety hazards associated with operations at John Wayne Airport, as the location of the building would be unchanged in comparison to the proposed Project. Neither a maximum 37-foot tall building or seven-story building height would adversely affect airport or aircraft operations. Similarly, the implementation of the Multiple Unit Residential (RM) Alternative or the proposed Project would have identical less-than-significant impacts to emergency routes and the risk for wildland fires. As with the proposed Project, the residential use of the building would result in the routine use of common hazardous household cleaning and maintenance materials. Therefore, operational impacts associated with the Multiple Unit Residential (RM) Alternative would be the same to those that would occur with the proposed Project.

Overall, impacts associated with the Multiple Unit Residential (RM) Alternative would be similar to those that would occur with the implementation of the proposed Project.

G. Land Use/Planning

The implementation of the Multiple Unit Residential (RM) Alternative would require one less approval from the City of Newport Beach in comparison to the proposed Project, including a General Plan Amendment, Zoning Code Amendment, site development review, and a tentative tract map. A Planned Community Development Plan would not be required under this alternative because the maximum 37-foot building height could be addressed through the site development review application. The Multiple Unit Residential (RM) Alternative also would not require a revised General Plan anomaly designation as is required for the proposed Project, because a 25-unit building would not exceed a density of more than 20 dwelling units per acre (du/ac) for standard RM land use designations.

Impacts to land use and planning would be less than significant for the proposed Project and for the Multiple Unit Residential (RM) Alternative because development of either a maximum 37-foot high residential building or a seven-story building on the property would not physically divide an established community and would not conflict with an applicable land use plan, policy, regulation, or habitat conservation plan that was adopted for the purpose of avoiding or mitigating an environmental

effect. However, this alternative would be more consistent with General Plan Policy LU6.14.4 (Development Scale).

Overall, because the Multiple Unit Residential (RM) Alternative would result in a maximum 37-foot tall building with a site development review and avoid the exceedance of the building height limits established in the City's Zoning Code (Newport Beach, 2016b) and be more consistent with General Plan Policy LU6.14.4 (Development Scale), the implementation of this alternative would result in reduced impacts associated with land use and planning.

H. Noise

As identified in EIR Subsection 4.8, the proposed Project would result in periodic, loud noise levels during short-term construction activities on the Project site. With mitigation, the short-term construction-related noise would be reduced to below a level of significance. Because the building considered under this alternative would be smaller compared to the proposed Project and extensive subsurface excavation would be avoided due to the use of surface parking, the Multiple Unit Residential (RM) Alternative would reduce the duration of the noise impact. Regardless, the noise levels that would occur when construction is in process would be the same levels that would occur under the proposed Project because the construction equipment to be used would be the same or very similar

The operation of the Multiple Unit Residential (RM) Alternative would result in 25 residential units on the Project site, which would result in 167 vehicle trips.¹¹ Compared to the Project's 205 daily vehicle trips, this alternative would result in 38 fewer daily vehicular trips. The slightly lower volume of daily vehicular trips would result in an associated reduction in vehicular-related noise during the operation of the Project. The implementation of the Multiple Unit Residential (RM) Alternative also would reduce the amount of on-site noise that would be generated during operation of the building due to the 24 fewer residential units.

Overall, the implementation of the Multiple Unit (RM) Alternative would result in reduced noise impacts as compared to the proposed Project, with some reductions in noise level during construction and long-term operation.

I. Transportation/Traffic

The operation of the Multiple Unit Residential (RM) Alternative would result in 25 residential units on the Project site, which would also result in 167 vehicle trips.¹² Compared to the Project's 205 daily vehicle trips, this alternative would result in 38 fewer daily vehicular trips. The slightly lower volume of daily vehicular trips would result in reduction in the Project's less-than-significant traffic impacts during the operation of the Project. Because the vehicular/pedestrian access components of the Multiple Unit Residential (RM) Alternative would not change in comparison to the proposed Project,

¹¹ Trips calculated as 6.65 daily trips per unit (6.65 trips x 25 units = 166.25 trips) rounded up to 167.

¹² Trips calculated as 6.65 daily trips per unit (6.65 trips x 25 units = 166.25 trips) rounded up to 167.

this alternative would result in similar less-than-significant impacts to emergency access and to transit, bicycle, and pedestrian facilities.

Therefore, overall the implementation of the Multiple Unit Residential (RM) Alternative would result in a reduction in the less-than-significant impacts associated with transportation and traffic when compared to the proposed Project.

J. Conclusion

The implementation of the Multiple Unit Residential (RM) Alternative would reduce, but not avoid, the Project's significant impacts to cultural and paleontological resources (potential presence of significant subsurface resources that could be unearthed and disturbed during ground excavation), geology/soils (temporary slope instability and potential for expansive soils to be encountered during ground excavation), and noise (temporary construction-related noise). Impacts to biology (tree removals that could potentially contain active migratory bird nests) would be identical under this alternative and the proposed Project. All of the Project's significant impacts would be mitigated to below a level of significance, and the same mitigation measures would apply to this alternative. This alternative would have decreased impacts regarding cultural resources and geology/soils due to the limited need for subsurface excavation. This alternative would have decreased impacts associated with construction noise because construction would occur over a shorter timeframe. Because the Multiple Unit Residential (RM) Alternative would result in a slightly lower daily traffic volume than would the proposed Project, this alternative would have slightly reduced traffic impacts and a corresponding slight decrease in vehicular-related air quality emissions and operational noise. Similar impacts to land use and planning would occur because, like the proposed Project, this alternative would require a change in the property's General Plan and zoning designations from commercial to residential, although this alternative would result in a shorter building and be more consistent with General Plan Policy LU6.14.4 (Development Scale) than would the proposed Project. Reduced aesthetic effects would occur because the building height would be lower than the building height proposed by the Project.

The Multiple Unit Residential (RM) Alternative would meet eight of the Project's 11 objectives (Objectives A, C, F, G, H, I, J, and K) though it would achieve Objectives F, G, and H less effectively than the proposed Project because the alternative would offer fewer residential units (25 instead of 49) and the units have the potential to be for-rent and non-luxury. The Multiple Unit Residential (RM) Alternative is identified as one of two Environmentally Superior Alternatives that are not the No Project Alternative (the other being the Reduced Dwelling Units and Building Height Alternative); however, the Multiple Unit Residential (RM) Alternative would not meet three of the Project's objectives (Objectives B, D, and E) and due to the substantially fewer number of dwelling units, the Project Applicant has indicated that the Multiple Unit Residential (RM) Alternative is not financially feasible (Soderling, 2016b).

6.3.5 REDUCED DWELLING UNITS AND BUILDING HEIGHT ALTERNATIVE

The Reduced Dwelling Units and Building Height Alternative considers redevelopment of the Project site in a similar manner as proposed by the Project, but with 45 dwelling units in a six-story condominium structure with an overall building height of 65 feet 6 inches to the top of the parapet and 69 feet 6 inches to the top of the elevator override/mechanical equipment screen. In comparison, the Project evaluated in this EIR proposes a height of 83 feet 6 inches to the top of all rooftop appurtenances. The building considered under this alternative would thus be 14 feet shorter in total height than the building proposed by the Project. The building footprint and setbacks would be identical to the proposed Project, with the building footprint measuring 29,800 square feet resulting in a lot coverage of 63%. The approximate gross floor area for this alternative’s building would be 141,013 square feet, providing 45 dwelling units comprised of 43 two-bedroom units and two three-bedroom units. This alternative would have 10,389 square feet of common outdoor open space, 2,694 square feet of indoor common open space, and 13,564 square feet of private open space, resulting in a total of 26,647 square feet of open space.

The Reduced Dwelling Units and Building Height Alternative would not modify the Project’s proposed access and parking configurations, but the number of parking spaces would be reduced. Under this alternative there would be 91 residential parking spaces and 25 visitor parking spaces, including spaces in three levels of underground parking. The Reduced Dwelling Units and Building Height Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project against a building design that is shorter and provides a fewer number of dwelling units.

Figure 6-1, *Reduced Dwelling Units and Building Height Alternative- Representative Building Elevations*, provide representative building elevations for the Reduced Dwelling Units and Building Height Alternative. These illustrations show the approximate appearance of the six-story building. A statistical comparison to the proposed Project is provided in Table 6-1, *Comparison of Reduced Dwelling Units and Building Height Alternative and the Proposed Project*.

Table 6-1 Comparison of Reduced Dwelling Units and Building Height Alternative and the Proposed Project

FEATURE	REDUCED DWELLING UNITS AND BUILDING HEIGHT ALTERNATIVE	PROPOSED PROJECT
Building Footprint	29,800 square feet	29,800 square feet
Lot Coverage	63%	63%
Gross Floor Area (above-ground)	141,013 square feet	163,260 square feet
Parking Floor Area (below-ground)	132,274 square feet	133,260 square feet
Number of Floors Above-Ground	6	7



FEATURE	REDUCED DWELLING UNITS AND BUILDING HEIGHT ALTERNATIVE	PROPOSED PROJECT
Number of Floors Below-Ground	3	3
Residential Units	45 (two-bedroom: 43) (three-bedroom: 2)	49 (townhomes: 10) (flats: 35) (penthouse: 4)
Building Height (top of highest floor)	65 feet 6 inches	75 feet 6 inches
Building Height (top of all rooftop apparatuses)	69 feet 6 inches	83 feet 6 inches
Below-grade parking levels	3	3
Resident Parking Spaces	91	100
Visitor Parking Spaces	25	26
Common Open Space	13,083 square feet	13,392 square feet
Private Open Space	13,562 square feet	12,851 square feet

A. Aesthetics

The Project site does not contain any unique aesthetic resources and is not designated as a scenic view point in the General Plan Natural Resources Element. Under existing conditions, the Project site contains an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary gas station and convenience market, which would be removed and replaced with a six-story residential condominium building under this alternative. The Reduced Dwelling Unit and Building Height Alternative would represent a 14-foot reduction in the overall height of the building that would be constructed at the site when compared to the proposed Project, and would have a corresponding reduction in the overall visual impact of the building, as seen from coastal view roads and public view corridors. The building, whether six-story as considered by this alternative or seven-story as proposed by the Project, would have limited visibility from public view corridors that provide scenic views such as the Pacific Ocean to the southwest, distant views to the San Joaquin Hills and Santa Ana Mountains to the north, and distant views on clear days to the Palos Verdes Peninsula and San Gabriel Mountains in Los Angeles County to the northwest. Neither the proposed Project, nor the building that would be constructed under the Reduced Dwelling Units and Building Height Alternative would be visible from East Coast Highway due to intervening topography and development. Similarly, due to the location of site east of the segment of Newport Center Drive that is designated as a coastal view road, neither the proposed Project nor the Reduced Dwelling Units and Building Height Alternative would affect views of the Pacific Ocean from Newport Center Drive as views of the Pacific Ocean would be directed west and south of Newport Center Drive, in the opposite direction of the proposed Project. However, the segments of Avocado Avenue and MacArthur Boulevard east of the site are also designated as coastal view roads. The reduction in the building height associated with the Reduced Dwelling Units and Building Height Alternative would result in a slight reduction in the visibility of the Project from views toward the Pacific Ocean for motorists and pedestrians traveling

along these roadway segments. Under this alternative, the top floor of the building would be visible whereas under the proposed Project, the top two floors would be visible.

The visual character of the property after development of the Reduced Dwelling Units and Building Height Alternative would consist of a six-story tall residential building, as depicted in Figure 6-1. The alternative would be more in keeping with General Plan Policy LU6.14.4 (Development Scale) than the proposed Project. Compared to the Project's proposed seven-story tall building, this alternative would be perceived as having less building bulk and scale due to the reduction in building height compared to the proposed Project; however, the overall visual character would be substantially similar to that of the Project. In both cases, the building would feature a new building with a classically-designed, cotemporary, highly articulated architectural that is compatible with the established character of Newport Center. Neither the Project's seven-story building or the six-story building that would occur under this alternative would introduce physical features that would have a demonstratively inconsistent character and/or would be constructed with inferior design characteristics than currently found in the Newport Center area, leading to a substantial degradation of visual quality and character. Less-than-significant impacts would occur in either case.

The Reduced Dwelling Units and Building Height Alternative would have the same amount and intensity of exterior lighting at the ground level and upper levels of the building as proposed by the Project. However, this alternative would result in an incremental reduction in the amount of nighttime light generated by the building due to the elimination of one floor of residential use as compared to the Project. Night lighting would not extend as high into the night skyline, making the Reduced Dwelling Units and Building Height Alternative less visible during nighttime hours from surrounding areas. In both cases, development is required to comply with Section 20.30.070 (Outdoor Lighting) of the City's Municipal Code, which establishes outdoor lighting standards applicable to all new development in the City.

Overall, the reduction in the height of the building by one floor pursuant to the implementation of the Reduced Dwelling Units and Building Height Alternative would result in a corresponding reduction in aesthetics impacts when compared to the proposed Project, although under either scenario aesthetic impacts would be less than significant.

B. Air Quality

As identified in EIR Subsection 4.2, *Air Quality*, the proposed Project would result in less-than-significant air quality impacts during construction and operation. Because the residential building size (height) would be slightly smaller (14 feet shorter), it can be reasonably assumed that the implementation of this alternative would proportionately reduce the overall construction intensity at the Project site, which would result in a corresponding slight reduction in the number of days that certain construction equipment operate, the amount of truck deliveries of construction materials would be required, and the amount of architectural finishes that would be applied during the construction period. Accordingly, there would be a corresponding decrease in the amount of criteria pollutants that

would be emitted during the construction period under the Reduced Dwelling Units and Building Height Alternative when compared to the proposed Project.

The operation of the Reduced Dwelling Units and Building Height Alternative would result in 45 residential units on the Project site, which would result in 188 daily vehicular trips¹³ compared to the proposed Project's 205 daily trips. The slight reduction in the vehicular trips would result in a concomitant reduction in the amount of transportation-related emissions of criteria pollutants, representing a slight reduction in operational impacts to air quality compared to the proposed Project.

Overall, the Reduced Dwelling Units and Building Height Alternative would result in reduced impacts to air quality during construction and operation when compared to the proposed Project.

C. Biological Resources

The Reduced Height Alternative would have an identical physical impact footprint as the proposed Project where all ornamental trees and landscaping on-site would be removed through the demolition and redevelopment process and several trees along Anacapa Drive would be removed. As such, the potentially significant impacts to nesting birds that would occur under this alternative are the same as those impacts described in EIR Subsection 4.3 for the proposed Project and installation of associated off-site improvements. No biological resource impacts would be reduced or avoided, and no new impacts to biological resources would occur as a result of the implementation of the Reduced Dwelling Units and Building Height Alternative. Both development scenarios would be subject to the same regulatory requirements and mitigation measures to reduce potential impacts to nesting birds to less-than-significant levels. Mitigation is required to reduce impacts to nesting birds should active nests be present in the trees that would be removed during construction.

Therefore, the Reduced Dwelling Units and Building Height Alternative would result in the same impacts to biological resources when compared to the proposed Project.

D. Cultural Resources

The Reduced Dwelling Units and Building Height Alternative would physically disturb the same area as the proposed Project, to similar depths below the existing ground surface. Accordingly, potential impacts to cultural resources would be identical under either the Reduced Dwelling Units and Building Height Alternative or the proposed Project, and both development scenarios would be subject to the same regulatory requirements and mitigation measures to reduce potential impacts regarding potential archaeological and paleontological resources to less-than-significant levels. Mitigation is required to specify how resources would be treated should they be unearthed during the construction process.

¹³ Trips calculated as 4.18 daily trips per unit (4.18 trips x 45 units = 188.1 trips) rounded down to 188.

E. Geology and Soils

The Reduced Dwelling Units and Building Height Alternative would have the same development footprint and depth of excavation as the proposed Project; therefore, impacts to geology and soils that would occur under this alternative are the same as those impacts described in EIR Subsection 4.5 for the proposed Project. No impacts to geology or soils would be reduced or avoided. Therefore, the Reduced Dwelling Units and Building Height Alternative would result in the same less-than-significant impacts to geology and soils when compared to the proposed Project after the application of mitigation measures identified in EIR Subsection 4.5. Mitigation is required for construction-related impacts associated with slope stability and the potential to encounter expansive soils.

F. Hazards and Hazardous Materials

Impacts associated with hazards and hazardous materials were identified as less than significant for the proposed Project. The Reduced Dwelling Units and Building Height Alternative would have the same development footprint as the proposed Project; therefore, as with the proposed Project, the implementation of the Reduced Dwelling Units and Building Height Alternative would require the demolition and removal of the existing car wash building and the ancillary convenience market and gas station components. Accordingly, the potentially to encounter ACMs identified for the proposed Project would occur under the Reduced Height Alternative, which would require the compliance with applicable regulations as described in Subsection 4.6 of this EIR. Additionally, the Reduced Dwelling Units and Building Height Alternative would require the removal of the USTs, which would also require compliance with applicable regulations. Therefore, the construction of the Reduced Dwelling Units and Building Height Alternative would result in the same construction-related impacts associated with hazards and hazardous materials when compared to the proposed Project.

During the operational phase of the Reduced Dwelling Units and Building Height Alternative, the building would result in a similar less-than-significant exposure of people residing or working in the area to safety hazards associated with operations at John Wayne Airport, as the location of the building would be unchanged in comparison to the proposed Project. Neither a six-story building considered under this alternative or seven-story building proposed by the Project would adversely affect airport or aircraft operations. Similarly, as the building location would not be changed in comparison to the proposed Project, the implementation of the Reduced Dwelling Units and Building Height Alternative or the proposed Project would have identical less-than-significant impacts to emergency routes and the risk for wildland fires. As with the proposed Project, the residential use of the building would result in the routine use of common hazardous household cleaning and maintenance materials. Therefore, operational impacts associated with the Reduced Dwelling Units and Building Height Alternative would be the same as those that would occur with the proposed Project.

Overall, impacts associated with the Reduced Dwelling Units and Building Height Alternative would be similar to those that would occur with the implementation of the proposed Project.

G. Land Use/Planning

The implementation of the Reduced Dwelling Units and Building Height Alternative would require the same approvals from the City of Newport Beach in comparison to the proposed Project, including a General Plan Amendment, Zoning Code amendment, planned community development plan, site development review, and a tentative tract map. The reduction in the number of units by four (45 units instead of 49 units) and the height of the structure by one story (69 feet 6 inches instead of 83 feet six inches to the top of all rooftop apparatuses) would not affect the land use changes to the site that would occur with the implementation of the proposed Project with the exception of the incremental reduction in the building height (14 feet lower). Both the Reduced Dwelling Units and Building Height Alternative and the proposed Project would exceed the existing height limit for the site, as established in the City's Zoning Code. However, this alternative would be more consistent with General Plan Policy LU6.14.4 (Development Scale).

Impacts to land use and planning would be less than significant for the proposed Project and for the Reduced Dwelling Units and Building Height Alternative because development of a seven-story or six-story residential building on the property would not physically divide an established community and would not conflict with an applicable land use plan, policy, regulation, or habitat conservation plan that was adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the implementation of the Reduced Height Alternative would result in similar impacts associated with land use and planning, although this alternative would be more consistent with General Plan Policy LU6.14.4 (Development Scale).

H. Noise

As identified in EIR Subsection 4.8, the proposed Project would result in periodic, loud noise levels during short-term construction activities on the Project site. With mitigation, the short-term construction-related noise would be reduced to below a level of significance. The implementation of the Reduced Dwelling Units and Building Height Alternative would require the same demolition and excavation characteristics as identified for the proposed Project. Because the building considered under this alternative would be smaller by one floor compared to the proposed Project, the duration of the noise impact during the building construction phase would be slightly shorter. Regardless, the noise levels that would occur when construction is in process would be the same levels that would occur under the proposed Project because the construction equipment to be used would be identical to that which would occur under the proposed Project.

The operation of the Reduced Dwelling Units and Building Height Alternative would result in four fewer residential units compared to the proposed Project, which would result in 17 fewer daily vehicular trips.¹⁴ The slight reduction in the vehicular trips would result in a slight reduction in vehicular-related noise during the operation of the Project. The implementation of the Reduced Dwelling Units and Building Height Alternative also would slightly reduce the amount of on-site noise that would be generated during operation due to the four fewer residential units.

¹⁴ *Ibid.*

Overall, the implementation of the Reduced Dwelling Units and Building Height Alternative would result in very similar noise impacts as compared to the proposed Project, with some slight reductions in noise level during construction and long-term operation.

I. Transportation/Traffic

The operation of the Reduced Dwelling Units and Building Height Alternative would result in 45 residential units on the Project site, which would result in 188 daily vehicular trips¹⁵ compared to the proposed Project's 205 daily trips. The slight reduction in the vehicular trips would result in a slight reduction in the Project's less-than-significant traffic impacts during the operation of the Project. Because the building footprint and vehicular/pedestrian access components of the Reduced Dwelling Units and Building Height Alternative would not change in comparison to the proposed Project, this alternative would result in similar impacts to emergency access and to and transit, bicycle, and pedestrian facilities.

Overall, the implementation of the Reduced Dwelling Units and Building Height Alternative would result in a slight reduction in impacts associated with transportation and traffic when compared to the proposed Project due to the generation in 17 fewer daily trips to and from the Project site.

J. Conclusion

The implementation of the Reduced Dwelling Units and Building Height Alternative would result in the same significant impacts as the Project to biology (tree removals that could potentially contain active migratory bird nests) cultural and paleontological resources (potential presence of significant subsurface resources that could be unearthed and disturbed during ground excavation), geology/soils (temporary slope instability and potential for expansive soils to be encountered during ground excavation), and noise (temporary construction-related noise). All of the Project's significant impacts would be mitigated to below a level of significance, and the same mitigation measures would apply to this alternative. Because this alternative would attract 17 fewer daily traffic trips to and from the site as compared to the proposed Project, this alternative would have slightly reduced traffic impacts and a corresponding slight decrease in vehicular-related air quality emissions and operational noise. Similar impacts to land use and planning would occur because, like the proposed Project, this alternative would require a change in the property's General Plan and zoning designations from commercial to residential, although this alternative would result in a shorter building and be more consistent with General Plan Policy LU6.14.4 (Development Scale) than would the proposed Project. Reduced aesthetic effects also would occur because the building height would be lower than the building height proposed by the Project.

The Reduced Dwelling Units and Building Height Alternative would meet all of the Project's 11 objectives, though it would achieve Objectives E, F, G, and H to a lesser degree than the proposed Project because the alternative would offer four fewer residential units (45 instead of 49). The Reduced Dwelling Units and Building Height Alternative is identified as one of two Environmentally Superior

¹⁵ *Ibid.*



Alternatives that is not a No Project Alternative because it would reduce the environmental effects of the Project (the other being the Multiple Unit Residential (RM) Alternative). In addition, this alternative meets all of basic objectives of the Project. While the Project Applicant has indicated that the Multiple Unit Residential (RM) Alternative is not financially feasible (Soderling, 2016b), the Reduced Dwelling Units and Building Height Alternative appears to be financially feasible.



This page intentionally left blank.

Table 6-2 Comparison of Environmental Impacts and Ability to Meet Project Objectives by Alternative

ENVIRONMENTAL TOPIC	PROPOSED PROJECT SIGNIFICANCE OF IMPACTS AFTER MITIGATION	LEVEL OF IMPACT COMPARED TO THE PROPOSED PROJECT				
		NO PROJECT/ NO REDEVELOPMENT ALTERNATIVE	NO PROJECT/ OFFICE REDEVELOPMENT ALTERNATIVE	COMMERCIAL/ RESTAURANT REDEVELOPMENT ALTERNATIVE	MULTIPLE UNIT RESIDENTIAL (RM) ALTERNATIVE	REDUCED DWELLING UNITS AND BUILDING HEIGHT ALTERNATIVE
Aesthetics	Less-than-Significant	Construction – Avoided Operational - Avoided	Construction – Reduced Operational - Reduced	Construction – Reduced Operational - Reduced	Construction – Reduced Operational - Reduced	Construction – Reduced Operational - Reduced
Air Quality	Less-than-Significant	Construction - Avoided Operational - Increased	Construction - Reduced Operational - Reduced	Construction - Reduced Operational - Increased	Construction - Reduced Operational - Reduced	Construction - Reduced Operational - Reduced
Biological Resources	Less-than-Significant with Mitigation	Construction – Avoided Operational - Similar	Construction – Similar Operational - Similar	Construction – Similar Operational - Similar	Construction – Similar Operational - Similar	Construction – Similar Operational - Similar
Cultural Resources	Less-than-Significant with Mitigation	Construction – Avoided Operational - None	Construction – Reduced Operational - None	Construction – Reduced Operational - None	Construction – Similar Operational - None	Construction – Similar Operational - None
Geology and Soils	Less-than-Significant with Mitigation	Construction – Avoided Operational - Similar	Construction – Reduced Operational - Similar	Construction – Reduced Operational - Similar	Construction – Similar Operational - Similar	Construction – Similar Operational - Similar
Hazards/Hazardous Materials	Less-than-Significant	Construction – Avoided Operational - Increased	Construction – Similar Operational - Similar	Construction – Similar Operational - Similar	Construction – Similar Operational - Similar	Construction – Similar Operational - Similar
Land Use/Planning	Less-than-Significant	Construction – None Operational - Avoided	Construction – None Operational - Avoided	Construction – None Operational - Reduced	Construction – None Operational - Reduced	Construction – None Operational - Reduced
Noise	Less-than-Significant with Mitigation	Construction – Avoided Noise - Increased	Construction – Reduced Noise - Reduced	Construction – Reduced Noise - Increased	Construction – Reduced Noise - Reduced	Construction – Reduced Noise - Reduced
Transportation/Traffic	Less-than-Significant	Construction – Avoided Operational - Increased	Construction – Similar Operational - Reduced	Construction – Similar Operational - Increased	Construction – Similar Operational - Reduced	Construction – Similar Operational - Reduced
<i>Is the Alternative Environmentally Superior to the Project?</i>		No	Yes	No	Yes	Yes
PROJECT'S UNDERLYING PURPOSE AND OBJECTIVES		WOULD THE ALTERNATIVE MEET PROJECT OBJECTIVES?				
		NO PROJECT/ NO REDEVELOPMENT ALTERNATIVE	NO PROJECT/ OFFICE REDEVELOPMENT ALTERNATIVE	COMMERCIAL/ RESTAURANT REDEVELOPMENT ALTERNATIVE	MULTIPLE UNIT RESIDENTIAL (RM) ALTERNATIVE	REDUCED DWELLING UNITS AND BUILDING HEIGHT ALTERNATIVE
Underlying Purpose: To redevelop an underutilized property in the Newport Center area with multi-family, for-sale luxury high-rise (three + stories) residential units located within walking distance to employment, shopping, entertainment, and recreation.		No	No	No	Yes, but to a lesser degree (units would not be luxury and building would not be a high-rise)	Yes, but to a lesser degree (fewer units)
Objective A: Redevelop an underutilized property in Newport Center.		No	Yes	Yes	Yes	Yes
Objective B: Redevelop an underutilized property with a use that is financially feasible to construct and operate.		No	No	No	No	Yes

Objective C: Make efficient use of existing infrastructure by repurposing a property with a higher and better use than currently occurs on the property.	No	Yes	Yes	Yes	Yes
Objective D: Maximize the surface use of a redeveloped property by accommodating parking underground.	No	No	No	No	Yes
Objective E: Respond to the demand for luxury, multi-family, high-rise residential development in the City of Newport Beach.	No	No	No	No	Yes, but to a lesser degree (fewer units)
Objective F: Add for-sale, owner-occupied housing units in Newport Center to diversify the mix of uses and the range of available residential housing unit types.	No	No	No	Yes, but to a lesser degree (units could also be rental)	Yes, but to a lesser degree (fewer units)
Objective G: Introduce a luxury, multi-family residential development in Newport Center that can attract households in the surrounding area that are seeking to downsize from a single-family home, thereby making those single-family homes available for resale.	No	No	No	Yes, but to a lesser degree (units would not be luxury)	Yes, but to a lesser degree (fewer units)
Objective H: Provide a new multi-family residential development in Newport Center that is within walking distance of, and has pedestrian connections to, employment, shopping, entertainment, public services, and recreation.	No	No	No	Yes, but to a lesser degree (fewer units)	Yes, but to a lesser degree (fewer units)
Objective I: Maintain high-quality architectural design in Newport Center by adding a building that has a recognizable architectural style and that complements the architectural styles that exist in the surrounding Newport Center community.	No	Yes	Yes	Yes	Yes
Objective J: Implement a residential development that provides on-site amenities for its residents.	No	No	No	Yes	Yes
Objective K: Redevelop a property that uses outdated operational technologies with a new use that is designed to be energy efficient and avoid the wasteful use of energy and water.	No	Yes	Yes	Yes	Yes
<i>Does the alternative meet most of the Project's objectives?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Yes</i>



Figure 6-1



REDUCED DWELLING UNITS AND BUILDING HEIGHT ALTERNATIVE- REPRESENTATIVE BUILDING ELEVATIONS

7.0 REFERENCES

7.1 PERSONS INVOLVED IN PREPARATION OF THIS EIR

7.1.1 CITY OF NEWPORT BEACH

Makana Nova, AICP, Associate Planner

7.1.2 T&B PLANNING, INC.

Tracy Zinn, AICP, Principal

Degrees: B.S. Regional Planning and Geography

Certifications: American Institute of Certified Planners (AICP)

Shawn Nevill, Senior Project Manager

Degrees: Juris Doctor; B.A. Political Science

Margaret F. Partridge, AICP, LEED Green Associate, Environmental Analyst

Degree: B.A. Environmental Analysis and Design, M.A. Urban & Regional Planning

Eric Horowitz, GIS Manager

Degrees: B.A. Urban and Regional Planning; M.S. Geographic Information Systems

Certifications; Geographic Information Systems Professional (GISP)

Steven Lusk, GIS/Graphics Specialist

Degree: B.A. Geography; M.S. Geography

7.1.3 DOCUMENTS INCORPORATED BY REFERENCE IN THIS EIR

The following reports, studies, and supporting documentation were used in the preparation of this EIR and are incorporated by reference within this EIR. A copy of the following reports, studies, and supporting documentation is a matter of public record and is generally available to the public at the location listed.

Cited As:

C&V, 2015a

C&V, 2015b

Fero, 2013

Fero, 2014

Fuscoe, 2015

Citation:

C&V, 2015a. *150 Newport Center Drive TTM No. 17915 Assessment of Sewer Capacity Availability for Proposed Residential Development.* September 2.

C&V, 2015b. *150 Newport Center Drive TTM No. 17915 Assessment of Water Availability for Proposed Residential Development.* August 31.

Fero, 2013. *Phase I Environmental Site Evaluation.* November 25.

Fero, 2014. *Phase II Subsurface Investigations.* January 15.

Fuscoe, 2015. *Preliminary Water Quality Management Plan.* April 10.

Cited As:	Citation:
Kunzman, 2015	Kunzman Associates, Inc. (Kunzman) 2015. Newport Center Villas Circulation Analysis. September 1.
Kunzman, 2016	Kunzman Associates, Inc. (Kunzman) 2016. Trip Generation Analysis. April 7.
Malcolm Pirnie, Inc., 2011.	Malcolm Pirnie, Inc. 2011. 2010 Urban Water Management Plan. May 2011. Retrieved April 12, 2016 from http://www.newportbeachca.gov/home/showdocument?id=10182
MVE Partners, 2015	MVE Partners. 2015. Visual Simulations.
Newport Beach, 2006a	City of Newport Beach General Plan.
Newport Beach, 2006b.	City of Newport Beach General Plan EIR.
Newport Beach GIS, 2015.	Newport Beach GIS, 2015. GIS system for City of Newport Beach. Retrieved November 23, 2015, from http://nbgis.newportbeachca.gov/NewportHTML5Viewer/?viewer=publicsite
Newport Beach, 2015a	Newport Beach. (2015a). Municipal Code. Retrieved May 11, 2015, from http://www.codepublishing.com/CA/NewportBeach/
Newport Beach, 2015b	Newport Beach (2015b). Civic Center Project Details. Retrieved June 8, 2015, from https://www.newportbeachca.gov/index.aspx?page=2373
Newport Beach, 2016a	City of Newport Beach. 2016. <i>Newport Center Villas Planned Community Development Plan.</i>
Newport Beach, 2016b	City of Newport Beach Zoning Code (Title 20 Planning and Zoning). Retrieved February 9, 2016, from http://www.codepublishing.com/CA/NewportBeach/?NewportBeach20/NewportBeach20.html
NMG, 2015	NMG. 2015 <i>Geotechnical Feasibility Report.</i> February 3.
Project Application Materials, 2015	Project Application Materials. (2015). Available at the City of Newport Beach Planing Department
Stantec Consulting Services, Inc., 2012	Stantec Consulting Services, Inc. (2012). North Newport Center San Joaquin Plaza TPO Traffic Analysis.
TJW, 2015	TJW Engineering, Inc. (TJW). 2015. Traffic and Parking Evaluation: Newport Center Villas, Newport Beach CA- Final. August 19, 2015.
Urban Crossroads, 2016a	Urban Crossroads. 2016. <i>Newport Center Villas Air Quality Impact Analysis,</i> City of Newport Beach. February 10, 2016.
Urban Crossroads, 2016b	Urban Crossroads. 2016. <i>Newport Center Villas Greenhouse Gas Analysis,</i> City of Newport Beach. August 13, 2015.

7.1.4 DOCUMENTS AND WEBSITES CONSULTED IN PREPARATION OF THIS EIR

<i>Cited As:</i>	<i>Citation:</i>
CA Dept of Education, 2014	CA Department of Education. 2014. Data Quest. Retrieved May 20, 2015, from http://dq.cde.ca.gov/dataquest/
CA RWQCB. (n.d.).	CA RWQCB, n.d. State of California California Regional Water Quality Control Board Santa Ana Region NPDES No. CAS618030. Retrieved June 30, 2015, from http://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2009/09_030_OC_MS4_as_amended_by_10_062.pdf
CalEPA, 2012	CalEPA, 2012. Cortese List Data Resources. Retrieved May 20, 2015, from http://www.calepa.ca.gov/sitecleanup/corteselist/default.htm
CalEPA, 2014	CalEPA, 2014. Regulations Pertaining to Underground Storage Tanks. Retrieved June 1, 2015, from http://www.epa.gov/oust/fedlaws/cfr.htm
CalEPA, n.d.	CalEPA, n.d. Sites Identified With Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit. Retrieved December 09, 2015, from http://www.calepa.ca.gov/sitecleanup/corteselist/CurrentList.pdf
Cal OES, n.d.	Cal OES, n.d. HazMat Business Plan. Retrieved December 9, 2015, from Governor's Office of Emergency Services: http://www.caloes.ca.gov/for-businesses-organizations/plan-prepare/hazardous-materials/hazmat-business-plan
Caltrans, 2013	Caltrans. 2013. Transportation and Construction Vibration Guidance Manual. Retrieved from http://www.dot.ca.gov/hq/env/noise/pub/TCVGM_Sep13_FINAL.pdf
CARB, 2013	California Air Resources Board (CARB). 2013. Retrieved March 7, 2016 from http://www.arb.ca.gov/cc/ccms/ccms.htm
CDC, 1998	CDC, 1998. National Institute for Occupational Safety and Health (NIOSH) Occupational Noise Exposure Criteria. Retrieved March 15, 2016, from http://www.cdc.gov/niosh/docs/98-126/pdfs/98-126.pdf
CDC, 2010	CDC, 2010. Orange County Important Farmland 2010. Retrieved December 14, 2015 from ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ora10.pdf
CDC, 2015	CDC, 2015. Summary of NIOSH Criteria. Retrieved March 15, 2016, from http://www.cdc.gov/healthyschools/noise/signs.htm
CDOCAO List, 2015	List of "active" CDO and CAO from Water Board. Retrieved December 09, 2015, from http://www.calepa.ca.gov/sitecleanup/corteselist/default.htm
CEC, 2012	CEC, 2012. 2013 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. Retrieved December 1, 2014, from http://www.energy.ca.gov/2012publications/CEC-400-2012-004/CEC-400-2012-004-CMF-REV2.pdf

- CEC, 2015a CEC, 2015. California Natural Gas Utility Service Areas. Retrieved November 18, 2015, from http://www.energy.ca.gov/maps/serviceareas/naturalgas_service_areas.html
- CEC, 2015b CEC, 2015. California Electric Utilities Service Areas. Retrieved November 18, 2015, from http://www.energy.ca.gov/maps/serviceareas/Electric_Service_Areas_Detail.pdf
- City of Newport Beach Waste, 2015 City of Newport Beach Waste, 2015. Retrieved December 14, 2015, from <http://www.newportbeachca.gov/government/departments/public-works/water-quality-and-conservation/hazardous-waste-oil-recycling>
- City of Newport Beach Development Standards, 2016 City of Newport Beach Development Standards, 2016. Retrieved April 11, 2016, from <http://www.codepublishing.com/CA/NewportBeach/frameless/index.pl?path=../html/NewportBeach20/NewportBeach2018.html#20.18>
- City of Newport Beach Register, 2016 City of Newport Beach Register, 2016. Retrieved March 9, 2016, from http://www.newportbeachca.gov/Pln/MAP_DOCUMENTS/Historical%20Register.pdf
- DOF, 2015a DOF, 2015. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2015 with 2010 Census Benchmark. Retrieved May 18, 2015, from <http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php>
- DOF, 2015b DOF, 2015b. E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change. Retrieved November 18, 2015, from <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>
- DTSC, 2011 DTSC, 2011. List of Hazardous Waste Facilities Subject to Corrective Action Pursuant to Section 25187.5 of the Health and Safety Code. Retrieved December 09, 2015, from <http://www.calepa.ca.gov/sitecleanup/cortese/SectionA.htm#Facilities>
- DTSC, 2015 DTSC, 2015. Envirostor Database. Retrieved December 09, 2015, from http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm
- FEMA, 2015 FEMA, 2015. Floodplain Map. Retrieved May 18, 2015, from <https://msc.fema.gov/portal>
- Google Earth Pro, 2015 Google Earth Pro. (2015). Google Earth Pro.
- Health and Safety Code Section 25500-25519, n.d. Health and Safety Code Section 25500-25519, n.d. Retrieved November 6, 2015, from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=25001-26000&file=25500-25519>
- ITE, 2012 Institute of Traffic Engineers (ITE). 2012. Trip Generation Manual, 9th Edition. Retrieved February 24, 2016, from <http://www.co.contra-costa.ca.us/DocumentCenter/Home/View/34153>
- LegInfo, 2014 LegInfo, 2014. Assembly Bill No. 52 Chapter 532. Retrieved August 10, 2015,

- from California Legislative Information:
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140AB52
- Newport Beach, 2007a City of Newport Beach Tsunami Runup Area. Retrieved August 17, 2015, from <http://www.newportbeachca.gov/Home/ShowDocument?id=1093>
- Newport Beach, 2008 City of Newport Beach, 2008. Sight Plane Ordinance. Retrieved July 22, 2015, from http://www.newportbeachca.gov/PLN/map_documents/GIS_NOTES/Sight_Plane_View_Ordinance_Reference_Material.pdf
- Newport Beach, 2009a City of Newport Beach, 2009a. *Council Policy Manual*. Retrieved June 22, 2015, from <http://www.newportbeachca.gov/index.aspx?page=82>
- Newport Beach, 2009b City of Newport Beach, 2009b. *Coastal Land Use Plan*. Retrieved March 8, 2016, from <http://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/local-coastal-program/coastal-land-use-plan>
- Newport Beach, 2009c Newport Beach, 2009. Hazardous Waste and Oil Recycling. Retrieved June 1, 2015, from <https://www.newportbeachca.gov/index.aspx?page=433>
- Newport Beach, 2011 Newport Beach, 2011. City of Newport Beach Emergency Operations Plan. Retrieved December 14, 2015, from <http://www.newportbeachca.gov/home/showdocument?id=17901>
- Newport Beach, 2013 Newport Beach, 2013. City of Newport Beach General Plan Housing Element. Retrieved March 10, 2016, from http://www.newportbeachca.gov/PLN/General_Plan/06_Ch5_Housing_web.pdf
- Newport Beach, 2014 City of Newport Beach Bicycle Master Plan. Retrieved February 22, 2016, from <http://www.newportbeachca.gov/home/showdocument?id=18599>
- Newport Beach Trash & Recycling, 2015 Newport Beach Trash & Recycling, 2015. Municipal Operations- Trash and Recycling. Retrieved November 23, 2015, from <http://www.newportbeachca.gov/government/departments/municipal-operations/trash-recycling>
- Nova, M., 2015a Nova, Makana. Associate Planner, AICP. City of Newport Beach 2015. Personal Communication: email May 27, 2015
- Nova, M., 2015b Nova, Makana. Associate Planner, AICP. City of Newport Beach 2015. Personal Communication: email June 2, 2015
- OALUC, 2008 OALUC, 2008. Airport Environs Land Use Plan for John Wayne Airport. Retrieved December 14, 2015, from http://www.ocair.com/commissions/aluc/docs/JWA_AELUP-April-17-2008.pdf
- OCHCA, 2015 OCHCA, 2015. Retrieved July 21, 2015, from <http://occupainfo.com/programs/ust>

- OCTA, 2013 OCTA, 2013. 2013 Final Orange County Congestion Management Program. Retrieved June 23, 2015, from <http://www.octa.net/Plans-and-Programs/Congestion-Management-Program/Overview/>
- OPR, 2015 OPR, 2015. CEQA Appendix G. Retrieved December 01, 2015, from http://opr.ca.gov/docs/Initial_Study_Checklist_Form.pdf
- Orange County, 1996 Orange County, 1996. NCCP/HCP for Orange County Central & Coastal Subregion. Retrieved December 14, 2015, from <https://www.wildlife.ca.gov/Conservation/Planning/NCCP/Plans/Orange-Coastal>
- OSHA, 2016 OSHA, 2016. Noise Hearing Conservation. Retrieved March 15, 2016, from <https://www.osha.gov/SLTC/noisehearingconservation/index.html#loud>
- SCAG, 2016 SCAG, 2016. Southern California Association of Governments (SCAG). 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy. Adopted April 2016. Retrieved May 2, 2016, from <http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf>
- SCAG, 2012a SCAG, 2012 Regional Transportation Plan/Sustainable Communities Strategy. Retrieved November 23, 2015, from <http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf>
- SCAG, 2012b SCAG, 2012b. 2012 Growth Forecast. Retrieved November 23, 2015, from <http://gisdata.scag.ca.gov/Pages/SocioEconomicLibrary.aspx?keyword=Forecasting>
- SCAQMD, 2003 SCAQMD, 2003. *2003 Air Quality Management Plan*. Retrieved from <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/2003-aqmp> on December 14, 2015
- SCAQMD, 2005 SCAQMD, 2005. South Coast Air Quality Management District Rule 403-Fugitive Dust. Retrieved December 07, 2015, from <http://www.arb.ca.gov/DRDB/SC/CURHTML/R403.PDF>
- SCAQMD, 2013 SCAQMD, 2013. 2012 AQMP. Retrieved from [http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2012-air-quality-management-plan/final-2012-aqmp-\(february-2013\)/main-document-final-2012.pdf](http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2012-air-quality-management-plan/final-2012-aqmp-(february-2013)/main-document-final-2012.pdf)
- SCAQMD, 2015 SCAQMD, 2015. Draft Fiscal Year 2015-2016 Budget & Work Program. Retrieved December 02, 2015, from <http://www.aqmd.gov/docs/default-source/finance-budgets/fy-15-16/fy2015-16draftbudget.pdf?sfvrsn=6>
- Sierra Wade Associates,
1999 South Coast Air Quality Management District Monitoring Areas. Retrieved March 02, 2016, from <http://www.aqmd.gov/docs/default-source/default-document-library/map-of-monitoring-areas.pdf>
- Soderling, 2016a Soderling, Ronald. 2016a. Letter dated February 2, 2016 from Ronald Soderling, Managing Member of Newport Center Anacapa Associates, LLC, to Makana Nova, Associate Planner, AICP of the City of Newport Beach

- Soderling, 2016b Soderling, Ronald. 2016b. Verbal communication between Ronald Soderling, Managing Member of Newport Center Anacapa Associates, LLC, and Tracy Zinn, AICP, Vice President of T&B Planning, Inc. on January 27, 2016.
- SWRCB, 2015 SWRCB, 2015. GeoTracker Website. Retrieved December 09, 2015, from <https://geotracker.waterboards.ca.gov/>
- USCB, 2015. United States Census Bureau (USCB), 2015. Orange County, California Quickfacts. Retrieved December 14, 2015 from: <http://quickfacts.census.gov/qfd/states/06/06059.html>
- USDA, n.d. USDA, n.d. Soil and Water Resources Conservation Act (RCA). Retrieved December 07, 2015, from USDA Natural Resources Conservation Service: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/nra/rca/>
- U.S. DOT, 2014 U.S. DOT, 2014. Bureau of Transportation Statistics, Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicle. Retrieved March 7, 2016, from National Transportation Statistics: http://www.rita.dot.gov/bts/sites/rita.dot.gov/bts/files/publications/national_transportation_statistics/html/table_04_23.html
- U.S. EPA Energy Star, 2016 U.S. EPA Energy Star, 2016. Retrieved March 07, 2016 from http://www.energystar.gov/ia/products/downloads/ES_Anniv_Book_030712_508compliant_v2.pdf

7.1.5 PERSONS CONSULTED DURING PREPARATION OF THIS EIR (WRITTEN AND VERBAL COMMUNICATION)

Dane McDougall, P.E., Project Manager, C&V Consulting, Inc.
Makana Nova, AICP, Associate Planner, City of Newport Beach
Tod W. Ridgeway, Ridgeway Development Company

7.1.6 DOCUMENTS APPENDED TO THIS EIR

The following reports, studies, and supporting documentation were used in preparing the 150 Newport Center EIR and are bound separately as Technical Appendices. A copy of the Technical Appendices is available for review at the City of Newport Beach Planning Division, 100 Civic Center Drive, Newport Beach, California.

- Appendix A Initial Study & Appendices, Notice of Preparation, NOC Form, and Written Comments on the NOP
- Appendix B Planned Community Development Plan
- Appendix C Air Quality Impact Analysis
- Appendix D Geotechnical Feasibility Report
- Appendix E Greenhouse Gas Analysis

- Appendix F1 Phase I Environmental Site Evaluation
- Appendix F2 Phase II Subsurface Investigations
- Appendix G1 Traffic and Parking Evaluation
- Appendix G2 Circulation Analysis
- Appendix H Preliminary Water Quality Management Plan
- Appendix I Assessment of Sewer Capacity Availability
- Appendix J Assessment of Water Availability
- Appendix K City of Newport Beach Cumulative Projects List
- Appendix L Conceptual Design Exhibits
- Appendix M Preliminary Construction Management Plan