

**NEWPORT EXECUTIVE CENTER**  
**ADDENDUM TO THE**  
**NEWPORT EXECUTIVE COURT PROJECT**  
**INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

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# 1 PURPOSE OF ADDENDUM

This Addendum has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) (*California Public Resources Code* [PRC] §§21000 et seq.); the State CEQA Guidelines (Title 14, *California Code of Regulations* [CCR] §§15000 et seq.); and the rules, regulations, and procedures for implementing CEQA as set forth in accordance with Newport Beach City Council Policy K-3, "Implementation Procedures for the California Environmental Quality Act".

Section 15164(a) of the CEQA Guidelines states that "the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Pursuant to Section 15162(a) of the State CEQA Guidelines, a subsequent EIR or Negative Declaration is only required when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects:
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects: or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Newport Executive Court Project Initial Study leading to a Mitigated Negative Declaration (IS/MND)) (State Clearinghouse [SCH] No. 2007071158) was prepared by the City of Newport Beach (City) in 2007 in accordance with CEQA to evaluate the potential environmental impacts associated with the implementation of the Newport Executive Court Project. The Newport Executive Court Project proposed the development of four, two-story medical office buildings of approximately 65,205 total sf (sf) with surface and unground parking on an approximately 3.01-acre vacant property. The Newport Executive Court Project IS/MND was released for public review on July 27, 2007; the project was approved and the

IS/MND was adopted by the City on October 18, 2007 as adequately addressing the potential environmental impacts associated with the development of the property with medical office uses. The project was not subsequently constructed.

Real Estate Development Associates (applicant or REDA) is currently proposing the development of two, two-story medical office buildings totaling approximately 64,000 sf with associated surface parking. The project is referred to herein as the “Newport Executive Center Project” or the “project.” The project site is approximately 4.1 acres and is located southeast of Birch Street and north of Mesa Drive. The project site encompasses seven parcels: Assessor’s Parcel Number (APN) 439-382-06, -07, -10, -26, -27, -31, and -32. The site is located within the boundaries of the Santa Ana Heights Specific Plan. The site is designated “Business Park” in the Specific Plan.

The purpose of this Addendum is to analyze any potential differences between the impacts identified in the Newport Executive Court Project IS/MND and those that would be associated with the proposed Newport Executive Center Project. Pursuant to provisions of CEQA and State CEQA Guidelines, the City is the Lead Agency charged with the responsibility of deciding whether to approve the proposed project. As part of its decision-making process, the City is required to review and consider whether the proposed project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the Newport Executive Court Project IS/MND. Additional CEQA review beyond this Addendum, in the form of CEQA documentation, would only be triggered if the proposed project created new significant impacts or impacts that are more severe than those disclosed in the IS/MND used to approve the Newport Executive Court Project in 2007. To use an Addendum as the appropriate CEQA document for the proposed Newport Executive Center Project, the City must find that major revisions of the 2007 Newport Executive Court Project IS/MND are not necessary and that none of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of additional CEQA documentation has occurred.

As detailed herein, the proposed project will not result in any new significant impacts that were not analyzed in the Newport Executive Court Project IS/MND, nor will the project cause a substantial increase in the severity of any previously identified environmental impacts. The potential impacts associated with this proposed project would either be the same or less than those described in the IS/MND. In addition, there are no substantial changes to the circumstances under which the proposed project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the IS/MND, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the State CEQA Guidelines, this Addendum to the previously adopted IS/MND is the appropriate environmental documentation for the Newport Executive Center Project. In taking action on any of the approvals for the proposed project, the decision-making body must consider the whole of the data presented in the IS/MND, and as augmented by this Addendum, the previously adopted Mitigation Monitoring and Reporting Program (MMRP), and this Addendum to the Newport Executive Court Project IS/MND.

## 2 DESCRIPTION OF PROPOSED PROJECT

### 2.1 NEWPORT EXECUTIVE COURT PROJECT

In 2007, the Newport Executive Court Project IS/MND was prepared by the City of Newport Beach (City) to address potential environmental impacts associated with the development of the approximately 3.05-acre property with medical offices. The project would allow the construction of approximately 64,973 sf of development in four, two-story medical office buildings. Both surface parking and a one-level underground parking garage was assumed. Building A would be 10,037 sf; Building B would be 20,102 sf; Building C would be 15,972 sf; and Building D would be 18,862 sf. The building heights for these medical offices would have ranged from 34 to 37 feet. The buildings would have been centrally located on the property, surrounded by surface parking, and interconnected by landscaped pedestrian courtyards. The perimeter of the site would have been bordered by six-foot-high, slump-stone block wall with landscaped setbacks to provide screening. The project has a 75-foot setback from the residential-zoned properties. The Newport Beach City Council approved the project and adopted the IS/MND in October 2007. Since that time, no grading or construction activity has been completed.

### 2.2 PROJECT SETTING AND LOCATION

**Figure 1, Regional Location Map, and Figure 2, Vicinity Map,** depict the project site in a regional and local context. The project site is located on the southeast side of Birch Street in the City of Newport Beach. Cross streets are Birch Street to the northwest, Cypress Street to the east, Mesa Drive to the south, and Orchard Drive to the north. John Wayne Airport is approximately 0.6 mile north of the project site. The Newport Regional Park is approximately 0.3 miles south of the site and the Newport Beach Golf Course is located 260 feet west of the project site boundary. California State Route 73 is located approximately 0.4 mile north and California State Route (SR) 55 is approximately 1.1 miles west of the site.

The project site is approximately 4.1 acres and contains vacant land and two single-family detached residences with associated outbuildings. Parcels 439-382-06, -07, -10, -26, and -27 are contiguous vacant parcels totaling approximately 3.05 acres. Parcel 439-382-34 is developed with one single-family residence and various outbuildings. APN 439-382-31 is also developed with one single-family detached residence and associated outbuildings. Together these two parcels are approximately 1.05 acres. The total square footage of the structures is approximately 9,071 sf. These two developed parcels were not a part of the previously approved Newport Executive Court Project.

Development adjacent to the project site consists primarily of office uses and residences. Land uses in the immediate vicinity of the project site include:

**North:** Birch Street borders the project site to the northwest. A three-story office building is located directly adjacent to the site on Birch Street.

**East:** Single-family detached residential units are located adjacent to the eastern portion of the project site on Cypress Street.

**Southwest and West:** Single-family detached residential units are located adjacent to the southern portion of the project site on Mesa Drive. The southwestern portion of the project site is adjacent to the Mesa Birch View Park.

**Northwest:** Office buildings are located across Birch Street to the northwest of the project site.

## 2.3 PROJECT DESCRIPTION

The project would allow for the construction of 64,000 sf of medical office uses on the 4.1-acre site. On-site buildings would be demolished. Building 1 would be 19,978 sf and Building 2 would be 44,000 sf. The areas surrounding the structures will consist of parking stalls, drive lanes, landscape planters, with a central common area between the two buildings. **Figure 3, Conceptual Site Plan, Figure 4, Exterior Elevations – Building 1, and Figure 5 – Exterior Elevations – Building 2** depicts the site plan and elevations of the proposed project. The project site has a General Plan designation of General Commercial Office. The project site is located within the area of the Santa Ana Heights Specific Plan (SP-7) and is designated “Business Park.” The Santa Ana Heights Specific Plan permits a Floor Area Ratio (FAR) of 0.50 for sites with a Business Park designation; the FAR for the proposed project is 0.36.

### Site Access and Parking

As proposed, vehicular access would consist of the following: one ingress/egress driveway on Birch Street near the northern boundary of the site; and one ingress/egress driveway on Birch Street near the southern boundary of the site. All points of ingress/egress would be unsignalized. Drive lanes would run along the perimeter of the site allowing access to both buildings and parking.

The proposed project would provide 324 parking stalls for employees and visitors; 320 spaces are required per the parking standards (5 parking stalls per 1,000 sf) set forth by the City of Newport Beach. Parking would be provided on site in a surface parking lot located along the west, south, and east sides of the buildings. Access to this parking lot would be provided at Birch Street.

### Design and Landscaping

The proposed project would conform to the Design Guidelines for the Specific Plan set forth in the City of Newport Beach Municipal Code Chapter 20.90.030, *Santa Ana Heights Specific Plan, Design Guidelines*. The Design Guidelines include guidelines for building form, exterior building materials, glazing, building entrances, rooflines, energy considerations, sound attenuation, and landscaping.

The proposed project would be constructed with concrete tilt-up panels with two-story glass entry ways. The hardscape and landscape materials would consist of drought resistant plants applicable to the area and site conditions. All hardscape areas would be saw cut and colored or acid washed concrete. The property line surrounding the area will have a minimum six-foot-high screen wall with landscaping. Approximately 121 trees would be provided in the surface parking area.

### Grading and Construction

Construction is expected to begin in mid-July 2015. Demolition of existing structures and grading is anticipated to occur over a one month period, followed by a ten-month period for site and shell construction. The interior core of the buildings would take one to two months.

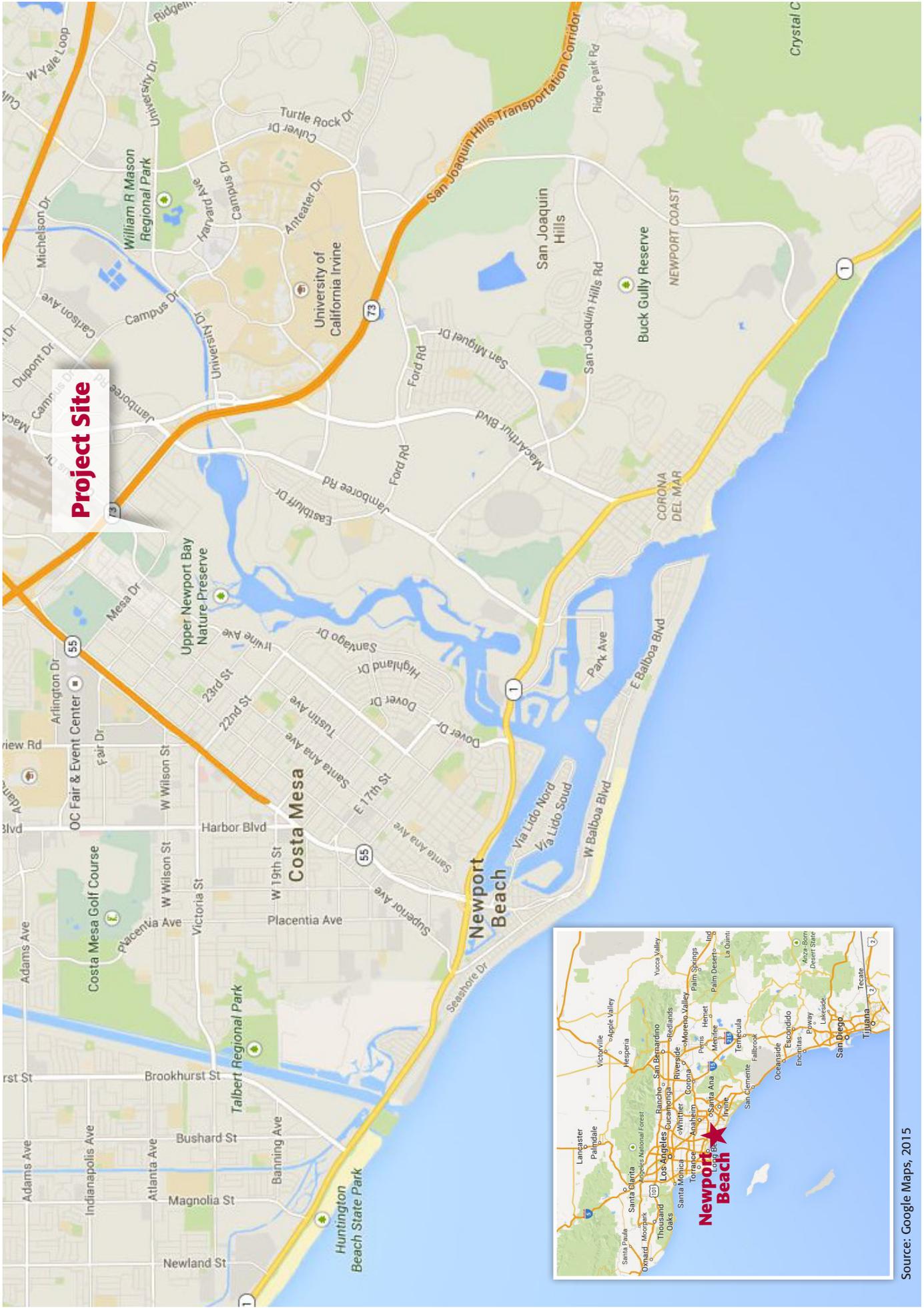
## **Project Approvals**

The City of Newport Beach is the Lead Agency under CEQA and is responsible for reviewing and approving this Addendum to the Newport Executive Court Project Initial Study and Mitigated Negative Declaration. As part of the proposed project's implementation, the City will also consider the following discretionary approvals:

- The approval of a use permit;
- The approval of a site development review;
- The approval of the traffic study; and
- The approval of a tentative parcel map.

Additional permits may be required upon review of construction documents.





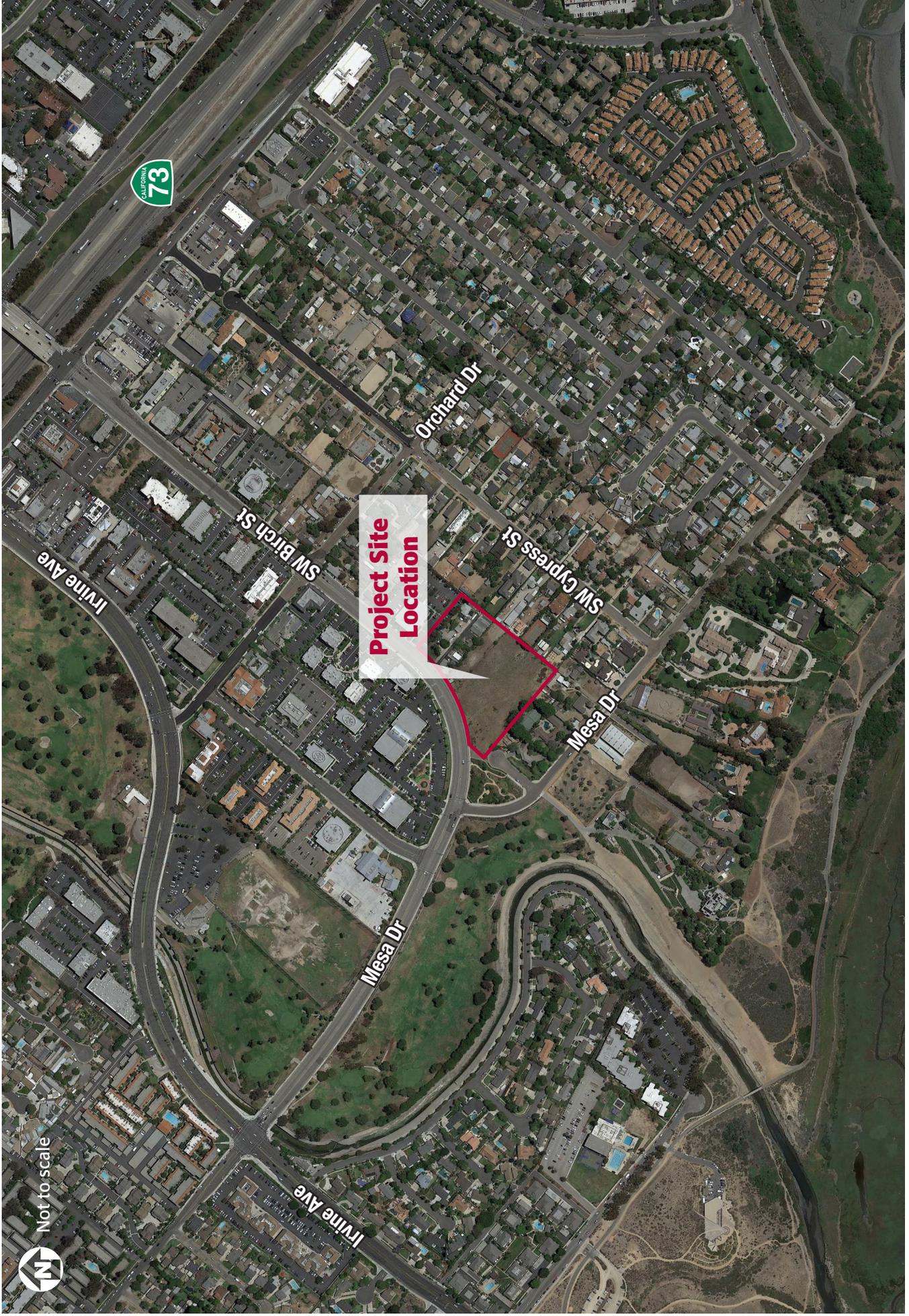
Source: Google Maps, 2015

**FIGURE 1:** Regional Location Map  
 Newport Executive Center  
 City of Newport Beach



Not to scale





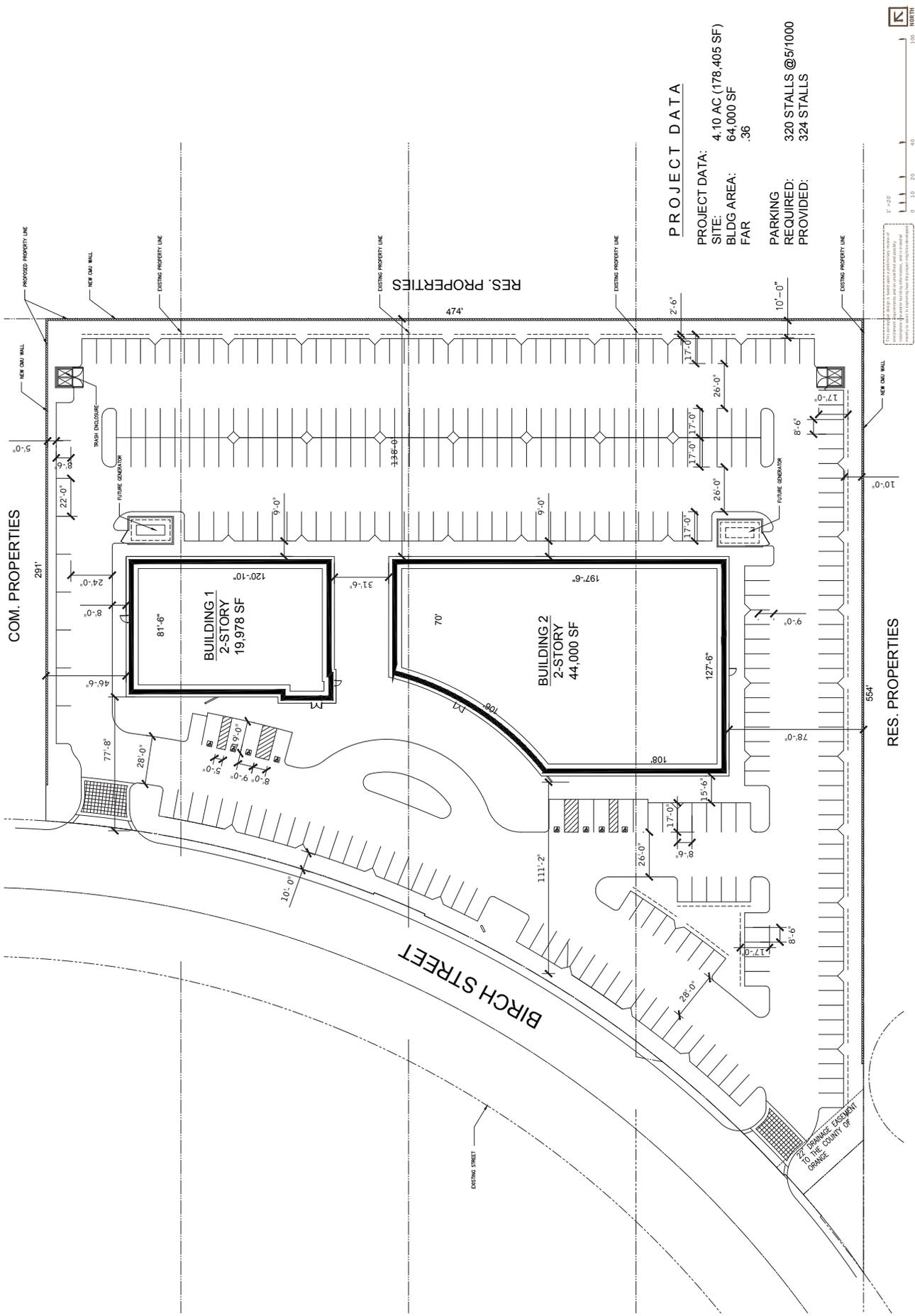
Source: Google Earth, 2015

**FIGURE 2** - Vicinity Map  
Newport Executive Center  
City of Newport Beach



Not to scale





**PROJECT DATA**  
 PROJECT DATA: 4.10 AC (178,405 SF)  
 SITE: 64,000 SF  
 BLDG AREA: .36  
 FAR  
 PARKING REQUIRED: 320 STALLS @ 5/1000  
 PROVIDED: 324 STALLS



THIS PLAN IS A CONCEPTUAL SITE PLAN AND IS NOT TO BE USED FOR PERMITS OR CONTRACTS. IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY ALL INFORMATION AND TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

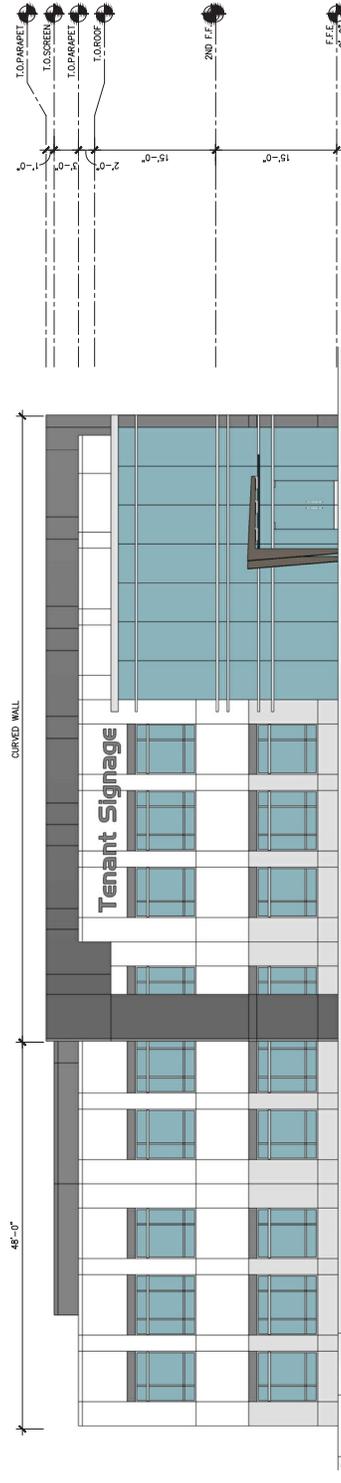
Source: REDA

**FIGURE 3 - Conceptual Site Plan**  
 Newport Executive Center  
 City of Newport Beach





EAST EXTERIOR ELEVATION SCALE: 1/8"=1'-0" **A**

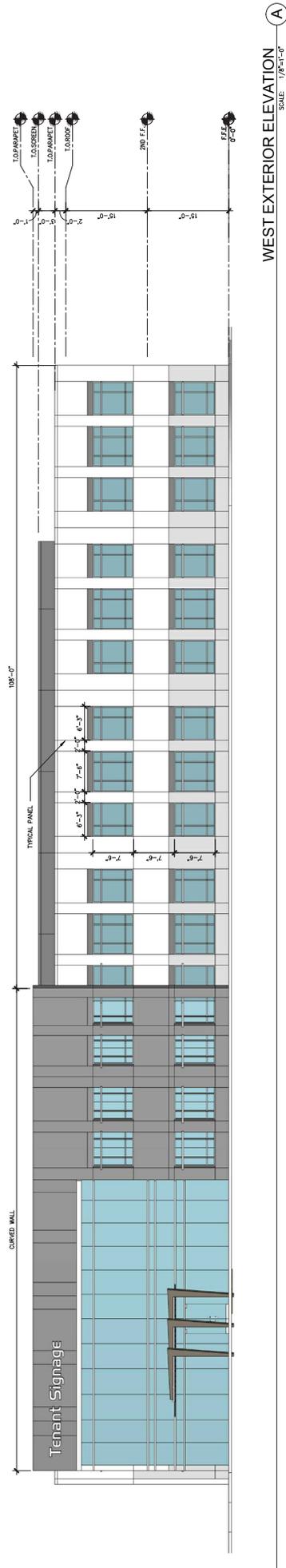


WEST EXTERIOR ELEVATION SCALE: 1/8"=1'-0" **B**

Source: REDA

**FIGURE 4** - Exterior Elevations - Building 1  
Newport Executive Center  
City of Newport Beach





WEST EXTERIOR ELEVATION  
SCALE: 1/8"=1'-0"



EAST EXTERIOR ELEVATION  
SCALE: 1/8"=1'-0"

Source: REDA

**FIGURE 5** - Exterior Elevations - Building 2  
Newport Executive Center  
City of Newport Beach



### **3 ENVIRONMENTAL IMPACT ANALYSIS AND PROJECT APPROVAL**

The scope of the City's review of the proposed Newport Executive Center Project is limited by provisions set forth in CEQA and the State CEQA Guidelines. This review is limited to evaluating the environmental effects associated with the proposed project to the previously approved Newport Executive Court Project and CEQA documentation. This Addendum also reviews any new information of substantial importance that was not known and could not have been known with the exercise of reasonable due diligence at the time the Newport Executive Court IS/MND was adopted. This evaluation includes a determination as to whether the changes proposed for the project would result in any new significant impacts or a substantial increase in a previously identified significant impact.

Although State CEQA Guidelines Section 15164 does not stipulate the format or content of an Addendum, the topical areas identified in the City of Newport Beach Environmental Checklist (Checklist) were used as guidance for this Addendum. This comparative analysis provides the City with the factual basis for determining whether any changes in the project, any changes in circumstances, or any new information since the IS/MND was adopted would require additional environmental review or CEQA documentation.

Pursuant to Section 15162 of the State CEQA Guidelines, the City of Newport Beach has determined, on the basis of substantial evidence in the light of the whole record, that implementation of the Newport Executive Center Project does not propose substantial changes to the Newport Executive Court Project, no substantial changes in circumstances would occur which would require major revisions to the IS/MND, and no new information of substantial importance has been revealed since the adoption of the IS/MND that would result in either new significant effects or an increase in the severity of previously analyzed significant effects.

A Mitigation Monitoring and Reporting Program (MMRP) was adopted as a part of the Newport Executive Court Project. The previously adopted mitigation measures applicable to the proposed Newport Executive Center Project will be imposed as conditions of the project, and the MMRP, as applicable to the proposed project, is contained in Appendix A.

### 3.1 AESTHETICS

***Threshold (a) Have a substantial adverse effect on a scenic vista.***

The Newport Executive Center Project (proposed project) would not have a substantial adverse effect on a scenic vista. There are no designated scenic vistas on or near the project site. The project site is located in an urbanized environment surrounded by primarily residential and commercial uses. The Upper Newport Bay is located approximately 0.25 miles from the project site and is an important scenic resource to the City. However, the proposed project will not impact viewpoints of the Upper Newport Bay. Therefore, no impact on any scenic vista would occur from the proposed project.

Accordingly, no new impacts relative to adverse effects on a scenic vista or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the IS/MND was adopted is available that would impact the prior finding of no impact.

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

There are no officially-designated or eligible for designation state scenic highways within proximity to the project site<sup>1</sup>. There are no public vistas, scenic drives, coastal views, coastal bluffs, or other natural landforms that would be impacted by the proposed project. There are also no historically significant buildings within the site that could be affected by the proposed development, as discussed under the Cultural Resources analysis in this Addendum. No adverse impacts on scenic resources, including resources within a state scenic highway, would result from the proposed project's implementation. The IS/MND also determined that future development would not result in any adverse aesthetic impacts. Accordingly, no new impacts relative to adverse aesthetic impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no impact.

***Threshold (c) Substantially degrade the existing visual character or quality of the site and its surroundings.***

The proposed project would change the site appearance from vacant land and residential uses to a two-story medical office plaza. Exterior elevations for the proposed medical office buildings are shown in **Figure 4** and **Figure 5** in the Project Description. The proposed project would represent a change in the existing views of the project site. Although the existing uses on-site would change, the new structures would conform to the development guidelines contained in the Santa Ana Heights Specific Plan and would be consistent with the visual character of the surrounding area. The surrounding area is developed with commercial and residential uses, office structures and parking lots. Mesa Birch Park is located just west of the project site. There are mature trees located on the residential property at 2141 Mesa Drive adjacent to the project site.

The IS/MND concluded that the change in visual character would be potentially significant without implementation of mitigation measures. Compliance with project design features and

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<sup>1</sup> California Department of Transportation. Official Designated Scenic Highways. Available at: [www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm). Accessed January 14, 2015.

implementation of Mitigation Measures VIS-1 would reduce the visual character impacts resulting from the proposed project to less than significant levels.

Implementation of the project design feature and mitigation measures would reduce the impacts to the visual character of the site and its surroundings to less than significant. No new impact relative to the visual character or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Furthermore, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of less than significant with mitigation under this threshold.

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

Residential land uses are considered to be sensitive to excessive amounts of light and glare because light trespass can interfere with sleep and other nighttime activities. Poorly designed lighting can also affect the nighttime vision of drivers due to glare. Light sensitive land uses in the project vicinity include the residences located adjacent to the south and east boundary of the project site. Existing sources of light and glare include street lighting and lights from residential, commercial, and industrial uses in the area.

The proposed project would incorporate safety and security lighting. The proposed project would include exterior lighting which would be installed at appropriate locations in accordance with the City of Newport Beach requirements for exterior lighting within commercial developments. All parking lot fixtures would utilize a cut-off shield to reduce light spill-over across property lines and would only be used during evening hours. Lighting within the new development is not anticipated to significantly increase nighttime lighting due to existing ambient nighttime light from Birch Street and Mesa Drive.

The IS/MND concluded that the lighting and glare impacts would be potentially significant without implementation of mitigation measures. Implementation of Mitigation Measure VIS-1 (numbered Mitigation Measure VIS-5 in the IS/MND) would reduce light and glare impacts resulting from the proposed project to less than significant levels.

Implementation of the mitigation measure would reduce the light and glare impacts to less than significant. No new impact relative to the visual character or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Furthermore, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of less than significant with mitigation under this threshold.

### **Mitigation Program**

The IS/MND Mitigation Program includes measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project. Any modifications to the original measures are shown in ~~strike through~~ for deleted text and new, inserted text is underlined.

### **Project Design Features**

**VIS-PDF1: The landscaping located in the southwestern portion of the site for the proposed project shall coordinate with the landscaping of Mesa Birch View Park.**

~~**Mitigation Measure VIS 4:** The project Landscape Architect shall contact the Landscape Architect for the proposed Mesa Birch View Park to coordinate the on-site landscaping immediately adjacent to the park with the proposed landscaping for the park.~~

Mitigation Measure VIS-4 in the IS/MND is incorporated into this Addendum as a Project Design Feature. The Mesa Birch Park has been completed since the adoption of the IS/MND.

### **Mitigation Measures**

Mitigation Measures VIS-1 and VIS-2 in the IS/MND are project-specific to the previously approved Newport Executive Court Project and are not applicable to the proposed project. The proposed project would conform to the Santa Ana Heights Specific Plans Design Guidelines. Mitigation Measure VIS-1 (Mitigation Measure VIS-3 in the IS/MND) has been revised to reflect updated information with respect to City ordinances and policies.

**VIS-1:** The project applicant shall retain a certified arborist to determine project impacts to adjacent mature trees located on the property of 2141 Mesa Drive. The consulting arborist shall assess and recommend appropriate and practical approaches and methods for treatment of the mature trees located on the property of 2141 Mesa Drive in consideration of the construction of the proposed property line block wall ~~and in consistency with the City's Tree Ordinance and policies.~~

**VIS-2:** The ~~Developer~~ applicant shall utilize trees and landscaping to minimize the potential for glare resulting from reflective surfaces on buildings or in paved areas and to provide a sense of scale between taller structures and surrounding single-story residential or commercial facilities.

~~**Mitigation Measure VIS 1:** Building materials and finishes in the exterior design of the buildings shall be built in accordance to plans and material sample board submitted to the City on June 19, 2007.~~

~~**Mitigation Measure VIS 2:** Exterior paint colors shall adhere to the revised color palette submitted to the City on June 19, 2007 that use "warmer" tones.~~

### **Conclusion**

With regard to CEQA Section 21166 and the State CEQA Guidelines Section 15162(a), the changes proposed by the proposed project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to aesthetics. Therefore, the preparation of a subsequent environmental analysis is not warranted.

## 3.2 AGRICULTURAL RESOURCES

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

**Threshold (b)** *Conflict with existing zoning for agricultural use, or a Williamson Act contract; and*

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

**Threshold (d)** *Result in the loss of forest land or conversion of forest land to non-forest use; and*

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

The project site is predominately vacant with two single-family residences located in the northern portion of the property. No Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance is mapped in the project vicinity. Furthermore, the project site is not the subject of a Williamson Act contract. The project would be developed within a commercial office land use district, which is not used for agriculture. No impacts related to the loss of farmland would result from the proposed project. No impacts to agricultural resources were identified in the previous IS/MND. Accordingly, no new impact relative to agricultural resources or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

### **Mitigation Program**

There are no significant impacts associated with the proposed project. No mitigation is required.

### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to agricultural resources.

## 3.3 AIR QUALITY

An Air Quality Technical Report was prepared by Landrum & Brown (January 2015) for the proposed project. The project-specific technical study evaluates air quality impacts associated with the proposed project. The Air Quality Technical Report is attached to this Addendum as Appendix B and the results are summarized herein.

**Threshold (a)** Conflict with or obstruct implementation of the applicable air quality plan.

**Threshold (b)** Violate an air quality standard or contribute to an existing or projected air quality violation.

**Threshold (c)** Result in cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emission which exceed quantitative thresholds for ozone precursors).

The South Coast Air Quality Management District (SCAQMD) “1993 CEQA Air Quality Handbook” establishes significance thresholds to assess the impact of project-related air pollutant emissions. **Table 3-1, SCAQMD Regional Pollutant Emission Thresholds of Significance**, presents these significance thresholds. There are separate thresholds for short-term construction and long-term operational emissions.

**Table 3-1: SCAQMD Regional Pollutant Emission Thresholds of Significance**

Phase	Regional Significance Threshold (lbs/day)					
	CO	VOC	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
Construction	550	75	100	150	55	150
Operation	550	55	55	150	55	150

Source: Landrum & Brown, *Air Quality Technical Report*, January 2015.

As part of the SCAQMD’s environmental justice program, attention was focused on localized effects of air quality. In accordance with Governing Board direction, SCAQMD staff developed localized significance threshold (LST) methodology and mass rate look-up tables by source receptor area (SRA) that can be used to determine whether a project may generate significant adverse localized air quality impacts. The LST’s represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards and are developed based on the ambient concentrations of that pollutant for each source receptor area. The project is located in SRA 18. The nearest residential uses are located adjacent to the proposed project to the east and south. Therefore, per the LST methodology a 25-meter (82-foot) receptor distance was used to establish the threshold for all pollutants. **Table 3-2, Localized Significant Thresholds** presents the on-site daily emission thresholds. An increase in traffic volumes and /or decrease in Level of Service (LOS) would result in an exceedance of the Ambient Air Quality Standards (AAQS) at a sensitive receptor adjacent to a roadway or intersection.

**Table 3-2: Localized Significant Thresholds**

Phase	Localized Significance Threshold (lbs/day)			
	CO	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Construction	1,486.3	177.2	11.9	7.8
Operation	1,486.3	177.2	3.4	2.0

Source: Landrum & Brown, *Air Quality Technical Report*, January 2015.

#### *Construction Emissions – Proposed Project*

Emissions from the construction phase of the project were estimated based on information from the applicant for construction equipment requirements and schedule. It was assumed that construction of the project would commence in July 2015 and require approximately 50 weeks to complete. Construction includes site preparation activities including demolition, site preparation and mass grading

of the site. Following site preparation activities, the project would include construction of buildings and the paving of the parking areas. It is anticipated that the demolition phase would require 1 week, site preparation is anticipated to take approximately 2 weeks, the grading phase would require 4 weeks, and 44 weeks of building construction.

The construction emissions were evaluated using the CalEEMod Model, which is the SCAQMD's recommended model for evaluating air quality impacts from land use projects. The model also includes dust-control measures in accordance with the requirements of SCAQMD Rule 403, Fugitive Dust (see Standard Conditions and Requirements). **Table 3-3, Regional Construction Emissions** and **Table 3-4, On-Site Construction Emissions** provides a summary of the emission estimates for construction for the proposed project, assuming standard fugitive dust control measures would be implemented.

**Table 3-3: Regional Construction Emissions**

Activity	Daily Emissions (lbs/day)					
	CO	NO <sub>x</sub>	VOC	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
<b>Individual Activities</b>						
Demolition	21.7	28.1	2.7	2.7	1.5	0.03
Site Preparation	15.1	3.5	1.9	4.7	2.9	0.02
Grading	34.9	36.0	4.7	4.7	3.3	0.06
Building Construction (2015)	25.7	33.1	4.2	3.1	2.3	0.04
Building Construction (2016)	24.9	31.2	3.9	2.9	2.1	0.04
Painting	2.6	2.4	52.3	0.3	0.2	0.00
Paving	10.0	13.1	2.0	1.0	0.8	0.02
<b>Concurrent Activities</b>						
Construction, Paving & Painting	37.5	46.8	58.1	4.3	3.1	0.1
<b>Significance Threshold</b>	<b>550</b>	<b>100</b>	<b>75</b>	<b>150</b>	<b>55</b>	<b>150</b>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: Landrum & Brown, *Air Quality Technical Report*, January 2015.

**Table 3-4: On-Site Construction Emissions**

Activity	Daily Emissions (lbs/day)			
	CO	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Individual Activities</b>				
Demolition	18.3	24.3	2.3	1.4
Site Preparation	14.0	3.4	4.6	2.9
Grading	27.5	26.3	3.8	2.9
Building Construction (2015)	19.0	30.1	2.2	2.0
Building Construction (2016)	18.7	28.6	2.0	1.9
Painting	1.9	2.4	0.2	0.2
Paving	9.0	13.1	0.8	0.7
<b>Concurrent Activities</b>				
Construction, Paving & Painting	29.6	44.0	3.0	2.8
<b>Significance Threshold</b>	<b>1,486.3</b>	<b>177.2</b>	<b>10.2</b>	<b>3.1</b>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: Landrum & Brown, *Air Quality Technical Report*, January 2015.

As shown in **Table 3-3** and **Table 3-4**, construction emissions for the proposed project would not exceed the SCAQMD maximum daily threshold significance criteria. The IS/MND concluded that emissions

during construction would have no impact. Accordingly, no new impact relative to the proposed project's construction emissions or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

#### *Operational Emissions – Proposed Project*

The main operational impacts associated with the proposed project would be associated with traffic. Minor impacts would be associated with area sources such as energy use, including combustion of natural gas and landscaping. **Table 3-5, Regional Operational Emissions** and **Table 3-6, On-Site Operational Emissions** presents a summary of the maximum daily operational emissions estimated for the proposed project.

**Table 3-5: Regional Operational Emissions**

Activity	Daily Emissions (lbs/day)					
	CO	NO <sub>x</sub>	VOC	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
Vehicular Emissions	73.4	7.0	15.0	12.9	3.6	0.18
Natural Gas Combustion	0.1	0.0	0.2	0.0	0.0	0.00
Landscaping	0.0	0.0	0.0	0.0	0.0	0.00
Consumer Products	0.0	3.3	0.0	0.0	0.0	0.00
Architectural Coating	0.0	0.4	0.0	0.0	0.0	0.00
<b>Total Emissions</b>	<b>73.6</b>	<b>10.8</b>	<b>15.1</b>	<b>12.9</b>	<b>3.6</b>	<b>0.2</b>
<b>Significance Threshold</b>	<b>550</b>	<b>55</b>	<b>55</b>	<b>150</b>	<b>55</b>	<b>150</b>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: Landrum & Brown, *Air Quality Technical Report*, January 2015.

**Table 3-6: On-Site Operational Emissions**

Activity	Daily Emissions (lbs/day)			
	CO	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Vehicular Emissions	5.2	1.05	0.91	0.25
Natural Gas Combustion	0.1	0.16	0.01	0.01
Landscaping	0.0	0.00	0.00	0.00
Consumer Products	0.0	0.00	0.00	0.00
Architectural Coatings	0.0	0.00	0.00	0.00
<b>Total Emissions</b>	<b>5.3</b>	<b>1.22</b>	<b>0.92</b>	<b>0.26</b>
<b>Significance Threshold</b>	<b>1,486.3</b>	<b>177.2</b>	<b>3.4</b>	<b>2.0</b>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: Landrum & Brown, *Air Quality Technical Report*, January 2015.

As shown in the tables, project operational emissions would not exceed the SCAQMD maximum daily threshold significance criteria. The proposed project's impacts would be consistent with development in the area and would be in compliance with applicable Air Quality Management Plan (AQMP) measures. Therefore, no new impact relative to operational emissions or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change would impact the prior finding of no significant impact.

### *Carbon Monoxide “Hot Spots” Analysis*

Increased traffic volumes due to the project result in increased pollutant emissions near the roads used by project vehicles, which can cause pollutant levels to exceed the ambient air quality standards. Carbon monoxide (CO) and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) are the pollutants of major concern along roadways. Generally, only intersections operating at LOS D or worse are considered to have the potential to cause CO concentrations to exceed the State ambient air quality standards of 20 parts per million (ppm) for a 1-hour averaging time and 9 ppm for an 8-hour averaging time. Roads with substantial diesel truck volumes have the potential to result in particulate hot spots. The Federal Highway Administration (FHWA) guidance considers a road with an average daily diesel truck volume of 10,000 or less does not have the potential to result in a hot spot.

The traffic study prepared for the project (Kimley-Horn, November 2014), analyzed 15 intersections potentially impacted by the proposed project. This included an estimate of the traffic volumes and the level of service of these intersections with and without the project. This analysis shows that no intersections are anticipated to operate at LOS D or worse. Therefore, no exceedance of the CO AAQS would be anticipated near these intersections. None of the roads evaluated in the traffic study are forecasted to have truck volumes approaching the 10,000 per day required for a potential PM hot spot.

The proposed project is not anticipated to cause or significantly contribute any CO or particulate matter concentrations exceeding the AAQS along roadways serving the project. No new impact relative to CO hot spots or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact under this issue area.

Based on the construction and operational analysis performed for the proposed project, the proposed project would not exceed the SCAQMD emission thresholds during both construction and operations. Therefore, no new impact relative to cumulative air quality emissions or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

#### ***Threshold (d) Expose sensitive receptors to substantial pollutant concentrations.***

Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illness. Examples of these sensitive receptors are residences, schools, hospitals and daycare centers. The California Air Resources Board (CARB) has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65 years, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema and bronchitis.

Per the discussion above, based on the construction and operational analysis performed for the proposed project, the project would not exceed the SCAQMD emission thresholds for both construction and operations. Additionally, the proposed project would be required to comply with SCAQMD Rule 113, Architectural Coatings, Rule 403, Fugitive Dust, and Rule 1403, Asbestos Emissions from Demolition/Renovation Activities (see Standard Conditions and Requirements).

Therefore, no new impact relative to sensitive receptors or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

***Threshold (e) Create objectionable odors affecting a substantial number of people.***

The SCAQMD CEQA Air Quality Handbook (SCAQMD 1993) identifies certain land uses as sources of odors. These land uses include the following: agriculture, wastewater treatment plant, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project would be a medical office complex and does not propose to include any odor-inducing uses on the site. The proposed project would not be a source of objectionable odors; no impact would occur.

**Mitigation Monitoring Program**

The IS/MND Mitigation Program included measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project. Any modifications to the original measures are shown in ~~strike through~~ for deleted text and new, inserted text is underlined.

**Standard Conditions and Requirements**

**AIR-SC1:** During construction, the contractor shall use coatings and solvents (VOC architectural coatings) with a VOC content lower than required under SCAQMD rule 1113 which allows a VOC content of 2.08 pounds per gallon (lbs/gallon). A VOC content of 1.1 lbs/gallon is recommended.

**AIR-SC2:** The procedures detailed in the SCAQMD's Rule 403 shall be implemented to control fugitive dust during construction as follows:

*Land Clearing/Earth Moving*

- Exposed pits (i.e., gravel, soil, dirt) with five percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufactures' specifications.
- All other active sites shall be watered twice daily.
- All grading activities shall cease during second stage smog alerts and periods of high winds (greater than 25 miles per hour) if soils are transported off site and cannot be controlled by watering.
- All trucks hauling dirt, sand, soil, or other loose materials off site shall be covered or wetted and shall maintain at least two feet of freeboard between the top of the load and the top of the trailer.
- Portions of the construction site that remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or stabilized in a manner acceptable to the City.
- All vehicles on the construction site shall travel at speeds less than 15 miles per hour.
- All diesel-powered vehicles and equipment shall be properly operated and maintained.

- All diesel- and gasoline-powered vehicles shall be turned off when not in use for more than five minutes.
- The construction contractor shall utilize electric or natural gas-powered equipment instead of gasoline or diesel-powered engines where feasible.

#### *Paved Roads*

- All construction roads internal to the construction site that have a traffic volume of more than 50 daily trips by construction equipment, or 150 total daily trips for all vehicles, shall be surfaced with base material or decomposed granite, or shall be paved.
- Streets shall be swept hourly when visible soil material has been carried onto adjacent public paved roads.
- Construction equipment shall be visually inspected prior to leaving the site and loose dirt shall be washed off with wheel washers, as necessary.

#### *Unpaved Staging Areas or Roads*

- Water or non-toxic soil stabilizers shall be applied, according to manufacturers' specifications, as needed to reduce off-site transport of fugitive dust from all unpaved staging areas and unpaved road surfaces.

**~~Mitigation Measure AIR-5~~ Standard Condition AIR-3:** An asbestos study of any structures found shall be conducted. SCAQMD's Rule 1403 - Asbestos emissions from demolition/renovation activities shall be followed for all relevant activities.

### **Mitigation Measures**

The proposed project would not exceed the SCAQMD emission thresholds for construction or operations; therefore, mitigation is not necessary. Mitigation Measures AIR-1 through AIR-5 from the IS/MND are addressed through the implementation of SCAQMD Rules 113, 403 and 1403.

~~**Mitigation Measure AIR-2:** Ultra low sulfur diesel fuel shall be used in all applicable construction equipment.~~

~~**Mitigation Measure AIR-3:** Ground cover shall be replaced quickly in disturbed areas and watering for dust control shall be conducted twice daily. The project site is surrounded by residential and commercial activities. The residences can be considered sensitive receptors and would have the potential to be affected by short term construction emissions, including fugitive dust during grading and emissions from construction equipment. However, dust control measures, such as daily watering would reduce fugitive dust.~~

### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to air quality.

### 3.4 BIOLOGICAL RESOURCES

The Newport Executive Court Project IS/MND determined that potentially significant impacts would occur with the removal of mature vegetation and trees and the removal of potential nesting sites. With the implementation of standard conditions and requirements as well as Mitigation Measures BIO-1 through BIO-3, impacts to vegetation, trees, and nesting sites would be less than significant. Standard conditions require a preconstruction survey for nesting birds be conducted by a qualified biologist if the clearing and grubbing work is conducted within the bird nesting season (March to September). Mitigation Measures BIO-1 through BIO-3 require a preconstruction survey of mature trees on the property of 2141 Mesa Drive to be conducted by a certified arborist, who shall provide recommendations which would be coordinated between the developer and the property owner of 2141 Mesa Drive.

The IS/MND found that the Newport Beach General Plan does not identify the proposed property as being occupied by endangered, threatened or rare plant or animal species or their habitats. A search of the *California Department of Fish and Game Natural Diversity Database (2007)* (Newport Beach Quadrangle) identified the potential for coast woolly-heads (*Nemacaulis denudate var. denudata*) to occur in the project vicinity. However, this species is typically found on coastal dunes; this habitat is not present on the project site. Species observed included Russian thistle (*Salsola tragus*), giant reed (*Arundo donax*), California sage (*Artemisia californica*); and trees.

***Threshold (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 Wildlife or U.S. Fish and Wildlife Service.***

No impacts to 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 (CDFW) or the U.S. Fish and Wildlife Service (USFWS) were identified in the IS/MND. None of the on-site tree and plant species are listed as locally or regionally important species, and since they are abundant in the vicinity of the site as landscape vegetation, they do not have any distinctive biological value. Accordingly, no new impact relative to species identified as candidate, sensitive or special status species or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact under this threshold.

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

No impacts to riparian habitat or other sensitive natural community listed in local or regional plans, policies, and regulations or by the CDFW or USFWS were identified in the IS/MND for the project site and adjacent areas. This conclusion has not changed. Therefore, no new impact relative to riparian habitat or other sensitive natural community or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was certified is available that would change the finding of less than significant impact under this threshold.

**Threshold (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.***

The proposed project would not impact any jurisdictional waters, including federally protected wetlands such as marsh, vernal pool, or coastal areas, since no channels or other features that carry water are present on the site. This finding of no impact to wetlands is consistent with the IS/MND for the Newport Executive Court Project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the finding of no impact under this threshold.

**Threshold (d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.***

The project site is located within a developed, urban area in the City. As such, neither the project site nor the nearby area serves as a wildlife corridor. However, implementation of the project would remove mature vegetation and trees and potential nesting site may be removed. Compliance with standard conditions and requirements would preclude potentially significant impacts.

The project site is located on the site evaluated in the IS/MND as well as two developed parcels adjacent to properties evaluated in the IS/MND. All of the parcels abut urban areas and are not located within a known wildlife corridor. Construction of the proposed project would not impact a wildlife corridor. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the IS/MND was adopted is available that would change the finding of less than significant impact under this threshold.

**Threshold (e) *Conflict with any local policies or ordinances related to protecting biological resources, such as a tree preservation policy or ordinance.***

The project site is located within an urban setting and is partially developed with residential uses. Implementation of the project will involve the removal of mature landscape trees. The City has not designated any tree preservation areas in the project vicinity. The project is located with the Santa Ana Heights Specific Plan area. The Specific Plan's landscape design guidelines require the planting of landscape setback along the road frontage of the project site with appropriate tree and shrub species.

As identified in the IS/MND, the project site is adjacent to several mature trees on the property of 2141 Mesa Drive near the location of the property line block wall. The potential impact to the mature trees during installation of the block wall was identified in the IS/MND as a significant impact. Implementation of standard conditions and requirements as well as Mitigation Measures BIO-1 through BIO-3 would reduce potential impacts to the trees to a less than significant level.

This Addendum finds that no new impact relative to the protection of biological resources evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would alter the impact finding of any local policies or ordinances related to protecting biological resources.

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

The project site is located within the Santa Ana Heights Specific Plan area and is zoned as Business Park (BP) and a General Plan designation of General Commercial Office. The project site is designated for urban development and is not included in a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. No impact relative to conservation plans would occur. No impacts to riparian habitat or other sensitive natural community listed in local or regional plans would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the finding of less than significant impact under this threshold.

**Mitigation Program**

The IS/MND Mitigation Program included measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project. Any modifications to the original measures are shown in ~~strike through~~ for deleted text and new, inserted text is underlined.

**Standard Conditions and Requirements**

**BIO-SC1:** A preconstruction survey for nesting birds shall be conducted by a qualified biologist if clearing and grubbing work is conducted within the bird nesting season (~~March~~ February 15 to September 15). ~~Should active nests be found during surveys or during construction, work in the vicinity of the nest shall be halted and the California Department of Fish and Game shall be contacted. If an active nest is discovered, disturbance within an established buffer shall be prohibited until nesting is complete; the buffer distance shall be determined by the biologist in consultation with applicable resource agencies and in consideration of species sensitivity and existing nest site conditions. Limits of avoidance shall be demarcated with flagging or fencing. The Biologist shall record the results of the recommended protective measures described above and shall submit a memo summarizing any nest avoidance measures to the City to document compliance with applicable State and federal laws pertaining to the protection of native birds.~~

**Mitigation Measures**

**BIO-1:** A preconstruction survey of the mature trees located on the property of 2141 Mesa Drive will be conducted by a certified arborist for evaluation of the trees' age, health and consideration as either a special, problem, or other type of tree as it would relate to the City's Tree Ordinances and Policies and to the protection in place of the trees.

**BIO-2:** The certified arborist shall provide recommendations as outlined in Mitigation Measure VIS-1.

**BIO-3:** In cooperation with the City ~~and PAC~~, coordination between the developer and property owner at 2141 Mesa Drive shall be conducted prior to construction to review the certified arborist's recommendations, obtain property owner input, and establish an approach for protection, replacement, or other measures for treatment of the mature trees located along the property line.

## **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to biological resources.

## **3.5 CULTURAL RESOURCES**

***Threshold (a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.***

The project site does not contain historical structures. The IS/MND noted that as recently as 2003, additional single-family residences with no historical significance were on portions of the property. No impacts related to a substantial adverse change in the significance of a historical resource would result from the proposed project as the remaining residences on the project site are not considered historically significant. No impacts to historical resources were identified in the IS/MND relative to the project site. Accordingly, no new impact relative to historical resources or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

***Threshold (b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.***

***Threshold (c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.***

***Threshold (d) Disturb any human remains, including those interred outside of formal cemeteries.***

The IS/MND noted that no paleontological or archeological resources, sites, or unique geologic features were identified in the City of Newport Beach General Plan to occur within the project area. Implementation of the proposed project would have a less than significant impact to archaeological and/or paleontological resources. No new impact relative to archaeological and/or paleontological resources or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Furthermore, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of less than significant impact for the proposed project.

The project site is not located within a known or suspected cemetery and there are no known human remains within the site. State law relating to the discovery of human remains, specifically, California Health and Safety Codes 7050.S-7055, provide guidance should human remains be discovered during construction. Grading and excavation of the property occurred when the site was developed for residential uses. The likelihood of finding human remains is low and the resulting impact is considered less than significant. Although no resources were found during past grading and excavation of the project site, standard conditions and requirements would avoid potential impacts to undiscovered cultural resources.

## Mitigation Program

The IS/MND Mitigation Program includes measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project. Any modifications to the original measures are shown in ~~strikethrough~~ for deleted text and new, inserted text is underlined.

### **Standard Conditions and Requirements**

**CUL-SC1:** Prior to the issuance of a grading permit, the Project Applicant shall submit written evidence to the satisfaction of the ~~Director of Planning~~ Community Development Director that a certified archaeologist has been retained to observe grading activities and salvage and catalogue ~~fossils and artifacts~~, as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the findings. If major archaeological resources are discovered, which require long-term halting or redirecting of grading, the archaeologist shall report such findings to the City and the Project Applicant. The archaeologist shall determine appropriate actions, in cooperation with the City and the Project Applicant, which ensure proper exploration and/or salvage. Excavated finds shall be offered to the City, or its designee, on a first-refusal basis. The Project Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of significance, or a museum or repository in Orange County indicates a desire to study and/or display them at the time, in which case items shall be donated to the City, or designee.

**CUL-SC2:** Prior to the issuance of a grading permit, the Project Applicant shall submit written evidence to the satisfaction of the ~~Director of Planning~~ Community Development Director that a ~~certified~~ paleontologist has been retained to observe grading activities and salvage and catalogue ~~fossils and artifacts~~ as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the findings. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the City and the Project Applicant. The paleontologist shall determine appropriate actions, in cooperation with the City and the Project Applicant, which ensure proper exploration and/or salvage. Excavated finds shall be offered to the City, or its designee, on a first-refusal basis. The Project Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum or repository in Orange County indicates a desire to study and/or display them at the time, in which case items shall be donated to the City, or designee.

**CUL-SC3:** In accordance with ~~Public Resources Code 5097.94~~ Section 7050.5 of the California Health and Safety Code, if human remains are found, the Orange County Coroner must be notified within 24 hours of the discovery. If the coroner determines that the remains are not recent, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento to determine the most likely descendent for the area. The designated Native American representative shall then determine in consultation with the property owner the deposition of the human remains.

## **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to cultural resources.

## **3.6 GEOLOGY AND SOILS**

A site-specific geotechnical investigation was performed as a part of the IS/MND (Southern California Geotechnical [SoCalGeo], 2007) and is applicable to the conditions of the proposed site analyzed in this Addendum.

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

***i) Rupture 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.***

The IS/MND concluded that the project area is not located within an Alquist-Priolo Earthquake Fault Zone. Impacts related to rupture of a known earthquake fault are considered less than significant. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the finding of less than significant impact under this threshold.

***ii) Strong seismic ground shaking.***

Newport Beach, like most cities in Southern California, is located in a seismically active region. Faults zones in the regional vicinity (as shown on City of Newport Beach General Plan EIR, 2006, Figure 4.5-1, Regional Faults) with the potential to cause moderate ground shaking in the City include the Newport-Inglewood fault zone, the San Joaquin fault zone, and the Elysian fault zone.

The proposed project would be required to comply with the building design standards of the California Building Code (CBC) 13 for the construction of new buildings/and or structures as well as any applicable standards for seismic forces. All construction of the proposed project would be conducted according to the standard building design and engineering techniques required for compliance with the California Building Code. The recommendations stipulated in the *Geotechnical Investigation* (SoCalGeo, 2007), prepared for the IS/MND, are subject to the review and approval of the City Planning Department. All earthwork and design would be performed in accordance with the recommendations in the *Geotechnical Investigation* (SoCalGeo, 2007). Accordingly, hazards associated with ground shaking would be less than significant.

No new impact relative to strong seismic ground shaking or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that changes the impact determination.

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

The potential for liquefaction to occur as a result of a seismic-related activity is low due to the presence of cohesive soils (SoCalGeo, 2007). Earthwork and foundation design will be conducted according to the recommendations found in the *Geotechnical Investigation* (SoCalGeo, 2007) and all structures and footings shall be constructed to meet requirements established by the California Building Code and the City of Newport Beach. Hazards associated with liquefaction are not anticipated.

No new impact relative to seismic-related ground failure, including liquefaction or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that changes the impact determination.

***iv) Landslides.***

According to the City of Newport Beach General Plan Safety Element, 2006, the project site is not located in an area subject to landslide hazards. Therefore, no impacts are anticipated to occur as a result of implementation of the proposed project. No new impact relative to seismic-related ground failure, including liquefaction or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that changes the impact determination.

***Threshold (b) Result in substantial erosion or loss of topsoil; and***

During construction, surface grading activities and removal of existing vegetation could result in some loss of topsoil. This impact would be temporary. Construction activities would be required to comply with standard erosion control measures to reducing potential impacts to less than significant level. No new impact relative to substantial erosion or loss of topsoil or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that changes the impact determination.

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

Soils on the project site are generally sands, silty sands, and occasional zones of clay sands. Soil testing indicated that the near-surface soils possess very low to low expansion potential (SoCalGeo, 2007). There is also a potential for minor ground subsidence (approximately 0.1 feet) in the soils below the areas of soil removal due to settlement and machinery working. The project is not within a zone subject to the hazard of landslide, lateral spreading, or liquefaction. Site grading will be conducted according to the recommendations of the geotechnical investigation (SoCalGeo, 2007) and all structures and footings shall be constructed to meet requirements established by the California Building Code and the City of Newport Beach.

The IS/MND concluded that unstable and expansive soils can result in significant impacts. With the implementation of Mitigation Measures GEO-1 through GEO-3, no new impact relative to cultural resources or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Furthermore, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of less than significant impact with mitigation under this threshold.

**Threshold (e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewer are not available for the disposal of waste water.***

No septic tanks would be used as part of the proposed project. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed project's implementation.

In summary, no new impact relative to geology and soils or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that changes the impact determination.

### **Mitigation Program**

The IS/MND Mitigation Program includes measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project.

### **Mitigation Measures**

**GEO-1:** Prior to issuance of a grading permit, a qualified geotechnical engineer shall be retained by the Project Applicant to be present on the project site during excavation, grading, and general site preparation activities to monitor the implementation of the recommendations as specified in the *Geotechnical Investigation* (SoCalGeo, 2007). Whenever appropriate, the geotechnical engineer shall provide structure specific geologic and geotechnical recommendations which shall be documented in a report to be appended to the project's Geotechnical Investigation.

**GEO-2:** Remedial grading shall be performed to remove potentially collapsible fill and possible fill soils from the proposed building area and replace them with compacted structural fill per the Geotechnical Investigation. The depth of overexcavation should be sufficient to remove all existing undocumented fill and possible fill soils.

**GEO-3:** Adequate moisture content within all subgrades and new fill soils shall be maintained per the Geotechnical Investigation. Additional expansion index testing shall be conducted at the completion of rough grading to verify the expansion potential of the as-graded building pad.

### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to geology and soils.

### 3.7 GREENHOUSE GAS EMISSIONS

The Newport Executive Court IS/MND was adopted in 2007 prior to the revision of Appendix G of the State CEQA Guidelines (Environmental Checklist Form) that added the topic of greenhouse gas (GHG) emissions and the corresponding environmental impact questions on the Environmental Checklist Form. Effective March 18, 2010, the State of California adopted amendments to the State CEQA Guidelines requiring the analysis and mitigation of the effects of GHG emissions in CEQA documents. The CEQA Guidelines regarding GHG emissions do not specifically address situations involving subsequent implementing actions for a project with a previously adopted or certified CEQA document.

GHG emissions and global climate change is not “new information” since these effects have been generally known for quite some time. Therefore, for this project, GHG emissions would not be considered new information under CEQA Section 21166 for which an analysis of climate change is required.<sup>2</sup> While not required, a GHG analysis has been prepared for the proposed project in order to fully assess potential environmental impacts. The analysis is a part of the Air Quality Technical Report prepared by Landrum & Brown (January 2015).

#### *Background*

Global climate change refers to changes in average climatic conditions on Earth as a whole, including temperature, wind patterns and precipitation. Global temperatures are moderated by naturally occurring atmospheric gases, including water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O), as well as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). These “greenhouse” gases allow solar radiation (sunlight) into the Earth’s atmosphere but prevent radiative heat from escaping and therefore warms the Earth’s atmosphere. GHGs are emitted by both natural processes and human activities. Concentrations of GHG have increased in the atmosphere since the industrial revolution. Human activities that generate GHG emissions include combustion of fossil fuels (CO<sub>2</sub> and N<sub>2</sub>O); natural gas generated from landfills, fermentation of manure and cattle farming (CH<sub>4</sub>); and industrial processes such as nylon and nitric acid production (N<sub>2</sub>O).

GHGs have varying global warming potential (GWP). The GWP is the potential of a gas or aerosol to trap heat in the atmosphere; it is the “cumulative radiative forcing effect of a gas over a specified time horizon resulting from the emission of a unit of mass of gas relative to a reference gas.” The reference gas for GWP is CO<sub>2</sub>; therefore, CO<sub>2</sub> has a GWP factor of 1. The other main greenhouse gases that have been attributed to human activity include CH<sub>4</sub>, which has a GWP factor of 21, and N<sub>2</sub>O, which has a GWP factor of 310. When accounting for GHGs, all types of GHG emissions are expressed in terms of CO<sub>2</sub> equivalents (CO<sub>2</sub>e) and are typically quantified in metric tons (MT) or million metric tons (MMT).

Assembly Bill (AB) 32, the California Global Warming Solutions Act, established a State goal of reducing GHG emissions to 1990 levels by the year 2020, which would require a reduction of approximately 28 percent from “business as usual” or forecasted emission levels. Senate Bill (SB) 97, a companion bill, directed the California Natural Resources Agency (Resources Agency) to certify and adopt guidelines for the mitigation of GHG or the effects of GHG emissions. SB 97 was the State Legislature’s directive to the Resources Agency to specifically establish that GHG emissions and their impacts are appropriate subjects for CEQA analysis.

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<sup>2</sup> *San Diego Navy Broadway Complex Coalition v. City of San Diego*, 185 Cal App 4th 924 (2010) and *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515

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

*Construction Emissions – Proposed Project*

GHG emissions would be generated during construction and operation of the proposed project. As shown in **Table 3-7: Construction GHG Emissions**, the total emissions are estimated at 471 metric tons of CO<sub>2</sub> for the duration of construction. Amortized over 30 years, the annual CO<sub>2</sub> emissions resulting from construction would be 15.7 metric tons per year.

**Table 3-7: Construction GHG Emissions**

Activity	Total Emissions (MT/Year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> EQ
Demolition	7.1	0.00	0.00	7.2
Site Preparation	9.5	0.00	0.00	9.6
Grading	42.9	0.01	0.00	43.0
Building Construction (2015)	171.6	0.03	0.00	172.2
Building Construction (2016)	227.0	0.04	0.00	227.9
Painting	5.8	0.00	0.00	5.8
Paving	7.1	0.00	0.00	7.1
<b>Total Emissions</b>	<b>471.0</b>	<b>0.8</b>	<b>0.00</b>	<b>472.8</b>
<b>Project Life Average Annual Emissions*</b>	<b>15.7</b>	<b>0.00</b>	<b>0.00</b>	<b>15.8</b>
Note: Based on 30 Year Project Life per SCAQMD Significance Thresholds Source: Landrum & Brown, <i>Air Quality Technical Report</i> , January 2015.				

*Operational Emissions – Proposed Project*

Operational emissions were calculated for energy use (including electricity and natural gas usage including a natural gas generator), water use, and vehicles. **Table 3-8: Operational GHG Emissions** presents a summary of the proposed project's operational GHG emissions.

**Table 3-8: Operational GHG Emissions**

Activity	Annual Emissions (MT/Year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> EQ
Vehicular Emissions	1,864.0	0.08	0.00	1,865.6
Natural Gas Combustion	32.8	0.00	0.00	33.0
Electricity	312.3	0.01	0.00	313.5
Landscaping	0.0	0.00	0.00	0.0
Consumer Products	0.0	0.00	0.00	0.0
Architectural Coatings	0.0	0.00	0.00	0.0
Municipal Water	140.3	8.29	0.00	314.4
Water	37.3	0.26	0.01	44.9
<b>Operational Emissions</b>	<b>2,386.7</b>	<b>8.65</b>	<b>0.01</b>	<b>2,571.4</b>
Construction Emissions	15.7	0.00	0.00	15.8
<b>Total Project Emissions</b>	<b>2,402.4</b>	<b>8.65</b>	<b>0.01</b>	<b>2,587.2</b>
<b>Screening Threshold</b>				<b>3,000</b>
<i>Exceed Threshold?</i>				<i>No</i>
Source: Landrum & Brown, <i>Air Quality Technical Report</i> , January 2015.				

As shown in Table 3-8, emissions would be below SCAQMD's 3,000 MT per year screening threshold. Therefore, the GHG emissions due to the proposed project are less than significant.

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

The proposed project would not meet the required reduction in GHG emissions mandated by AB 32 without action by multiple third parties. Additionally, the proposed project would have a less than significant impact on an applicable plan adopted for the purpose of reducing GHG emissions.

**Mitigation Program**

There are no potentially significant impacts associated with the proposed project; therefore, no mitigation measures are required for issues related to GHG emissions.

**Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any impacts with respect to GHG.

### **3.8 HAZARDS AND HAZARDOUS MATERIALS**

The scope of discussion and findings herein are based in part on the Newport Executive Court Project IS/MND, the Phase I Environmental Site Assessment (ESA) prepared for the property evaluated in the IS/MND, and the site-specific Phase I ESA prepared for the proposed project. The site-specific Phase I ESA (Phase One, Inc., August 2014) is included as Appendix C to this Addendum.

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

The proposed medical office project would potentially generate hazardous wastes from medical office activities. Refuse would be collected weekly by the City or an approved vendor refuse collection service. Tenants would be educated and encouraged about recycling and proper disposal of refuse. Any hazardous waste would require proper use, storage, and disposal per the City of Newport Beach Fire Department Hazardous Materials Disclosure Program and the Orange County Health Care Agency guidelines and regulation. Accordingly, no new impact relative to the routine transport, use, or disposal of hazardous materials or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

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

Activities associated with the construction of the proposed project would potentially involve hazardous materials such as paints, thinners, cleaning solvents, oil, grease, etc. However, hazardous materials use, storage and disposal would be conducted in accordance with existing federal, State and local regulations. No truck oil change, equipment maintenance or other activities that would potentially release hazardous materials on or near the proposed project are proposed within the construction area. During operation of the medical office plaza, pollutants would potentially be generated by general

occupation, vehicular activity, and medical office uses on the site. The trash container areas would be enclosed and gated to prevent access to the general public. Thus, hazardous material accidents are anticipated to be less than significant. Accordingly, no new impact relative to the release of hazardous materials or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

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

Newport Montessori, a private school, is located at 20221 Cypress Street in Newport Beach, approximately 0.15 mile northeast of the project site. The proposed project would not emit hazardous emissions. Any hazardous materials used as part of operations at the medical office would be handled or stored in compliance with the City of Newport Beach Fire Department Hazardous Materials Disclosure Program and the Orange County Health Care Agency guidelines and regulations. Therefore, no impacts are anticipated. Accordingly, no new impact relative to the release of hazardous materials near an existing or proposed school or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

***Threshold (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, would create a significant hazard to the public or the environment.***

According to the *Phase 1 ESA* (August 2014), the project site's prior and existing uses include residences, a small nursery, stables, storage for construction materials, and greenhouses. The project site currently has no recognized environmental conditions and a low possibility for soil or groundwater contamination of the property from either on- or off-site sources. Based on the depths to groundwater within the proposed development areas, construction dewatering is not anticipated to be required. Should groundwater be unexpectedly encountered that would require dewatering, the project would apply for coverage and adhere to the monitoring and reporting program under the Santa Ana Regional Water Quality Control Board (RWQCB) Order No. R8-2009-0003 regarding dewatering as set forth in the Orange County Dewatering Permit.

Implementation of the proposed project would include the demolition of several structures of pre-1979 construction. According to the *Phase 1 ESA*, some building materials are suspected of containing asbestos, lead paint, and lead in plumbing fixtures. A survey of the buildings would be conducted before demolition to test for asbestos and lead paint. Compliance with the identified standard conditions would preclude potentially significant impacts associated with the presence of asbestos, lead paint, and lead.

***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, result in a safety hazard for people residing or working in the project area.***

The project site is approximately 0.6 mile from John Wayne Airport, and is not within the "clear zone" of the Airport. There are other two-story office buildings in the vicinity of the project site. The proposed project is not anticipated to be exposed to airport hazards, affect aircraft operations, or create an airport safety hazard for people residing in the project area. The project is anticipated to be consistent

with the surrounding properties; therefore, the proposed project is anticipated to be compatible with the John Wayne Airport Environs Land Use Plan (JWA AELUP). Consistent with the requirements of the JWA AELUP, the applicant will be responsible ~~the applicant will be required to file with the FAA pursuant to Municipal Code Section 20.30.060 E prior to the issuance of a building permit.~~ The FAA found that the prior development project did not exceed obstruction standards and would not be a hazard to air navigation. The proposed project is similar to the prior project. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

***Threshold (f) For a project located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.***

There are no private airstrips located immediately adjacent to or near the project site. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

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

The proposed project would not impair or physically interfere with an adopted emergency response or evacuation plan. Primary access to all major roads would be maintained during construction of the proposed project. Therefore, no associated impacts would occur. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

***Threshold (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.***

The proposed project would not expose people or structures to a risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The proposed project is located in a heavily urbanized area and does not support large areas of flammable brush, grass, or trees that could pose a fire hazard. Impacts related to wildland fires would not be significant. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

**Mitigation Program**

The IS/MND Mitigation Program includes measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project. Any modifications to the original measures are shown in ~~strike through~~ for deleted text and new, inserted text is underlined.

## Standard Conditions and Requirements

~~**HAZ-SC1:** There is a potential for remnants of structures that are currently not apparent; therefore, if encountered during grading or excavation activities, any structures to be removed as part of the project shall be tested for, and include proper disposal of, any asbestos and/or lead-based paint prior to demolition. Prior to demolition, testing for all structures for presence of lead-based paint (LBP) and/or asbestos-containing materials (ACMs) shall be completed. The Asbestos-Abatement Contractor shall comply with notification and asbestos-removal procedures outlined in the South Coast Air Quality Management District's (SCAQMD's) Rule 1403 to reduce asbestos-related air quality health risks. SCAQMD Rule 1403 applies to any demolition or renovation activity and the associated disturbance of ACMs. This requirement shall be included on the contractors' specifications and verified by the City of Newport Beach Community Development Department.~~

All demolition activities that may expose construction workers and/or the public to ACMs and/or LBP shall be conducted in accordance with applicable regulations, including, but not limited to Title 40 of the Code of Federal Regulations (CFR), Subchapter R (Toxic Substances Control Act); CalOSHA regulations (Title 8 of the California Code of Regulations §1529 [Asbestos] and §1532.1 [Lead]); and SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). The requirement to adhere to all applicable regulations shall be included in the contractor specifications, and such inclusion shall be verified by the City of Newport Beach Community Development Department prior to issuance of the first grading permit.

## Mitigation Measures

Mitigation Measure HAZ-1 does not apply to the proposed project since it addressed particular hazards associated with subterranean parking. The *Phase 1 ESA* for the proposed project did not identify any of the hazards addressed in Mitigation Measures HAZ-2, HAZ-4, and HAZ-5. Should hazardous materials be found on site, the applicant would comply with standard conditions and requirements. Mitigation Measure HAZ-6 is not applicable to the proposed project.

~~**HAZ-1:** Should dewatering activities be necessary by the proposed project, then groundwater analyses shall be performed to determine the type and extent of hazardous materials/waste contamination, if any, that may exist in the groundwater at the proposed project site.~~

~~**HAZ-2:** Should hazardous waste/materials be found, such as lead based paint, asbestos, traffic striping, contaminated soil, or contaminated groundwater, materials shall either be remediated within the project site or disposed off site per applicable regulations. Hazardous waste/materials shall be reported to the City of Newport Beach Fire Department and Orange County Health Care Agency within 24 hours of discovery.~~

~~**HAZ-4:** A health and safety plan, construction containment management plan, and construction contingency plan shall be developed by the contractor prior to the commencement of construction for worker safety during construction.~~

~~**HAZ-5:** Remediation of hazardous waste issues/materials (such as removal of leaking underground storage tanks and associated soil, and groundwater contamination, dewatering issues, etc.) shall be addressed in accordance with all applicable local, state, and federal guidelines and regulations, if necessary.~~

~~**HAZ 6:** Prior to issuance of a building permit, the Applicant shall file a Form 7460-1 with the Federal Aviation Administration (FAA). Upon receiving the FAA determination, the project shall be submitted to the Orange County Land Use Commission (ALUC) for determination and consistency. The project may be subject to additional conditions as required by the FAA and/or ALUC in order to be compliant with the John Wayne Airport Environs Land Use Plan.~~

### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to hazards and hazardous.

## **3.9 HYDROLOGY AND WATER QUALITY**

A site-specific Water Quality Management Plan (WQMP) was prepared for the proposed site by Walden & Associates (January 2015) and is included as Appendix D in this Addendum.

### ***Threshold (a) Violate any water quality standards or waste discharge requirements.***

The IS/MND found hydrology and water quality impacts to be less than significant with mitigation incorporated. The proposed project would be required to comply with all Regional Water Quality Control Board (RWQCB) water quality standards and waste discharge requirements. The *Water Quality Management Plan* (Walden & Associates, January 2015) identifies NPDES Permit requirements and addresses the quality and quantity of stormwater runoff generated on-site with the incorporation of temporary construction Best Management Practice (BMPs) and permanent treatment BMPs.

Compliance with the requirements outlined in the WQMP would avoid or minimize any violations of water quality standards or waste discharge requirements. Implementation of the proposed project would have a less than significant impact to water quality. No new impact relative to water quality or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Furthermore, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of less than significant with mitigation under this threshold.

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

The project site is located within the service area of the Irvine Ranch Water District (IRWD). The use of groundwater for the proposed project is discussed under Utilities and Service Systems later in this Addendum. As discussed in that section, the proposed project would have sufficient water supplies (groundwater is one of the sources) available to service the project.

Table 3-9, **Impervious Area** identifies the pre-project and post-project conditions. As noted in the table, the proposed project would create new impervious surfaces. However, the project area does not substantially contribute to groundwater recharge basin for IRWD. In addition, site design concepts incorporated in the project would disperse runoff from impervious areas to adjacent pervious areas where possible. Accordingly, the proposed project would not significantly impact local groundwater recharge. Impacts would be less than significant. Furthermore, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known about could not have been known at the time the IS/MND was adopted is available that would change the impact determination.

**Table 3-9: Impervious Area**

Project Area	Pervious		Impervious	
	Area (sf)	Percentage	Area (sf)	Percentage
Pre-Project Conditions	160,736	90%	17,860	10%
Post-Project Conditions	34,848	19.5%	143,748	80.5%

Source: Walden & Associates: *Water Quality Management Plan*, January 2015

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

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

The proposed project would not alter the existing drainage patterns of the site or area. The site generally flows in a south-westerly direction. After construction, the site would flow in a westerly direction via concrete curb/gutter and v-gutter and collect in a catch basin connecting to an on-site storm drain system. The site does not include any streams or rivers which would be altered by the proposed project. BMPs would be implemented during construction per the WQMP (Walden, 2015); therefore, no substantial erosion would result during construction of the proposed project. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

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

**Threshold (f)** *Otherwise substantially degrade water quality.*

The proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff. The project site has approximately ten percent impervious surfaces. Construction of the proposed buildings, walkways and parking areas will introduce impervious surfaces to the project site. At project completion, the site would be approximately 80 percent impervious.

On-site storm drain facilities are subject to review by the Public Works Department and would be designed to ensure runoff quantities are maintained at levels that would not exceed the design capacities of off-site flood control facilities. The stormwater treatment device would remove oil, grease, trash, debris, and sediments using hydrodynamic separation to remove pollutants from the stormwater. With the use of the treatment device, water quality would not be degraded. The proposed development would not alter the course of a stream or river. The source control and treatment control BMPs in the WQMP would be implemented in accordance with the Orange County Drainage Area Management Plan (DAMP) and NPDES Permit for Waste Discharge Requirements in the Santa Ana Region Stormwater Runoff Management Program. Therefore, associated impacts are considered less than significant. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

**Threshold (g) *Place housing/structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; and***

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

The proposed project does not involve the construction of residential units within a 100-year flood hazard area. The project site is outside any mapped floodplain area (FEMA FIRM #06059C0269H and 06059C0267H). No flood hazard would occur with project implementation. Accordingly, not new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

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

As discussed above, the proposed project would not be located within a mapped 100-year floodplain. The project site is not located downstream of a dam or levee; therefore, there would be no risk of significant loss, injury or death involving flooding, as a result of the failure of a levee or dam or as a result of the proposed project. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

**Threshold (j) *Result in inundation by seiche, tsunami or mudflow.***

The proposed project does not have a significant potential to subject persons or property to seismically induced seiche or tsunami. Although the project site is located approximately 0.3 mile northeast of the Upper Newport Bay, the elevation of the site of 51 feet above mean sea level (msl) as well as various topographic and structural impedances would restrict the effects of seismically-induced water movement.

The site and the immediate surrounding area can be characterized as urbanized and void of any perceptible grades and/or landforms which would be subject to slope failure. The project site has been previously graded and developed. Therefore, no significant impacts would result from site development.

Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

### **Mitigation Program**

The IS/MND Mitigation Program includes measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project. Any modifications to the original measures are shown in ~~strikethrough~~ for deleted text and new, inserted text is underlined.

### **Standard Conditions and Requirements**

**WQ-SC1:** Prior to issuance of grading permits, the Project Applicant shall develop and submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the Santa Ana Regional Water Quality Control Board (RWQCB) for compliance with the Statewide General Construction National Pollutant Discharge Elimination System (NPDES) permit for construction activity. The SWPPP shall contain Best Management Practices to be implemented during construction to minimize pollutants from stormwater runoff to receiving waters during construction.

**WQ-SC2:** Prior to issuance of grading permits, the Water Quality Management Plan (Walden & Associates February 2007–January 2015) ~~developed by Walden Associates for the proposed project~~ shall be approved by the Community Development Department, Building Department Division. The project may be subject to additional conditions as required by the City or Santa Ana RWQCB to ensure that no violations of water quality standards or waste discharge requirements occur.

### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to hydrology and water quality.

## **3.10 LAND USE AND PLANNING**

**Threshold (a)** *Physically divide an established community; and*

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

**Threshold (c)** *Conflict with any applicable habitat conservation plan or natural community conservation plan.*

No potentially significant impacts to land use and planning were identified in the IS/MND. The proposed project is located within the Santa Ana Heights Specific Plan area and is consistent with General Plan and zoning designations that permit office development. The site's Business Park zoning designation is

designed to accommodate administrative offices, commercial uses, specific uses related to product development and limited light industrial uses. Medical office uses are principal uses permitted in the Business Park designation with the approval of a minor use permit. The proposed project requires approval of a Site Development Review, which is required for all nonresidential construction projects over 20,000 sf of gross floor area in order to ensure a quality project with respect to consistency with General Plan policies, the physical characteristics of the site, and minimizing potential negative visual impacts. The proposed project requires approval of a Parcel Map for lot consolidation and a Traffic Impact Study per the Newport Beach Traffic Phasing Ordinance. Because the Site Development Review and the Traffic Impact Study require approval by the Planning Commission, the proposed project is subject to consideration and approval by the Planning Commission. The proposed FAR of 0.36 complies with the maximum allowable FAR of 0.50. All development features would be consistent with Specific Plan requirements for projects within the Business Park designation. Therefore, the project would not conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The project site and surrounding area is urbanized. Due to its location and design, development of the site will not interfere with or divide an existing community. Furthermore, there are no habitat conservation plans or natural community plans that the project would impact.

Accordingly, no new impact relative to adverse land use impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

#### **Mitigation Program**

There are no new potentially significant impacts associated with the proposed project; therefore, no new and/or refined mitigation measures are required for issues related to land use.

#### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to land use and planning.

### **3.11 MINERAL RESOURCES**

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

***Threshold (b) Result in the loss of availability of a locally important mineral resources recovery site delineated on a local general plan, specific plan, or other land use plan.***

No potentially significant impacts to mineral resources were identified in the IS/MND. No new impact relative to mineral resources or substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur with implementation of the Newport Executive Center Project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact to mineral resources.

### **Mitigation Program**

There are no new potentially significant impacts associated with the proposed project; therefore, no new and/or refined mitigation measures are required for issues related to mineral resources.

### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to mineral resources.

## **3.12 NOISE**

Noise sources in the project area consist of vehicular traffic on adjacent and nearby roadways as well as intermittent aircraft noise from takeoffs and landings at John Wayne Airport.

### ***Threshold (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.***

The Noise Element of the Newport Beach General Plan (2006) sets the exterior noise standard at 65 A-weighted decibels (dBA) and the JWA AELUP sets the interior noise standard at 50 dBA. The project site is located within the John Wayne Airport's 65 dBA aircraft noise contour, Noise Impact Zone 1. The proposed project must ensure that the building is sound attenuated to meet the 50 dBA threshold. The IS/MND concluded that with the windows or doors open, the interior noise levels within the proposed medical offices would exceed the 50 dBA interior noise standard and therefore the noise impacts would be potentially significant without the implementation of mitigation measures. The IS/MND found that interior noise levels would be reduced to below the 50 dBA standard with closed windows and doors. Implementation of Mitigation Measures NOI-1 and NOI-2 contained in the IS/MND would reduce noise impacts to the interior noise standards.

### *Construction*

The IS/MND concluded that construction noise impacts to sensitive receptors would be potentially significant without implementation of mitigation measures. Implementation of standard conditions and requirements, as well as Mitigation Measures NOI-3 and NOI-4 were identified in the IS/MND to reduce noise impacts resulting from the proposed project to less than significant levels.

Noise and vibration levels associated with the construction phase of the currently proposed project were estimated based on information provided by the applicant. Proposed project construction would result in a temporary increase in noise levels in the project vicinity. Construction noise varies depending on the construction process, type of equipment involved, location of the construction site with respect to sensitive receptors, the schedule proposed to carry out each task (e.g., hours and days of the week) and the duration of the construction work.

In accordance with Mitigation Measure NOI-4, construction equipment would use noise-reduction features recommended by the manufacturer. Mitigation Measure NOI-3 requires the construction of the block wall along the property boundary during the initial stages of construction to serve as a noise barrier for surrounding uses. With implementation of Mitigation Measures NOI-3 and NOI-4, construction-related noise impacts would be less than significant. Standard Condition NOI-1 requires

loud, noise-generating construction activities to comply with the City of Newport Beach Municipal Code which limits the hours of loud, noise-generating construction activity.

***Threshold (b) Exposure of persons to or generation of, excessive groundborne vibration or groundborne noise levels.***

Consistent with the IS/MND, construction vibration levels are considered less than significant. On-site construction activities would create noise from construction equipment and vibration from grading activities. Temporary construction noise impacts would vary in noise level according to the type of construction equipment used and its activity level. Short-term construction groundborne noise impacts tend to occur in separate phases, with large earth-moving equipment generating greater noise and vibration, and finishing construction activities and equipment generating less noise and vibration. Noise levels from construction equipment would range from 65 to 105 dBA at 50 feet from the noise source.

Construction activities would be required to comply with the City's Noise Ordinance which restricts the hours and days of loud, noise-generating construction activities. Because the IS/MND considered construction noise impacts would be short term in duration, noise impacts would not be regarded as significant with compliance with standard conditions and requirements.

Therefore, consistent with the significance criteria and findings set forth in the IS/MND, no significant operational vibration impacts would be expected. Accordingly, no new impact relative to vibration or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

***Threshold (c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.***

Noise levels associated with the proposed project would increase over existing noise levels. However, as discussed under Threshold A, operation of the proposed project would not exceed noise levels established by the City for existing or designated uses. Accordingly, no new impact relative to noise or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

***Threshold (d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.***

Construction activities would be compliant with applicable noise regulations as defined in City of Newport Beach Municipal Code. As a condition of project approval, the City would require that construction activities occur consistent with these requirements to avoid temporary construction noise impacts. To further minimize noise impacts associated with construction activities and the proposed project, Standard Condition NOI-1 and Mitigation Measures NOI-1 through NOI-4 (Mitigation Measures NOI-1 through NOI-5 in the IS/MND), recommends compliance with the City's Noise Ordinance, ensuring windows and doors would be kept closed, an Acoustical Analysis Report, construction of the block wall along the property boundary in the initial stages of construction and the use of noise attenuating devices on machinery, combustion engines or any other noise-generating devices.

With implementation of standard conditions and requirements as well as Mitigation Measures NOI-1 through NOI-4 in the IS/MND, impacts under this threshold would be less than significant and consistent with the impacts disclosed in the IS/MND.

**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; and*

John Wayne Airport, a commercial airport, is located approximately 0.6 mile north of the project site. Takeoffs and landings at the airport would generate intermittent aircraft noise in the project area. The Airport Land Use Commission for Orange County (ALUC) has determined the project site is located within Noise Impact Zone 1. The proposed project must ensure that the building is sound attenuated to meet the 50 dBA threshold. The IS/MND concluded that with the windows or doors open, the interior noise levels within the proposed medical offices would exceed the ALUC's 50 dBA interior noise standard and therefore the noise impacts would be potentially significant without the implementation of mitigation measures. The IS/MND found that interior noise levels would be reduced to below the 50 dBA standard with closed windows and doors. Implementation of Mitigation Measure NOI-1 contained in the IS/MND would reduce noise impacts to the interior noise standards. With implementation of Mitigation Measure NOI-1 in the IS/MND, impacts under this threshold would be less than significant and consistent with the impacts disclosed in the IS/MND.

**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.*

There are no private airstrips located in the vicinity of the project site; therefore, people residing or working in the project area would not be exposed to excessive noise levels from an airport.

### **Mitigation Program**

The IS/MND Mitigation Program included measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project. Any modifications to the original measures are shown in ~~striketrough~~ for deleted text and new, inserted text is underlined.

### **Standard Conditions and Requirements**

**NOI-SC1:** To ensure compliance with Newport Beach Municipal Code Section 10.28.040, grading and construction plans shall include a note indicating that loud noise-generating Project construction activities (as defined in Section 10.28.040 of the Newport Beach Noise Ordinance) shall take place between the hours of 7:00 AM and 6:30 PM on weekdays and from 8:00 AM to 6:00 PM on Saturdays. Loud, noise-generating construction activities are prohibited on Sundays and federal holidays.

### **Mitigation Measures**

Mitigation Measure NOI-3 from the IS/MND is addressed by Standard Condition 1 above.

**NOI-1:** All buildings shall be equipped with air conditioning systems to ensure that windows and doors can remain closed for prolonged periods of time.

**NOI-2:** Prior to the issuance of building permits, an Acoustical Analysis Report is required describing in detail the exterior noise environment and the acoustical design features incorporated into the design if the proposed project to meet the interior noise standards of the Noise Element of the General Plan.

~~**NOI-3:** The City of Newport Municipal Code limits hours of construction activities to 7 AM to 6:30 PM on weekdays, 8 AM to 6PM on Saturdays, and no time on Sundays and Federal holidays.~~

**NOI-3:** Construction of the block wall planned to be constructed along the property boundary lines to separate the site from adjacent properties shall be constructed during the initial stages of construction to reduce the impacts of construction noise to the residences. Construction of the block wall or other temporary noise barriers would significantly reduce construction noise impacts at sensitive receptors.

**NOI-4:** Mufflers and other noise attenuating devices recommended by the manufacturer shall be utilized on machinery, combustion engines, or any other noise-generating device. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to noise and vibration.

## **3.13 POPULATION AND HOUSING**

***Threshold (a) Induce substantial population growth in an area, either directly or indirectly; and***

***Threshold (b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and***

***Threshold (c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.***

No impacts to population and housing were identified in the IS/MND. The project is proposed as a medical office complex and does not include residential development. There are two non-conforming residential units on the project site; therefore, the project would not displace substantial numbers of existing housing or people. The proposed project is located within the limits of the Santa Ana Heights Specific Plan and is consistent with the General Plan and zoning designations which permit office uses. Therefore, no growth or development beyond what was addressed in the IS/MND would occur. Accordingly, no new impact relative to population and housing or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact to population and housing.

### **Mitigation Program**

There are no new potentially significant impacts associated with the proposed project; therefore, no new and/or refined mitigation measures are required for issues related to population and housing.

### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to population and housing.

## **3.14 PUBLIC SERVICES**

***Threshold (a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for: fire protection, police protection, schools, parks, and other public facilities.***

### ***Fire Protection.***

Implementation of the proposed project would increase the demand for fire protection service. However, it should be noted that the project site includes existing development uses. The proposed project would be developed in accordance with all requirements established by the Uniform Fire Code, City of Newport Beach policies, and other applicable regulatory procedures related to fire safety.

The proposed project would not impair or physically affect any adopted emergency response plan or evacuation plan. The closure of any public or private streets or roadways is not anticipated. The project would not impede access of emergency vehicles to the project site or any surrounding areas during construction or operation. In the event of any temporary closures of the public streets, access would be maintained for businesses, residents and emergency vehicles. Further, the proposed project would provide all required emergency access in accordance with the requirements of the Newport Beach Fire Department during plan review by the Fire Department.

### ***Police Protection.***

The Newport Beach Police Department handles both emergency and non-emergency situations. Staffing levels within the Police Department are tied to population estimates and projections. The Police Department continually reevaluates its manpower and facilities needs through established planning and budgeting procedures. This process would be expected to provide adequate resources for the Police Department to maintain its level of service in the project area and throughout the City.

Normal crime problems that would be associated with this type of development include property crimes such as thefts and burglaries. Special attention must be paid to landscaping and lighting features in the parking areas and around the exterior of the grounds as these features can enhance security for the property. As such, the project lighting, landscape, and site plans would be reviewed by the Police Department prior to project development. Compliance with standard conditions and requirements would preclude significant impacts.

### **Schools.**

The proposed project does not involve residential development which would result in an increased demand for public schools. Therefore, no impact on schools would occur.

### **Other Public Facilities.**

The proposed project does not involve residential development which would result in an increased demand for public park facilities or libraries. Additionally, maintenance of the project property and facilities would be the responsibility of the property owner. Therefore, the impact from the project on public services would be less than significant.

### **Mitigation Program**

The IS/MND Mitigation Program included measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project. Any modifications to the original measures are shown in ~~strike through~~ for deleted text and new, inserted text is underlined.

### **Standard Conditions and Requirements**

**PUB-SC1:** Prior to issuance of building permits, the City of Newport Beach Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. Public safety planning recommendations shall be incorporated into the project plans. The Applicant shall prepare a list of project features and design components that demonstrate responsiveness to defensible space design concepts. The Police Department shall review and approve all defensible space design features incorporated into the project prior to initiating the building plan check process.

**PUB-SC2:** Prior to the issuance of the first grading permit and/or action that would permit project site disturbance, the Applicant shall provide evidence to the City of Newport Beach Police Department that a construction security service or equivalent service shall be established at the construction site along with other measures, as identified by the Police Department and the Public Works Department, to be instituted during the grading and construction phase of the project.

### **Mitigation Measures**

Mitigation Measure PUB-1 refers to compliance with applicable building codes and plan review; Mitigation Measure PUB-1 is not needed.

~~**PUB-1:** Prior to the issuance of building permits, the applicant shall submit site plans and engineering plans to the Newport Beach Fire Department in order to demonstrate that adequate emergency access and water supply/pressure are available to the project.~~

### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to public services and facilities.

### 3.15 RECREATION

**Threshold (a)** *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; and*

**Threshold (b)** *Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

No potentially significant impacts to recreation were identified in the IS/MND. The proposed project does not involve residential development which would increase the use of existing neighborhood and regional parks or other recreational facilities. The proposed project is located within the limits of the Santa Ana Heights Specific Plan and is consistent with the designated land uses for the planning area. Therefore, no growth or development beyond what was addressed in the IS/MND would occur. Accordingly, no new impact relative to recreation or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact to recreation.

#### **Mitigation Program**

There are no new potentially significant impacts associated with the proposed project; therefore, no new and/or refined mitigation measures are required for issues related to recreation.

#### **Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to recreation.

### 3.16 TRANSPORTATION/TRAFFIC

Kimley-Horn prepared a Traffic Impact Analysis (November 2014) to evaluate potential traffic-related impacts associated with the proposed Newport Executive Center Project. The Traffic Impact Analysis (TIA) was prepared in accordance with the City of Newport Beach Traffic Phasing Ordinance (TPO) traffic impact study requirements. The TIA is attached to this Addendum as Appendix E and the results are summarized herein.

**Threshold (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.*

According to the TIA, based on Institute of Transportation Engineers (ITE) trip rates implementation of the project would generate 2,293 new trips on a typical weekday bases with 152 trips in the morning peak hour and 226 trips in the evening peak hour.

The City of Newport Beach Level of Service significance threshold for peak hour operation of signalized intersections is LOS D or better, except in the airport area, where there are shared intersections with the

City of Irvine and LOS E is acceptable. The TIA analyzed 15 intersections in the project area. All of the analyzed intersections currently operate at an acceptable level of service. The TIA found that with the implementation of the proposed project and cumulative projects, all intersections are forecasted to continue to operate at acceptable levels of service. Accordingly, no new impact relative to traffic or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact to population and housing.

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

The Orange County Congestion Management Program (CMP) was established in 1991, to reduce traffic congestion and to provide a mechanism for coordinating land use and development decisions. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects. In the project vicinity, the following roadways are CMP Highway System arterials: MacArthur Boulevard and Jamboree Road.

The Orange County CMP states that "a TIA will be required for CMP purposes for all proposed developments generating 2,400 or more daily trips," and that "for developments which will directly access a CMP Highway System link, the threshold for requiring a TIA should be reduced to 1,600 or more trips per day.

The project will take access onto Mesa Drive, which is not classified as a CMP Highway System Arterial. Moreover, the project would generate less than 2,400 daily trips. Therefore a CMP-level analysis is not be required for the proposed project. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

***Threshold (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.***

The proposed project would not impact air traffic patterns above the site. The proposed project would not involve air transportation nor affect air traffic at John Wayne Airport. All construction procedures would comply with Federal Aviation Administration requirements. Therefore, the proposed project would not adversely affect air traffic patterns. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would change the impact finding.

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

The TIA identified no circulation design concerns. Driveways would be designed to provide adequate sight distance for drivers entering and exiting the site. The roadway infrastructure surrounding the project site would be developed and/or expanded consistent with City standards. The proposed project would not introduce any new design features that would create hazards to traffic.

Accordingly, no new impact relative to traffic design hazards or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact relative to roadway design.

***Threshold (e) Result in inadequate emergency access.***

During construction, Birch Street and Mesa Drive would continue to be open for two-way traffic. Access to all properties along Birch Street and Mesa Drive would be available at all times, so as not to preclude emergency response and evacuation. Free access to fire hydrants and all water gates and gas valves shall also be maintained at all times. Emergency vehicles would be allowed access to the property through the two proposed driveways. Thus, emergency vehicle access would be maintained and no impact to emergency access is anticipated.

Accordingly, no new impact relative to emergency access or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact relative to the provision of emergency access.

***Threshold (f) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).***

There are no alternative transportation services within the project vicinity. The nearest Orange County Transportation Authority (OCTA) Bus Route, 178 runs along Irvine Avenue, from Huntington Beach to Irvine. There are no bus turnouts or signage that would be impacted by the proposed project. The proposed project would not impact the existing equestrian trail on the eastbound side of Mesa Drive.

According to the Newport Beach Bike Map, there is a “Bike Lane Marked by Pavement” adjacent to the project site on Mesa Drive and Birch Street. However, construction of the proposed project would not impact Mesa Drive or Birch Street including bicycle lanes along these roadways. Construction would have no impact on alternative transportation services. Therefore, the proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

Accordingly, no new impact relative to non-vehicular transportation or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact relative to non-vehicular transportation.

**Mitigation Program**

There are no new potentially significant impacts associated with the proposed project; therefore, no new and/or refined mitigation measures are required for issues related to transportation.

**Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to traffic.

### 3.17 UTILITIES AND SERVICE SYSTEMS

The following utilities are currently provided in the area:

**Table 3-10: Utility Providers**

Utility	Provider
Water	Irvine Ranch Water District
Sewer and Wastewater Treatment	City of Newport Beach
Solid Waste	Orange County Integrated Waste Management Department
Electricity	Southern California Edison
Natural Gas	Southern California Gas Company

**Threshold (a)** *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; and*

**Threshold (b)** *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts.*

The City of Newport Beach provides wastewater services throughout the City including the project site. The City Municipal Operations is responsible for the collection of residential and commercial wastewater. Wastewater from the City of Newport Beach’s sewer system is treated by the Orange County Sanitation District (OCSD). The majority of the City’s sewage flow, including flows from the project site, is conveyed to OCSD Treatment Plant No. 2.

The project site previously contained several residences; two residences remain on the property. IRWD provides water services to the project site. IRWD has a Water Resources Master Plan (WRMP) that identifies existing and future water supply and demand. The WRMP is periodically reviewed in relationship to current and future development projects within the IRWD service area. The applicant is required to obtain a “will serve” or “statement of certification” letter from IRWD stating that adequate water and wastewater treatment capacity is available to serve the project.

Impacts are less than significant. Accordingly, no new impact relative to wastewater or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

**Threshold (c)** *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.*

As described in the Hydrology and Water Quality Section, stormwater from the project site would drain into a catch basins and ultimately drain into the municipal storm drain system. This basin is designed for detention and water quality purposes. All of the runoff from the site will be routed through the basin at the southwest corner and discharged into existing storm drains. Significant impacts relative to storm water facilities are not anticipated. Accordingly, no new impact relative to storm water drainage or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could

not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

The Water Quality Management Plan (Walden, 2015) recommends an underground stormwater treatment device that uses hydrodynamic separation to remove pollutants from stormwater. The unit is designed to remove oil, grease, trash, debris, and sediments discharged from impervious surfaces on the project site. According to the Low Impact Development (LID) BMPs hierarchy, bioretention with underdrains, vegetated swales and proprietary biotreatment will satisfy the performance criteria set by the Regional Water Quality Control Board, the Santa Ana Region. The site will detain stormwater runoff up the Hydrologic Condition of Concern Volume. Curb openings will convey the low flows into the Filterra units equipped with a bypass inlet for high flows which will provide pre-treatment prior to ultimately discharging into the storm drain system.

As a result of the proposed design of the on-site storm drain system, the impacts are less than significant. Accordingly, no new impact relative to storm drain facilities or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact.

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

The project site is located within the service area of IRWD. The project site previously contained several residences; two residences remain on the property. The proposed project would require approximately the same amount of water supply as the approved Newport Executive Court Project because both project have the same use and similar square footage. Additionally, the proposed project would comply with standard conditions and requirements and implement project design features.

Accordingly, no new impact relative to water supply or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact related to the provision of water.

***Threshold (e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand.***

The applicant's engineer will estimate the sewage flow generation expected of the proposed development and calculate facility sizing within the development. IRWD will review these estimates and evaluate the current and future capacity of the system at the time the estimates are received. It is anticipated that the system will be adequate to provide sewer service to the proposed project. The applicant may be required to provide written verification from Orange County Sanitation District that adequate wastewater treatment capacity is available to serve the project. Reclaimed water will not be available for landscape irrigation at the project site due to the lack of conveyance facilities in the project area. No significant impacts will result from the generation, conveyance, or treatment of project-generated wastewater. As a result, the impacts are less than significant. Accordingly, no new impact relative to wastewater or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial

importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no impact.

**Threshold (f) *Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; and***

**Threshold (g) *Comply with federal, state, and local statutes and regulations related to solid waste.***

Solid waste generated from the project would be disposed of at the Frank R. Bowerman (FRB) Landfill, which is part of the Orange County landfill system operated by OC Waste & Recycling. The landfill is located at 11002 Bee Canyon Access Road in the City of Irvine. The permitted daily maximum at FRB is 11,500 tons of solid waste per day and accepts an average of approximately 6,000 tons of solid waste per day. The landfill is projected to close in 2053. According to OC Waste & Recycling, long-range strategic planning is necessary to ensure that waste generated by the County is safely disposed of and that the County's future disposal needs are met. The Regional Landfill Options for Orange County (RELOOC) is a 40-year strategic plan that was developed to evaluate options for waste disposal for Orange County.

The development level proposed by the project is consistent with the growth projections in the Orange County Projections 2010 Modified, which are used by the County of Orange in their long-term planning for landfill capacity. The County's landfill system has capacity in excess of the required 15-year threshold established by the California Integrated Waste Management Board (CIWMB). Based on the remaining capacity of the FRB Landfill and the County's long-term planning programs required to meet CIWMB's requirements, there would be adequate waste disposal capacity within the permitted County's landfill system to meet the needs of the proposed project.

Accordingly, no new impact relative to utilities and service systems or a substantial increase in the severity of a previously identified significant impact evaluated in the IS/MND would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the IS/MND was adopted is available that would impact the prior finding of no significant impact to utilities and service systems.

### **Mitigation Program**

The IS/MND Mitigation Program includes measures to reduce potential impacts associated with the Newport Executive Court Project to less than significant levels. The following measures from the IS/MND would also be applicable to the proposed Newport Executive Center Project. Any modifications to the original measures are shown in ~~strike through~~ for deleted text and new, inserted text is underlined.

### **Project Design Feature**

**UTL-PDF1:** Water leaving the project site due to over-irrigation of landscape shall be minimized. Once a week in conjunction with maintenance activities, the water sensors shall be checked to function properly, irrigation heads shall be properly adjusted to eliminate overspray, and irrigation timing and cycle lengths shall be verified and adjusted in accordance with water demand, season, weather, and time of day temperatures. If an accident from over-irrigation is reported, a representative from the Code of Water Quality and Enforcement Division of the City Manager's Office shall visit the location, investigate, inform the site manager, if possible, leave a note, and in some cases shut off the water.

**UTL-PDF2:** Watering shall be done during the early morning or evening hours to minimize evaporation (between 4:00 P.M. and 9:00 A.M. the following morning).

**UTL-PDF3:** The underground stormwater treatment device and catch basins on the project site shall be inspected and maintained immediately prior to the fall season (October) first “first flush” storm and after all major rain events. During the rainy season, an inspection of the treatment device shall be conducted every 30 days and cleaned out when necessary. The treatment device and catch basins shall be cleaned out at the end of the rainy season.

### Standard Conditions and Requirements

**UTL-SC1:** The project applicant shall submit utility improvement plans to the Irvine Ranch Water District (IRWD) for review and approval. The project may be subject to additional conditions as required by IRWD in order to be compliant with system design criteria and to accommodate capacity.

**UTI-SC2:** Chapter 14.16, Water Conservation and Supply Level Regulations, of the City of Newport Beach Municipal Code establishes the following mandatory permanent water conservation requirements, as summarized, during non-shortage conditions:

- No customer shall use potable water to irrigate landscaping unless such irrigation is limited to no more than ten minutes of watering per day per station.
- No person shall use water to irrigate landscaping that causes or allows excessive flow or runoff.
- No person shall use water to wash down hard or paved surfaces, except when necessary to alleviate safety or sanitary hazards.
- No person shall permit excessive use, loss, or escape of water through breaks, leaks, or other malfunctions in the user’s plumbing or distribution system.
- No customer shall use potable water for irrigation during a rainfall event.
- By July 1, 2012, all landscape irrigation systems connected to dedicated landscape meters shall include rain sensors that automatically shut off such systems during periods of rain or include evapotranspiration systems that schedule irrigation based on climatic conditions.
- No customer shall operate a water fountain or other decorative water feature that does not use a recirculating water system.
- No customer shall use water to clean a vehicle, except by use of a hand-held bucket or hand-held hose equipped with a water shut-off nozzle or device.
- Effective January 1, 2010, all new commercial conveyor car wash systems shall have recirculating water systems. By January 1, 2013, all commercial conveyor car wash systems shall have recirculating water systems.
- Eating or drinking establishments shall not provide drinking water unless expressly requested by the patron.
- Hotel, motel, and other commercial lodging establishments shall provide customers the option of not having towels and linen laundered daily.

- No customer shall install a new, single pass cooling system in a building or on premises requesting new water service.
- Effective January 1, 2010, all new washing machines installed in commercial and/or coin-operated laundries shall be EnergyStar® and CEE Tier III qualified. By January 1, 2014, all washing machines installed in commercial and/or coin-operated laundries shall be EnergyStar® and CEE Tier III qualified.
- No customer shall use water from any fire hydrant for any purpose other than fire suppression or emergency aid.
- Commercial kitchens shall employ water-conservation practices and technology.
- Construction Site Requirements:
  - No person shall use potable water for soil compaction or dust control on a construction site where there is an available and feasible source of recycled water or non-potable water approved by the Department of Public Health and appropriate for such use.
  - No person shall operate a hose within a construction site that is not equipped with an automatic shut-off nozzle, provided that such devices are available for the size and type of hose in use.

**UTI-SC3:** Chapter 14.16, Water Conservation and Supply Level Regulations, of the *City of Newport Beach Municipal Code* establishes the following four levels of water supply shortage response actions to be implemented during times of declared water shortages.

<u>Water Conservation Level</u>	<u>Requirements</u>
<u>Level One</u>	<u>Limit outdoor watering to scheduled irrigation days</u>
	<u>Cutbacks in water usage (up to 10%)</u>
	<u>Increased response time to fix broken/leaking plumbing (within 72 hours of notification from City)</u>
	<u>Limit filling of ornamental water features/pools (once per week)</u>
<u>Level Two</u>	<u>Further reduction in scheduled irrigation days and no watering between 9:00 AM and 5:00 PM on any day</u>
	<u>Increased cutbacks in water usage (11–25%)</u>
	<u>Increased response time to fix broken/leaking plumbing (within 48 hours of notification from the City)</u>
	<u>Increase limitations for filling of ornamental water features/pools (once every other week)</u>
<u>Level Three</u>	<u>Further reduction in scheduled irrigation days and no watering between 9:00 AM and 5:00 PM on any day</u>
	<u>Increased cutbacks in water usage (26–40%)</u>
	<u>Increased response time to fix broken/leaking plumbing (within 24 hours of notification from the City)</u>
	<u>No filling of ornamental water features/pools</u>
<u>Level Four</u>	<u>No outdoor watering</u>

<u>Water Conservation Level</u>	<u>Requirements</u>
	<u>Increased cutbacks in water usage (more than 40%)</u>
	<u>No new potable water services/meters</u>
	<u>Increased response time to fix broken/leaking plumbing (within 24 hours of notification from City)</u>
	<u>No filling of ornamental water features/pools</u>

**Mitigation Measure**

The following measures are superseded by the City’s standard conditions.

~~**UTL 2:** Standard water conservation measures will be implemented and the final design of any structures on the project site will provide for the incorporation of water saving devices for the irrigation, lavatories, and other water using facilities in accordance with applicable laws.~~

~~**UTL 3:** New landscaping shall incorporate drought tolerant plant materials and drip irrigation systems where possible. Plants shall be grouped according to similar watering requirements to reduce excess irrigation runoff.~~

~~**UTL 6:** All leaks shall be investigated by a representative from the Code of Water Quality Enforcement Division of the City Manager’s Office and the site manager shall complete all required repairs.~~

~~**UTL 7:** Water shall not be used to clean paved surfaces such as sidewalks, driveways, parking areas, etc. except to alleviate immediate safety or sanitation hazards. Water used in this manner shall not be disposed of in the storm drains and shall be disposed of per applicable health, safety, and waste disposal regulations.~~

~~**UTL 8:** Reclaimed water shall be used whenever available, assuming it is economically feasible.~~

**Conclusion**

With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to utilities and service systems. Therefore, preparation of a subsequent environmental analysis is not warranted.



## 4 DETERMINATION OF APPROPRIATE CEQA DOCUMENTATION

The following discussion lists the appropriate subsections of Sections 15162 and 15164 of the State CEQA Guidelines and provides justification for the City of Newport Beach to make a determination of the appropriate CEQA document for the proposed project, based on the environmental analysis provided above.

### **Section 15162 - Subsequent EIRs and Negative Declarations**

- (a) “When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one of more of the following:”
  - (1) “Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”

The City of Newport Beach proposes to implement the proposed project as described in this Addendum. As discussed above in the Environmental Impact Analysis section of this Addendum, no new or substantially more severe significant environmental effects beyond what was evaluated in the adopted IS/MND would occur.

- (2) “Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”

As documented herein, no circumstances associated with the location, type, setting, or operations of the proposed project have substantively changed beyond what was evaluated in the adopted IS/MND and none of the proposed project elements would result in new or substantially more severe significant environmental effects than previously identified. No major revisions to the adopted IS/MND are required.

- (3) “New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    - (A) “The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;”

No new significant environmental effects beyond those addressed in the adopted IS/MND were identified.

- (B) “Significant effects previously examined will be substantially more severe than shown in the previous EIR;”

Significant project-related effects previously examined would not be substantially more severe than were disclosed in the IS/MND as a result of the proposed project. Significant adverse impacts would be

avoided through the implementation of mitigation measures identified in the IS/MND relative to Aesthetics, Biological Resources, Geology and Soils, and Noise.

- (C) “Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or”

No mitigation measures or alternatives were found infeasible in the adopted IS/MND.

- (D) “Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

No other mitigation measures or feasible alternatives have been identified that would substantially reduce significant impacts.

- (b) “If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.”

Based on the analysis in this document, the proposed project would not result in any new significant environmental effects nor would it substantially increase the severity of significant effects previously identified in the IS/MND. None of the conditions listed under subsection (a) would occur that would require preparation of a subsequent EIR.

- (c) “Once a project has been approved, the lead agency’s role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.”

None of the conditions listed in subsection (a) would occur as a result of the proposed project. No additional CEQA documentation is required.

**Section 15164 - Addendum to an EIR or Negative Declaration**

- (a) “The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

As described above, none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.

- (b) “An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.”

None of the conditions described in Section 15162 calling for preparation of a subsequent EIR would occur as a result of the proposed project. Therefore, an Addendum to the adopted IS/MND is the appropriate CEQA document for the proposed project.

- (c) “An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.”

This Addendum will be attached to the IS/MND and maintained in the administrative record files at the City of Newport Beach.

- (d) “The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.”

The City of Newport Beach will consider this Addendum with the IS/MND prior to making a decision on the proposed project.

- (e) “A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”

This document provides substantial evidence for City of Newport Beach records to support the preparation of this Addendum for the proposed project.



## 5 CONCLUSION

This Addendum has been prepared in accordance with the provisions of the State CEQA Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the State CEQA Guidelines, exist in connection with the proposed project. No major revisions would be required to the IS/MND prepared for the Newport Executive Court Project as a result of the proposed project. No new significant environmental impacts have been identified. Since the adoption of the IS/MND, there has been no new information showing that mitigation measures or alternatives once considered infeasible are now feasible, or showing that there are feasible new mitigation measures or alternatives substantially different from those analyzed in the IS/MND that the City declined to adopt. Therefore, preparation of additional CEQA documentation is not required and the appropriate CEQA document for the proposed project is this Addendum to the Newport Executive Court Project IS/MND. No additional environmental analysis or review is required for the proposed Newport Executive Center Project. This document will be maintained in the administrative record files at City of Newport Beach offices.



## **APPENDICES**

- A. Mitigation Monitoring and Reporting Program
- B. Air Quality Technical Report (January 2015); Landrum & Brown *(on CD)*
- C. Phase I Environmental Site Assessment (August 2014); Phase One, Inc. *(on CD)*
- D. Water Quality Management Plan (January 2015); Walden & Associates *(on CD)*
- E. Traffic Impact Study (November 2014); Kimley-Horn and Associates, Inc. *(on CD)*
- F. Newport Executive Court Project Initial Study/Mitigated Negative Declaration *(on CD)*

