

Appendix B

NOP Comments

Appendices

This page intentionally left blank.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Notice of Preparation

October 22, 2013

RECEIVED BY
COMMUNITY

OCT 29 2013

To: Reviewing Agencies

Re: Newport Beach General Plan Land Use Element Amendment
SCH# 2013101064

DEVELOPMENT
CITY OF NEWPORT BEACH

Attached for your review and comment is the Notice of Preparation (NOP) for the Newport Beach General Plan Land Use Element Amendment draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

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

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013101064
Project Title Newport Beach General Plan Land Use Element Amendment
Lead Agency Newport Beach, City of

Type **NOP** Notice of Preparation
Description Note: Reference SCH# 2006011119

The project is an amendment to the City of Newport Beach General Plan Land Use Element. The amendment is intended to shape future development within the City and involves the alteration, intensification, and redistribution of land uses in certain subareas of the City, including major areas such as Newport Center/Fashion Island, Newport Coast, and the Airport area near John Wayne Airport. The proposed land use map designation changes include increases and/or reductions in development capacity in these subareas. The Amendment will also include Land Use Element Policy revisions related to land use changes, in support of recent Neighborhood Revitalization efforts, and, as appropriate, updates/refinements to policies. Subsequent amendments the Newport Beach Coastal Land Use Plan (LUP), the Newport Coast Local Coastal Program (LCP), and Zoning Code and Map will be necessary to reflect the amendment to the General Plan.

Lead Agency Contact

Name Gregg Ramirez
Agency City of Newport Beach
Phone (949) 644-3219 **Fax**
email
Address 100 Civic Center Drive
City Newport Beach **State** CA **Zip** 92660

Project Location

County Orange
City Newport Beach
Region

Cross Streets

Lat / Long

Parcel No.

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways Hwy 55, 73
Airports John Wayne
Railways
Waterways Santa Ana River
Schools Various
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Fish and Wildlife, Region 5; Native American Heritage Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 12; Air Resources Board; Regional Water Quality Control Board, Region 8

**Document Details Report
State Clearinghouse Data Base**

Date Received 10/22/2013 ***Start of Review*** 10/22/2013 ***End of Review*** 11/20/2013

County: Orange

NOP Distribution List

- Resources Agency
- Fish & Wildlife Region 1E
Laurie Hamsberger
- Fish & Wildlife Region 2
Jeff Drongesen
- Fish & Wildlife Region 3
Charles Amor
- Fish & Wildlife Region 4
Julie Vance
- Fish & Wildlife Region 5
Leslie Newton-Reed
- Fish & Wildlife Region 6
Gabriela Gatchel
- Dept. of Conservation
Elizabeth Carpenter
- California Energy
Commission
Eric Knight
- Cal Fire
Dan Foster
- Central Valley Flood
Protection Board
Jagres Herota
- Office of Historic
Preservation
Ron Parsons
- Dept of Parks & Recreation
Environmental Stewardship
Section
- California Department of
Resources, Recycling &
Recovery
Sue O'Leary
- S.F. Bay Conservation &
Dev't. Comm.
Steve McAdam
- Dept. of Water
Resources Resources
Agency
Nadell Gayou
- Fish and Game
- Dept. of Fish & Wildlife
Scott Flint
- Environmental Services Division
- Fish & Wildlife Region 1
Donald Koch
- Native American Heritage
Comm.
Debbie Treadway
- Public Utilities
Commission
Leo Wong
- Santa Monica Bay Restoration
Guangyu Wang
- State Lands Commission
Jennifer Deleong
- Tahoe Regional Planning
Agency (TRPA)
Cherry Jacques
- Caltrans, District 8
Dan Kopulsky
- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Jacob Armstrong
- Caltrans, District 12
Maureen El Harake
- Cal EPA
- Air Resources Board
- All Projects
CEQA Coordinator
- Transportation Projects
Jon Taylor
- Industrial Projects
Mike Tollstrup
- State Water Resources Control
Board
Regional Programs Unit
Division of Financial Assistance
- State Water Resources Control
Board
Student Intern, 401 Water Quality
Certification Unit
Division of Water Quality
- State Water Resources Control
Board
Phil Crader
Division of Water Rights
- Dept. of Toxic Substances
Control
CEQA Tracking Center
- Department of Pesticide
Regulation
CEQA Coordinator
- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Gary Arnold
- Caltrans, District 4
Erik Alm
- Caltrans, District 5
David Murray
- Caltrans, District 6
Michael Navarro
- Caltrans, District 7
Dianna Watson
- Business, Trans & Housing
- Caltrans - Division of
Aeronautics
Phillip Crimmins
- Caltrans - Planning
Terri Pencovic
- California Highway Patrol
Suzann Ikeuchi
Office of Special Projects
- Housing & Community
Development
CEQA Coordinator
Housing Policy Division
- Dept. of Transportation
- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Gary Arnold
- Caltrans, District 4
Erik Alm
- Caltrans, District 5
David Murray
- Caltrans, District 6
Michael Navarro
- Caltrans, District 7
Dianna Watson
- Other Departments
- Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture
- Dept. of General
Services
Public School Construction
- Dept. of General Services
Anna Garbeff
Environmental Services Section
- Dept. of Public Health
Jeffery Worth
Dept. of Health/Drinking Water
- Delta Stewardship
Council
Kevan Samsam
- Independent
Commissions, Boards
- Delta Protection
Commission
Michael Machado
- Cal EMA (Emergency
Management Agency)
Dennis Castrillo
- Regional Water Quality Control
Board (RWQCB)
- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document
Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)
- Other
- Conservancy

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2013101064

Project Title: Newport Beach General Plan Land Use Element Amendment

Lead Agency: City of Newport Beach Contact Person: Gregg Ramirez
 Mailing Address: 100 Civic Center Drive Phone: (949) 644-3219
 City: Newport Beach Zip: 92660 County: Orange County

Project Location: County: Orange County City/Nearest Community: Newport Beach

Cross Streets: See Initial Study Section 1.1, Project Location Zip Code: 92660

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: _____

Assessor's Parcel No.: _____ Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: 55, 73 Waterways: Santa Ana River

Airports: John Wayne Airport Railways: _____ Schools: Various

Document Type:

CEQA: NOP Draft EIR NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____ FONSI

RECEIVED
 NEPA
 OCT 22 2013

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

STATE CLEARINGHOUSE

Development Type:

Residential: Units _____ Acres _____ Transportation: Type _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Waste Treatment: Type _____ MGD _____
 Educational: _____ Hazardous Waste: Type _____
 Recreational: _____ Other: _____
 Water Facilities: Type _____ MGD _____

Project Issues Discussed in Document:

<input checked="" type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Vegetation
<input checked="" type="checkbox"/> Agricultural Land	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input checked="" type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Quality
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Forest Land/Fire Hazard	<input checked="" type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water Supply/Groundwater
<input checked="" type="checkbox"/> Archeological/Historical	<input checked="" type="checkbox"/> Geologic/Seismic	<input checked="" type="checkbox"/> Sewer Capacity	<input checked="" type="checkbox"/> Wetland/Riparian
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Minerals	<input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading	<input type="checkbox"/> Growth Inducement
<input checked="" type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Solid Waste	<input checked="" type="checkbox"/> Land Use
<input checked="" type="checkbox"/> Drainage/Absorption	<input checked="" type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Traffic/Circulation	<input type="checkbox"/> Other: _____

Present Land Use/Zoning/General Plan Designation:

See Initial Study Section 1.2, Environmental Setting

Project Description: (please use a separate page if necessary)

See Initial Study Section 1.3 Project Description *Note: Reference SCH# 200601119*

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

- Air Resources Board
- Boating & Waterways, Department of
- California Emergency Management Agency
- California Highway Patrol
- Caltrans District # 12
- Caltrans Division of Aeronautics
- Caltrans Planning
- Central Valley Flood Protection Board
- Coachella Valley Mtns. Conservancy
- Coastal Commission
- Colorado River Board
- Conservation, Department of
- Corrections, Department of
- Delta Protection Commission
- Education, Department of
- Energy Commission
- Fish & Game Region # _____
- Food & Agriculture, Department of
- Forestry and Fire Protection, Department of
- General Services, Department of
- Health Services, Department of
- Housing & Community Development
- Native American Heritage Commission

- Office of Historic Preservation
- Office of Public School Construction
- Parks & Recreation, Department of
- Pesticide Regulation, Department of
- Public Utilities Commission
- Regional WQCB # 8
- Resources Agency
- Resources Recycling and Recovery, Department of
- S.F. Bay Conservation & Development Comm.
- San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
- San Joaquin River Conservancy
- Santa Monica Mtns. Conservancy
- State Lands Commission
- SWRCB: Clean Water Grants
- SWRCB: Water Quality
- SWRCB: Water Rights
- Tahoe Regional Planning Agency
- Toxic Substances Control, Department of
- Water Resources, Department of
- Other: _____
- Other: _____

Local Public Review Period (to be filled in by lead agency)

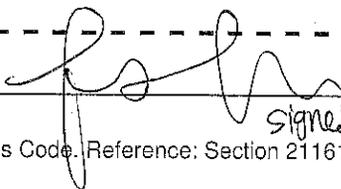
Starting Date October 22, 2013 Ending Date November 21, 2013

Lead Agency (Complete if applicable):

Consulting Firm: The Planning Center|DC&E
 Address: 3 MacArthur Place
 City/State/Zip: Santa Ana, CA 92707
 Contact: JoAnn Hadfield
 Phone: (714) 966-9220 ext. 319

Applicant: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____

Signature of Lead Agency Representative: _____



Date: 10/21/13

Signed on behalf of JoAnn Hadfield.

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

MEYER PROPERTIES

4320 VON KARMAN AVENUE • NEWPORT BEACH, CALIFORNIA 92660
(949) 862-0500 • FAX (949) 862-0515

October 28, 2013

Mr. Gregg Ramirez
Senior Planner
100 Civic Center Dr.
Newport Beach, CA 92660

Re: Supplemental EIR
General Plan Land Use Element

RECEIVED BY

COMMUNITY

OCT 31 2013

DEVELOPMENT

CITY OF NEWPORT BEACH

Dear Mr. Ramirez:

I am sure you are much more qualified than me or anyone at our company to determine the content of an environmental impact report under the California Environmental Quality Act.

It is not so much the content, in terms of required criteria, that concerns me, as much as the credibility of the content. I have had occasion to review a few EIR's completed over the past few years and they seem to often lack objectivity and are biased in favor of a predetermined goal.

I am certain you are aware this is sometimes if not often done to satisfy the client in the hope the preparer will gain future work from the client or his colleagues.

In this regard, it is my hope the City will hire a highly qualified expert who is not local to this area to review the work done by the local firm you intend to hire. This should ensure a credible document.

Thank you for considering my request.

Sincerely,

Meyer Properties



James B. Hasty
Senior Vice President

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS

1120 N STREET, Suite 3300

P. O. BOX 942874, MS-40

SACRAMENTO, CA 94274-0001

PHONE (916) 654-4959

FAX (916) 653-9531

TTY 711

www.dot.ca.gov



*Flex your power!
Be energy efficient!*

RECEIVED BY
COMMUNITY

NOV 04 2013

DEVELOPMENT
CITY OF NEWPORT BEACH

October 30, 2013

Mr. Gregg Ramirez

City of Newport Beach

100 Civic Center Drive

Newport Beach, CA 92660

Dear Mr. Ramirez:

Re: Notice of Preparation for the Newport Beach General Plan Amendment; SCH#2013101064

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The proposal is for an update to the Land Use Element of the City of Newport Beach General Plan.

In accordance with California Public Utilities Code (PUC) Section 21676 *et seq.*, prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission (ALUC), the local agency shall first refer the proposed action to the ALUC.

If the ALUC determines that the proposed action is inconsistent with the airport land use compatibility plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the ALUC by a two-thirds vote of its governing body after it makes specific findings. At least 45 days prior to the decision to overrule the ALUC, the local agency's governing body shall provide to the ALUC and the Division a copy of the proposed decision and findings. The Division reviews and comments on the specific findings a local government intends to use when proposing to overrule an ALUC. The Division specifically looks at the proposed findings to gauge their relationship to the overrule. Also, pursuant to the PUC 21670 *et seq.*, findings should show evidence that the local agency is minimizing "...the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

State law (Government Code Section 65302.3) requires each local agency having jurisdiction over land uses within the ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan.

General plans and elements must clearly demonstrate intent to adhere to ALUC policies to ensure compliance with compatibility criteria. Direct conflicts between mapped land use designations in a general plan and the ALUC criteria must be eliminated. A general plan needs to include (at the very least) policies committing the city to adopt compatibility criteria essential to ensuring that such conflicts will be avoided. The criteria do not necessarily need to be spelled out in the general plan. There are a number of ways for the city to address the airport consistency issue, including:

- Incorporating airport compatibility policies into the update.
- Adopting an airport-combining zoning ordinance.
- Adopting an “Airport Element” into the general plan.
- Adopting the airport compatibility plan as a “stand alone” document or as a specific plan.

The general plan must acknowledge that until ALUC compatibility criteria are incorporated into the general plan, proposals within the airport influence area must be submitted to the ALUC for review. These provisions must be included in the general plan for it to be considered consistent with the airport land use compatibility plan.

The proposal should also be coordinated with John Wayne Airport staff to ensure its compatibility with future as well as existing airport operations.

CEQA, Public Resources Code 21096, requires the California Airport Land Use Planning Handbook (Handbook) be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook provides a “General Plan Consistency Checklist” in Table 5A and a “Possible Airport Combining Zone Components” in Table 5B. The Handbook is a resource that should be applied to all public use airports and is available on-line at:

<http://www.dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf>

Pursuant to the Airport Noise Standards (California Code of Regulations, Title 21, Section 5000 *et seq.*), the County of Orange declared the John Wayne Airport to have a “noise problem.” The regulations require a noise problem airport to reduce the size of its “noise impact area” (NIA), which is the area within the airport’s 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour that is composed of incompatible land uses. Allowing new residential dwellings within the airport’s 65 dB CNEL contour could result in an increase, rather than the required decrease, in the size of the airport’s NIA. Consistent with the Airport Noise Standards, new residential development is not an appropriate land use within the airport’s 65 dB CNEL contour.

California Public Utilities Code (PUC) Section 21659 prohibits structural hazards near airports. The planned height of buildings, antennas, and other objects should be checked with respect to Federal Aviation Regulation (FAR) Part 77 criteria if development is close to the airport, particularly if situated within the runway approach corridors. General plans must include policies restricting the heights of structures to protect airport airspace. To ensure compliance with FAR Part 77 “Objects

“Caltrans improves mobility across California”

Mr. Gregg Ramirez
October 30, 2013
Page 3

Affecting Navigable Airspace” submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically.

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer subdivided lands, common interest developments and residential properties for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 12 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact me at (916) 654-6223, or by email at philip_crimmins@dot.ca.gov.

Sincerely,



PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, Orange County ALUC, John Wayne Airport

Ramirez, Gregg

From: King Burstein [burstein@roadrunner.com]
Sent: Thursday, October 31, 2013 10:27 PM
To: Ramirez, Gregg
Subject: We don't want Orange County to be another Los Angeles

The freeway traffic is already deplorable, it's impossible that some of our major streets like Jamboree, MacArthur, and Pacific Coast Highway in Corona Del Mar are heavily trafficked.

With all the large condo and rental units being built at this time, we are going to be more of a congested community like Los Angeles.

With all the additional cars needed for this expansion, our air isn't going to stay clean. Our present citizens are cordial, patient, and nice to each other while driving and otherwise. What is going to happen when there myriads more cars and people?

Thank you for soliciting our opinions, King Burstein and Eileen Kaufman



California Cultural Resource Preservation Alliance, Inc.

**P.O. Box 54132
Irvine, CA 92619-4132**

**An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.**

November 5, 2013

Gregg Ramirez, Senior Planner
City of Newport Beach

RE: Notice of Preparation and Scoping Meeting for the General Plan Land use Element Amendment City of Newport Beach

Thank you for the opportunity to review the above mentioned Notice. As the NOP and Initial Study indicate, there are many areas within Newport Beach that are culturally sensitive, particularly with respect to archaeological sites. Newport Beach is a densely populated urban area where most of the once numerous archaeological sites have been destroyed. This makes any existing sites especially rare and extremely important as they represent all the others that have been lost. Therefore, it is extremely important that advance planning is done so that avoidance and preservation of any existing archaeological sites that may be affected as the result of the General Plan use Element Amendments are feasible options.

Currently, the standard treatment for a significant archaeological site that is threatened by development is to conduct archaeological excavations to recover scientific data. If an archaeological site is significant because it contains important scientific information, it also contains religious and cultural values for Native American descendants. These values can't be mitigated through archaeological excavations. This is one reason why Appendix K of CEQA guidelines states that preservation is preferable to data recovery excavation. "Preservation may also avoid conflict with religious or cultural values of groups associated with the site."

Please refer to Appendix K of CEQA for a list of measures for avoiding damaging effects on an archaeological resource and include them in the EIR.

Sincerely,

Patricia Martz, Ph.D.
President

From: [Ramirez, Gregg](#)
To: [JoAnn Hadfield](#); [Frances Ho](#)
Cc: [Wisneski, Brenda](#); [Woodie Tescher](#); [Marissa Aho](#)
Subject: FW: Comment Card: November 5, 6:00pm - Newport Beach LUE Amendment Scoping Meeting
Date: Wednesday, November 13, 2013 8:27:37 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

See below.

From: Greg Sullivan [<mailto:gsullivan@wdland.com>]
Sent: Tuesday, November 12, 2013 5:46 PM
To: Ramirez, Gregg
Subject: Comment Card: November 5, 6:00pm - Newport Beach LUE Amendment Scoping Meeting

Dear Mr. Ramirez,

Per my comments at the last Scoping Meeting, I want to go onto public record to address my concerns that the Programmed EIR is lumping "trip neutral" and trade-off opportunities with projects that significantly impact traffic. While personally I am not against projects that would provide smart development in Newport Beach and increase traffic, I realize that I am in the minority and feel that an overly broad EIR significantly increases the possibility of a Greenlight vote. Therefore, I am requesting that the individual projects that are considered traffic neutral be sectioned separately from those that cause significant impacts in your studies. In particular, it appears as though all projects in the Map Reference area 4 have been lumped together vs. Map Reference 5, 17 & 18 all being addressed separately even though they are all in Newport Center/Fashion Island. Staff reassured me that this was simply for "mapping purposes", but this explanation falls short when compared to Newport Center. Additionally, as this is a programmed EIR, we respectfully request that Trip Neutral congregate care uses be addressed separately as a zoning issue and not related back to a particular property. Newport's current ordinance is too narrowly written and does not adequately accommodate for good development of this badly needed type of project for our aging population.

Greg Sullivan
1900 Beryl Lane
Newport Beach, CA 92660

Sincerely,
Greg Sullivan | Senior Land Advisor
WD LAND
94 Discovery | Irvine, CA | 92618
949.789.4555 x 63 | fax. 949.789.4556 | www.wdland.com
BRE License No. 01211887

connect with me:



The information contained in this email message is intended only for the personal and confidential use of the designated recipient. If the reader of this message is not an intended recipient, you are hereby notified that any review, use, dissemination, forwarding or copying of this message is strictly prohibited. Please notify us immediately by reply email or telephone, and delete the original message and all attachments from your system. Thank you.

Date: November 14, 2013

To: Mr. Gregg Ramirez, Senior Planner
City of Newport Beach

Subject: Response to Notice of Preparation for General Plan Land Use Element
Amendment, City of Newport Beach

From: Dorothy Kraus, 10 Wild Goose Court, Newport Beach, CA,
medjkraus@yahoo.com

Hi Gregg,

Please see comments in response to the NOP and Initial Study below. Thank you.

Dorothy Kraus

1. Transparency:

To ensure that the average Newport Beach citizen understands the proposed General Plan amendment and to ensure that there is full transparency as to how the proposed Land Use Element changes were identified, the EIR needs to include an inventory of all properties reviewed by the Land Use Element Amendment Advisory Committee, the criteria used to select each property for review and discussion, and the rationale for including or excluding the property from the proposed amendment. In other words, the EIR needs to describe how the Advisory Committee reached the end state of proposed LUE amendment changes. The Introduction and/or Project Overview section of the EIR would be an appropriate area to create a concise inventory/roadmap of how the final scope of the amendment was derived.

2. Regarding Project Alternatives:

CEQA guidelines require that an EIR describe a range of reasonable Project Alternatives. Please ensure that 'No Project' is included in the range of alternatives. If 'No Project' is not included as an alternative, please provide a detailed justification as to why it was not included in the EIR.

3. Regarding Traffic:

Again to ensure full transparency and to ensure that the average Newport Beach citizen understands how traffic impacts are derived, the EIR needs to explain in lay person's terms the traffic impact analysis methodology used, and not simply refer the reader to another City document .

4. Regarding justification for this amendment

The ‘Objective and Purpose’ section of the Initial Study states that subsequent to the adoption of the 2006 General Plan ‘...it became apparent that an amendment to the Land Use Element is needed to reflect the changes in the economy and market, recent legislation, and emerging best practices.’

Please ensure that the underlying facts and analysis are provided in the EIR that demonstrate that ‘changes in the economy and market, recent legislation and best practices’ makes it clear why the City of Newport Beach General Plan Land Use element Amendment is required.

5. Regarding this statement in section 1.3.4 Local Coastal Plan of the Initial Study:

‘The administrative draft amendment to the General Plan will be reviewed for their implications for the Newport Beach Coastal Land Use Plan (LUP), and as necessary, amendments to the LUP will be prepared to assure consistency. It is anticipated that these amendments will be processed concurrently with the General Plan Land Use Element Amendment by the City and subsequently presented to the Coastal Commission for certification.’

Please ensure that more detail is included in the EIR that describes how implications to the CNB LUP, which might result from changes to the proposed General Plan, will sync up with the work coming out of the General Plan/LCP Implementation Committee which will also go before the California Coastal Commission for certification.

6. Regarding cumulative impacts taken from the NOP:

‘XVIII. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)’

According to this statement effects of other current projects, and effects of probably future projects need to be viewed in connection with the incremental effects of this project. Please ensure that cumulative traffic impacts in the EIR take into consideration past, current, and probably future projects

From: [Ramirez, Gregg](#)
To: [JoAnn Hadfield](#); [Frances Ho](#)
Subject: FW: Notice of Preparation and Scoping Meeting General Plan Newport Beach
Date: Thursday, November 21, 2013 3:56:55 PM

NOP comment

From: Rececca Robles [mailto:rebrobles1@gmail.com]
Sent: Thursday, November 21, 2013 5:23 AM
To: Ramirez, Gregg
Subject: Notice of Preparation and Scoping Meeting General Plan Newport Beach

November 19, 2013

Gregg Ramirez, Senior Planner
City of Newport Beach

Re: Notice of Preparation and Scoping Meeting for the General Plan Land use element
Amendment City of Newport Beach.

Thank you for the opportunity to comment on the above mentioned project. We are concerned that the Project area is culturally sensitive. Site evaluations and mitigation measures should take into consideration the impacts upon and/or destruction of archaeological sites, Native American traditional cultural sites, and traditional cultural landscapes with associated traditional Native American values.

State and Federal guidelines, including SEQA, provide that with respect to archaeological sites, preservation thorough avoidance is the preferred treatment. Archaeology is a destructive process and mitigation through data recovery excavations not only result in the destruction of an important part of our cultural patrimony, but it is also labor intensive and expensive. Most importantly, site evaluations and mitigation measures do not take into consideration the destruction of Native American traditional cultural sites and landscapes. The discovery of archaeological sites early in the planning process allows archaeological sites to be preserved through avoidance and incorporation into open space areas.

We request that you continue to keep us informed about the Project. We look forward to the results of archaeological and cultural investigations and to further participation in the environmental review process. To that end, we reserve our right to comment further in the future.

Sincerely,

Rebecca Robles
Acjachemen

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
3347 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612-8894
PHONE (949) 724-2000
FAX (949) 724-2019
TTY 711
www.dot.ca.gov



*Flex your power!
Be energy efficient!*

November 19, 2013

Mr. Gregg Ramirez
Senior Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA. 92660

File: IGR/CEQA
SCH#: 2013041083
Log #: 1678C
SR-55, SR-73

Dear Mr. Ramirez:

Thank you for the opportunity to review and comment on the Initial Study for Newport Beach General Plan Land Use Element. The amendment is intended to shape future development within the City and involves the alteration, intensification, and redistribution of land uses in certain subareas of the City, including major areas such as Newport Center/Fashion Island, Newport Coast, and the Airport area near John Wayne Airport.

The Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration.

1. Caltrans has concerns with plans and projects that may impact traffic circulation and increase demand on State Transportation Facilities. For all new developing areas, major new developments, redevelopment areas that may require new or improved access, new signals or any improvements to State Transportation Facilities, particularly State Route (SR-55 and SR-73), will require close coordination with Caltrans.
2. Any major oversight project work proposed for State facilities, including SR-55 (SR-55) and State Route 73 (SR-73) would require coordination with the Department and may require an encroachment permit. For specific details on the Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual, Seventh Edition. This Manual is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits>. If an encroachment permit is required, all environmental concerns must be adequately addressed. Please coordinate with the Department to meet requirements for any work within or near the State Right-of-Way. For projects on our Right-of-Way, the Department has the authority to maintain or delegate Lead Agency status for CEQA.

"Caltrans improves mobility across California"

3. The Department supports General Plans that foster a more efficient land use pattern that (a) supports improved mobility and reduced dependency on single-occupant vehicle trips, (b) accommodates an adequate supply of housing for all incomes, (c) reduces impacts on valuable habitat, productive farmland, and air quality, (d) increases resource use efficiency, and (e) results in safe and vibrant neighborhoods. The Department recognizes that non-motorized travel is a vital element of the transportation system and therefore, encourages communities make pedestrian and bicycle activity possible, thus expanding transportation options, and creating a streetscape that better serves a range of users – pedestrians, bicyclists, transit riders, and automobiles.
4. The Highway Capacity Manual (HCM) method should be used when analyzing traffic impacts on State Transportation Facilities. The use of HCM is preferred by the Department because it is an operational analysis as opposed to the Intersection Capacity Utilization (ICU) method, which is a planning analysis. In the case of projects that have direct impacts on the state's facilities, the Department recommends that the traffic impact analysis be based on HCM method. Should the project require an encroachment permit, traffic operations may find the TIS based on ICU methodology inadequate, resulting in possible delay or denial of a permit by the Department. All input sheets, assumptions, and volumes on State Facilities including ramps and intersection analysis should be submitted to the Department for review and approval. The EIR should include appropriate mitigation measures to offset any potential impacts.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,



MAUREEN EL HARAKE
Branch Chief, Regional-Community-Transit Planning
District 12

c: Scott Morgan, Office of Planning and Research

"Caltrans improves mobility across California"



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
 www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



November 20, 2013

Mr. Greg Ramirez
 City of Newport Beach
 100 Civic Center Drive
 Newport Beach, CA 92660
 gramirez@newportbeachca.gov

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Newport Beach General Plan Land Use Amendment, Newport Beach, CA (SCH# 2013101064)

Dear Mr. Ramirez:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the Newport Beach General Plan Land Use Element Amendment Draft Environmental Impact Report (DEIR). The following statements and comments have been prepared pursuant to the Department’s authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code §2050 et seq.) and Fish and Game Code section 1600 et seq. The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of Newport Beach (City) participates in the NCCP program through its enrollment in the Central-Coastal NCCP.

The City of Newport Beach is located on the western boundary of Orange County and bordered by Huntington Beach to the northwest, Costa Mesa to the north, Irvine to the northeast and unincorporated areas of Orange County to the southeast. State Route 73 and Highway 1 traverse the City, and Interstate 405 and State Route 55 provide regional access to Newport Beach. The City’s sphere of influence includes Banning Ranch, a large open space area abutting the northwest boundary of the City.

The project is an Amendment to the City of Newport Beach General Plan Land Use Element (Amendment). The Amendment is intended to shape future development within the City and involves the alteration, intensification, and redistribution of land uses in certain subareas of the City including: Newport Center/Fashion Island, Newport Coast, and the Airport areas near John Wayne Airport. The proposed land use map designation changes include increases and/or reductions in development capacity in these subareas. The Amendment will also include Land Use Element Policy revisions related to land use changes, in support of recent neighborhood revitalization efforts, and, as appropriate, updates/refinements to policies. Subsequent Amendments to the Newport Beach Coastal Land Use Plan, the Newport Coast Local Program, and Zoning Code and Map will be necessary to reflect the Amendment to the General Plan.

The Department offers the following comments and recommendations to assist the City in avoiding or minimizing potential project impacts on biological resources.

Specific Comments

1. The Department would like to remind the City of their commitment to the Central-Coastal NCCP. As such, the City should ensure that the Amendment allows conserved lands, potential trails, and public access areas to remain highly functioning as wildlife habitat.

General Comments

1. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the DEIR and must compensate for the loss of function and value of a wildlife corridor.
 - a. The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department.¹ Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.
 - b. The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA,

¹ Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.²

2. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the DEIR.
 - a. A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
 - b. A range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

Biological Resources within the Project's Area of Potential Effect

3. In order to provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats, the DEIR should include the following information:
 - a. Per CEQA Guidelines, section 15125(c), information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis should be placed on resources that are rare or unique to the region.
 - b. A thorough assessment of rare plants and rare natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see: <http://www.wildlife.ca.gov/habcon/plant/>) (hard copy available on request).
 - c. A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 322-2493 or www.wildlife.ca.gov/biogeodata/ to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
 - d. An inventory of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, §15380). This should include

² A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1600.

sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

Analyses of the Potential Project-Related Impacts on the Biological Resources

4. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR.
 - a. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
 - b. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.
 - c. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - d. A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation for the Project-related Biological Impacts

5. The DEIR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
6. The DEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance

and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

7. For proposed preservation and/or restoration, the DEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
8. The Department recommends that measures be taken to avoid project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1- September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs.

Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

9. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
10. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Jennifer Edwards at (858) 467-2717 or via email at jennifer.edwards@wildlife.ca.gov.

Sincerely,



Betty J. Courtney
Environmental Program Manager
South Coast Region

cc: Scott Morgan, State Clearinghouse, Sacramento
Marilyn Fluharty, CDFW, San Diego
Jennifer Edwards, CDFW, San Diego
Gail Sevrens, CDFW, San Diego
Dave Mayer, CDFW, San Diego



November 20, 2013

Mr. Gregg Ramirez
Senior Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Sent via USPS and email to: GRamirez@newportbeachca.gov

Subject: Review of a Notice of Preparation for a General Plan Land Use Element Amendment

Dear Mr. Ramirez:

City of Irvine staff has received and reviewed the information on the referenced project and offers the following comments:

1. Table 1 – Proposed Land Use Changes: Clarify the proposed land use changes for the UAP Companies' property at the southwest corner of the Jamboree Road/Campus Drive intersection. Clarify whether the existing 46,044 square foot office building will remain and the 148,000 square foot congregate care facility will be proposed in addition to or in replacement of the 46,044 square foot multi-use office. Also explain what Anomaly #6 is and how it relates to the 2.0 floor area ratio (FAR) for this property. Clarify whether the 85,000 square feet of retail, 850 dwelling units and 150 hotel rooms replaces the existing 250,176 square feet of office or is an addition to the Lyon Communities project. Finally, confirm if the existing office at the Saunders property is 306,923 square feet or 360,923 square feet.
2. Please ensure that the traffic analysis prepared for the project includes both an analysis of already approved projects (i.e. General Plan build-out) as well as a cumulative analysis that includes projects currently on file or concurrently being reviewed in each of our respective cities. For example, the City of Irvine is concurrently reviewing the following projects in the vicinity of the John Wayne Airport (JWA):

Mr. Gregg Ramirez
November 20, 2013
Page 2

- JWA Settlement Agreement Amendment
- Campos Verdes (ITC) - 1,600 residential dwelling units and 17,000 square feet of retail
- Milani Apartments (18831 Von Karman) - 287 residential dwelling units
- 2772 Main and 2699 & 2719 White - 362 residential dwelling units

City of Irvine staff recommends that the study area include the intersections and arterials located within the City of Irvine bound by I-405 to the north, MacArthur Boulevard to the west, Harvard Avenue and University Drive to the east, and SR-73 to the south. Please coordinate with Sun-Sun Murillo, Supervising Transportation Analyst to obtain the approved and cumulative project lists, confirm the land use and network data for the City of Irvine and use the City's IBC Vision Plan methodology and performance criteria along arterials and intersections within the City.

3. The City of Irvine would appreciate receiving land use data and a TAZ map for the existing and proposed general plan so that we may properly assume the proposed land use changes in the City's traffic model for cumulative analysis purposes. Identify whether the City of Newport Beach has a phasing plan for implementation of the proposed land use changes. If so, please provide this information as well, so that we may properly assume land use revisions in the near-term interim-year condition as well as build-out conditions.

Thank you for the opportunity to review and comment on the proposed project. We would appreciate the opportunity to review any further information regarding this project as the planning process proceeds.

If you have any questions, I can be reached at 949-724-6314, or by email at dlaw@cityofirvine.org.

Sincerely,



David R. Law, AICP
Senior Planner

Cc: Bill Jacobs, Principal Planner (via email)
Sun-Sun Murillo, Supervising Transportation Analyst (via email)



November 20, 2013

Sent via Email

gramirez@newportbeachca.gov.

Mr. Gregg Ramirez
Senior Planner
City of Newport Beach Planning Division
100 Civic Center Drive
Newport Beach, CA 92660

**RE: NOP - General Plan Land Use Element Amendment (PA2013-098)
1.7 acre parcel at 4699 Jamboree Road & Campus Drive, Newport Beach ("Property")**

Dear Mr. Ramirez:

I am forwarding you the following comments, on behalf of Belmont Village, L.P. ("Belmont") and the owners of the Property, WPI CAMPUS LLC & UAP JAMBOREE LLC ("WPI/UAP"). We have reviewed the Initial Study (October, 2013) that has been drafted by The Planning Center for the City of Newport Beach regarding the General Plan Land Use Element Amendment. Per our correspondence of September 27, 2013 (as attached) and our on-going participation in the City's Land Use Update Committee meetings, we requested that the property located on Jamboree Road and Campus Drive (the property) be included in the General Plan Update.

We were pleased that our property was included in the Update process and is included in the Initial Study. Our property is listed on Figure 4, *Airport Area Proposed Changes* (Figure 3, No. 4; Table 1, Nos. 4A through 4D). As clearly noted on this table, our proposal is to replace 46,044 SF of existing office development with 148,000 SF of Congregate Care facilities. The table further notes that this is to occur by "Revising Anomaly #6 to allow 2.0 FAR if trip neutral Congregate Care".

Given our proposal is "trip neutral" we request that in the environmental analysis it be removed from Figure 4, *Airport Area Proposed Changes* and be listed independently. Our concern is that all the other proposed uses in the Airport Area are "additive" projects which produce significant additional ADT's. Our request is that from an environmental review standpoint, our project not be analyzed in this context.

We've noted that in Newport Center, the non-Irvine Company properties; 150 Newport Center Drive and 100 Newport Center Drive, have been segregated from the Irvine Company owned properties. We would request that our property be treated in a similar manner as the analysis proceeds.

At the Scoping Meeting held on November 5, 2013, our team put this request into the record. At that time, the response from the EIR consultant was that the grouping of land uses such as those done for the Airport Area were done for "mapping purposes only and not for analysis purposes".

We are hopeful this is the case and the environmental analysis is completed on this basis.

Sincerely,

A handwritten signature in cursive script that reads "Coralee Newman".

Coralee S. Newman
Principal
Government Solutions, Inc.

CC: Mr. Douglas Lessard
Belmont Village
Greg Sullivan
WD Land

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net
e-mail: ds_nahc@pacbell.net

November 20, 2013

Mr. Gregg Ramirez, Planner

City of Newport Beach

100 Civic Center Drive
Newport Beach, CA 92660



RE: SCH#2013101064; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the **“Newport Beach General Plan Land Use Element Amendment;”** located in City of Newport Beach; Orange County, California

Dear Mr. Ramirez:

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the

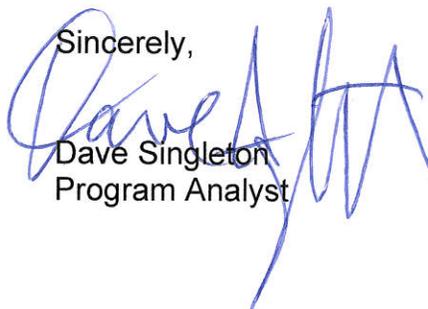
proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Singleton", is written over the typed name and title.

Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

**Native American Contacts
Orange County, California
November 20, 2013**

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

Gabrielino /Tongva Nation
Sandonne Goad, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
sgoad@gabrielino-tongva.com
951-845-0443

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

his list s only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013101064; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Newport Beach General Plan Land Use Element Amendment; located in the City of Newport Beach; Orange county, California.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

RECEIVED BY
COMMUNITY

NOV 27 2013

November 20, 2013

DEVELOPMENT
CITY OF NEWPORT BEACH

Gregg Ramirez, Senior Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Notice of Preparation of a CEQA Document for the City of Newport Beach General Plan Land Use Element Amendment Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: www.aqmd.gov/ceqa/hdbk.html. SCAQMD staff also recommends that the lead agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the lead agency quantify criteria pollutant emissions and compare the results to the recommended regional significance thresholds found here: <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a

localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment (“*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*”) can be found at: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board’s *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB’s Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying possible mitigation measures for the project, including:

- Chapter 11 of the SCAQMD *CEQA Air Quality Handbook*
- SCAQMD’s CEQA web pages at: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html
- CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.
- SCAQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions
- Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD’s Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD’s webpage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the Lead Agency to ensure that project emissions are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at imacmillan@aqmd.gov or call me at (909) 396-3244.

Sincerely,



Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

ORC131025-02
Control Number



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.5178

November 21, 2013

Gregg B. Ramirez, Senior Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Newport Beach General Plan Land Use Element Amendment

Dear Mr. Ramirez:

Thank you for the opportunity to review the initial study for the Newport Beach General Plan Land Use Element Amendment in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP)* and *Heliports AELUP*. We understand you are updating the Land Use Element to adjust the development potential in certain statistical areas of the City and to create additional development opportunities in areas where there is interest and need. We wish to offer the following comments and respectfully request consideration of these comments as you proceed with your Supplemental Environmental Impact Report (SEIR).

As part of the proposed General Plan Land Use Element Amendment, there are areas proposed for increased development capacity through increasing square footage, rooms, or dwelling units. Some of these areas are located within the airport planning area for JWA such as Newport Center/Fashion Island and the Airport Area (consisting of the Saunders Properties, The Hangars, Lyon Communities, and UAP Companies). Currently these proposed properties only consist of office buildings. The proposed project would allow for increased square footage for retail and office uses as well as residential dwelling units and hotel rooms. As with the Newport Center/Fashion Island, the Airport Area would allow for denser infill development.

We recommend that the SEIR and the Land Use Element address the height restrictions for the proposed areas of change. Some of these areas are located within the Federal Aviation Regulation (FAR) Part 77 Imaginary and Notification surfaces for JWA. We suggest adding language to the proposed Land Use Element that would clarify the height restrictions for the airport area. To ensure that aviation safety is addressed and conforms to FAR Part 77 we suggest including language that states that the building heights of projects located within the JWA Airport Planning Area (as defined in the *JWA AELUP*) be required to remain below the horizontal and transitional surfaces for JWA. Additionally, the SEIR should address development within any JWA safety zones, as shown in the *JWA AELUP*.

With respect to building heights throughout Orange County, development proposals including the construction or alteration of structures more than 200 feet above ground level, require filing with the Federal Aviation Administration (FAA) and review by the Airport Land Use Commission (ALUC). Projects meeting this threshold must comply with procedures provided by Federal and State law, with the referral requirements of ALUC, and with all conditions of approval imposed or recommended by FAA and ALUC including filing a Notice of Proposed Construction or Alterations (FAA Form 7460-1). It is suggested that the City add a mitigation specifying that development projects meeting this 200' height threshold are required to file FAA Form 7460-1.

Given that the proposed General Plan Amendment provides for new residential development patterns in the John Wayne Airport Area, the land use section of the environmental document should discuss the incompatibility of residential land uses within close proximity to JWA. General Plan policies and environmental mitigation measures should be included restricting residential uses within areas of the General Plan-designated "John Wayne Airport Area" that experience significant overflight by aircraft and aircraft noise. Future zoning level development standards related to residential development surrounding JWA should be considered.

The proposed project also affects areas within JWA noise impact zones. The Noise Section of the SEIR should address impacts related to incompatible development within the JWA 65 dB and 60 dB CNEL contours and address ALUC polices contained in the *JWA AELUP*. The proposed Land Use Element should restate that current City policy states that residential development is not allowed within the 65 dB CNEL noise contour (1985 JWA Master Plan) for JWA.

Additionally, the SEIR should identify if the City allows for the development of heliports as defined in the *AELUP for Heliports*. Should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics. The SEIR should address whether the development of heliports will be allowed within any of the areas of proposed change.

Included in the following sections of this letter are more suggestions for the City to consider as General Plan policies and EIR mitigation measures.

Sound Attenuation: Include General Plan sound attenuation policies and EIR mitigation measures for all John Wayne Airport Area residential development in order to minimize the noise impacts on the residences from present and projected future noise levels, including roadway, aircraft, helicopter and railroad and other

noise sources. The sound attenuation requirements should, at a minimum, meet all current City interior and exterior noise standards.

Avigation Easement: Include policies and mitigation measures requiring all John Wayne Airport Area residential development to record an avigation easement in the chain of title of each residential dwelling unit for noise and related aviation impacts in favor of the County of Orange, the airport proprietor of JWA, prior to issuance of building permits. The avigation easement should be in a form consistent with current Airport requirements. (This avigation easement is separate from and in addition to the “Avigation Easement for Orange County Airport” recorded March 17, 1964 in book 6965, page 721, which represents a separate John Wayne Airport “ownership” avigation easement already existing over portions of the City of Newport Beach, and separate from previously recorded avigation easements over the Santa Ana Heights area.)

Height Limitations: Include General Plan policies and EIR mitigation measures addressing height limitations on all John Wayne Airport Area residential development to limit the height of any permanent or temporary structure, to a height under 203.68 feet Above Mean Sea Level ("AMSL"), reference National Geodetic Vertical Datum of 1929 (NGVD 29), consistent with current Orange County Surveyor Adjustment Datum.

Obstruction Lighting and Marking: Include policies and mitigation measures addressing lighting and marking on all John Wayne Airport Area development as needed to comply with the conditions and recommendations by the Federal Aviation Administration ("FAA") with respect to obstruction lighting and/or marking consistent with the criteria provided in FAA Advisory Circulars 70/7460-1 and 70/7460-1K.

Disclosure of JWA Proximity: Include policy and mitigation measures for occupancy disclosure to be provided in future sales literature and sales/rental/lease agreements for the residential developments stating that the property is located in the vicinity of JWA.

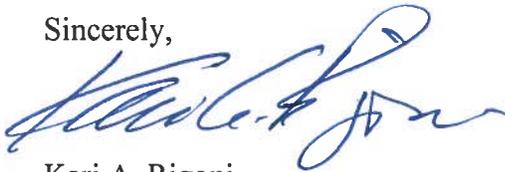
Deed Disclosure Notice: Include policy and mitigation measures for deed disclosure notification on all John Wayne Airport Area residential development units which require a "Deed Disclosure Notice" of the avigation easement. This disclosure notice must be submitted to the City and signed as a part of each sales/rental/lease agreement.

Signage: Include policy and EIR mitigation measures for signage on all “John Wayne Airport Area” parks and recreational development which requires every local park, recreational area, and private recreational facility to place appropriate signage indicating the presence of operating aircraft.

A referral by the City to the ALUC is required for this project due to the location of the proposal within an AELUP Planning Area and due to the nature of the required City approvals (i.e. General Plan Amendment) under PUC Section 21676(b). In this regard, please note that the Commission wants such referrals to be submitted and agendized by the ALUC staff between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendizing.

Thank you for the opportunity to comment on this initial study. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com if you need any additional details or information regarding the future referral of your project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kari A. Rigoni". The signature is fluid and cursive, with a large initial "K" and "R".

Kari A. Rigoni
Executive Officer

*Debbie Stevens
1120 Sea Lane
Corona Del Mar, CA 92625*

November 21, 2013

Mr. Gregg Ramirez
Senior Planner
City of Newport Beach
100 Civic Center Drive.
Newport Beach, California 92660

**SUBJECT: Comments on NOP for Newport Beach General Plan Land Use
Element Amendment Draft EIR**

Dear Mr. Ramirez:

I have reviewed the NOP/Initial Study for the Newport Beach General Plan Land Use Element Amendment. My comments on the NOP/Initial Study are summarized below.

The Initial Study indicates that the 2006 General Plan EIR will serve as “baseline” conditions for the proposed project and that the “impacts of the proposed Land Use Amendment will be the incremental differences between conditions analyzed in the 2006 General Plan EIR and the proposed amendments.” (IS, page 30). The 2006 General Plan EIR would be appropriate as the No Project Alternative; however, it is not appropriate as the baseline and the baseline should be the environmental conditions as they existing today (i.e., 2013).

As stated in the CEQA Guidelines (§15125), an “EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” Numerous court cases have confirmed that this is the appropriate baseline. “Paper plans” cannot serve as baseline. In *EPIC v. County of El Dorado* (1982, 131 Cal. App. 4th 273) the court held that the existing physical conditions should be baseline, not an existing plan. The court stated that “(t)he dispositive issue on this appeal is whether the requirements of CEQA are satisfied when the EIRs prepared for use in considering amendments to the county general plan compare the environmental impacts of the proposed amendments to the existing plan rather than to the existing environment. We hold that the EIRs must report on the impact of the proposed plans on the existing environment.” Therefore, the use of the 2006 General Plan EIR is not an appropriate baseline.

A number of other court cases have supported the requirement that the appropriate environmental baseline is the existing environmental conditions at the time that environmental review begins such as *CBE vs. SCAQMD, et al* (March 15, 2010, 48 Cal. 4th 310) which stated that the environmental setting should not be based on hypothetical future conditions (e.g., development that has not occurred yet) but should be based on actual conditions. This concept is

also supported in *Kenneth F. Fat v. County of Sacramento* (2002, 97 Cal. App. 4th 1270) and *Riverwatch v. County of San Diego* (1999, 76 Cal. 4th 1428).

This is particularly important as additional development is proposed to be concentrated in Fashion Island. New development has occurred in the Fashion Island area that was not included in the 2006 General Plan, e.g., the new city hall. In order to accurately analyze the impacts of this additional development, an accurate and appropriate baseline is essential, which must be the environment as it exists today (2013) and not 2006.

Finally, I recommend that a stand-alone EIR be prepared rather than a supplemental EIR. In order to be adequate, the 2006 EIR would need to be updated to today's (2013) environmental setting and then the impacts of the project need to be evaluated and compared to a 2013 baseline. As the City has recognized that numerous environmental issues need to be evaluated in the EIR (see Initial Study Checklist), it would be easier and less confusing to the general public to evaluate the environmental impacts of the proposed Land Use Amendments in a Project-specific or program EIR rather than a supplemental EIR.

Thank you for your consideration.

A handwritten signature in black ink that reads "Debbie Bright Stevens". The signature is written in a cursive, flowing style.

Debbie Bright Stevens
Newport Beach Resident

From: [Ramirez, Gregg](#)
To: [JoAnn Hadfield](#); [Frances Ho](#)
Cc: [Wisneski, Brenda](#)
Subject: FW: Comment on "General Plan Land Use Element Amendment (PA2013-098)" SEIR NOP
Date: Thursday, November 21, 2013 3:53:47 PM

Here come the comments!

-----Original Message-----

From: Jim Mosher [<mailto:jimmosher@yahoo.com>]
Sent: Thursday, November 21, 2013 3:34 PM
To: Ramirez, Gregg
Cc: Houston, Rob
Subject: Comment on "General Plan Land Use Element Amendment (PA2013-098)" SEIR NOP

Gregg,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the "General Plan Land Use Element Amendment (PA2013-098)" SEIR as announced on the Newport Beach City website.

I notice the NOP states "the following topics will not be discussed further in the EIR: Agriculture Resources, Biological Resources, Geology and Soils, Hydrology and Water Quality, Mineral Resources, and Recreation."

In a quick review of the accompanying Initial Study (IS) dated October 2013 and a comparison with the instructions for completing the checklist in Appendix G of the State CEQA Guidelines, I find the dismissal of at least some of these topics to be quite conclusory and unsupported by any clear evidence or criteria. Specifically, step 9 of the Guidelines for "EVALUATION OF ENVIRONMENTAL IMPACTS"(quoted on pages 35-36 of the IS) calls for an explanation of each issue that should identify: "a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measure identified, if any, to reduce the impact to less than significance." As a test case, I would imagine major changes in land use could have a "significant" impact on the demand for recreational facilities. In Section 3.17 of the IS these concerns are dismissed as "less than significant" (and therefore requiring no further analysis) but I am unable to locate

any explanation of the criteria or threshold on which this conclusion is based, that is: what level they are less than. It is possible that information is somewhere in the IS, but I have been unable to find it.

At least for me, this is a pervasive problem in reviewing the IS/NOP, for without knowing the criteria or threshold, and in many cases the factual information from which the presumed quantitative impacts were projected, it is difficult to say if I agree or disagree with the preparer's conclusion -- or that the threshold of significance selected was one the community would agree is a reasonable one.

I hope this is addressed in the SEIR and we will be given a clearer picture of the level of potential impacts that have been dismissed as "less than significant" and unworthy of further analysis.

Yours sincerely,

Jim Mosher
2210 Private Road
Newport Beach, CA. 92660
(949) 548-6229

Orange County Sanitation District

10844 Ellis Avenue, Fountain Valley, CA 92708
(714) 962-2411 www.ocsewers.com

RECEIVED BY
COMMUNITY

NOV 25 2013

DEVELOPMENT
CITY OF NEWPORT BEACH

November 21, 2013

Gregg Ramirez, Senior Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report
for the General Plan Land Use Element Amendment

This letter is in response to the above referenced Notice of Preparation for the Draft Environmental Impact Report for the City of Newport Beach (City) General Plan Land Use Element Amendment. The City is within the jurisdiction of the Orange County Sanitation District (OCSD). The proposed General Plan amendment involves the modification of land use designation to address development capacity throughout the City.

OCSD has several regional sewers that serve the City. For large General Plan changes, OCSD requests that both the City and regional sewer systems be modeled to understand any potential impacts to the sewer systems. OCSD also requests that the City review, update, and provide updated sewer maps to OCSD for our records. Please use the following flow factors, unless the City has more accurate flow factors, to estimate current and future flows in the Draft Environmental Impact Report:

- 727 gpd/acre for estate density residential (0-3 d.u. /acre)
- 1488 gpd/acre for low density residential (4-7d.u. /acre)
- 3451 gpd/acre for medium density residential (8-16 d.u./acre)
- 5474 gpd/acre for medium-high density residential (17-25 d.u./acre)
- 7516 gpd/acre for high density residential (26-35 d.u./acre)
- 2262 gpd/acre for commercial/office
- 3167 gpd/acre for industrial
- 2715 gpd/acre for institutional
- 5429 gpd/acre for high intensity industrial/commercial
- 150 gpd/room for hotels and motels

Serving:
Anaheim
Brea
Buena Park
Cypress
Fountain Valley
Fullerton
Garden Grove
Huntington Beach
Irvine
La Habra
La Palma
Los Alamitos
Newport Beach
Orange
Placentia
Santa Ana
Seal Beach
Stanton
Tustin
Villa Park
Yorba Linda
County of Orange
Costa Mesa
Sanitary District
Midway City
Sanitary District
Irvine Ranch
Water District





Gregg Ramirez
Page 2
November 21, 2013

Also, please note that any construction dewatering within the City (public or private) that involve discharges to the local or regional sanitary sewer system must be permitted by OCSD prior to discharges. OCSD staff will need to review/approve the water quality of any discharges and the measures necessary to eliminate materials like sands, silts, and other regulated compounds prior to discharge to the sanitary sewer system.

Thank you for the opportunity to comment on the proposed General Plan amendment. If you have any questions, please contact me at 714-593-7119.

Daisy Covarrubias, MPA
Senior Staff Analyst

DC:sa
EDMS:003981226/1.8g



Environmental Planning and Sustainability

750 University Tower
Irvine, CA 92697-2325
(949) 824-6316
(949) 824-1213 Fax

21 November 2013

Gregg Ramirez, Senior Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92658-8915

Subject: NOP EIR – General Plan Land Use Element Amendment (PA2013-098)

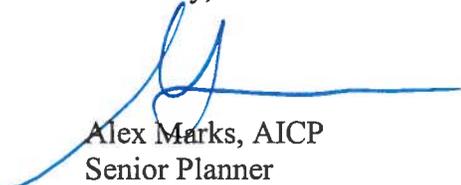
Dear Mr. Ramirez:

Thank you for the opportunity to review the Initial Study (IS) and Notice of Preparation for a Draft Supplemental Environmental Impact Report (SEIR) for the City’s General Plan Land Use Element Amendment.

The SEIR analysis should consider existing and future UC Irvine North Campus land uses and vehicular trip assumptions as described in the campus Long Range Development Plan (LRDP) and LRDP Final Environmental Impact Report. Existing land use in the North Campus located along Jamboree Road and Campus Drive includes the UC Irvine Child Development Center, administrative and academic facilities, and the UC Irvine Arboretum. Additionally, the SEIR analysis should include existing and future North Campus access/egress points indentified in the LRDP.

Please contact me at (949) 824-8692 if you require additional information regarding UC Irvine planning.

Sincerely,



Alex Marks, AICP
Senior Planner

RECEIVED BY
COMMUNITY

DEC 02 2013

DEVELOPMENT
CITY OF NEWPORT BEACH

NCL-13-050

November 25, 2013

Mr. Gregg Ramirez, Senior Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, California 92660

SUBJECT: Notice of Preparation for the General Plan Land Use Element Amendment and offers the following comments:

Dear Mr. Ramirez:

The County of Orange has reviewed the Notice of Preparation for the General Plan Land Use Element Amendment.

Environmental Resources:

In response to your request for input on the subject project, Water Quality Compliance has reviewed the document, and offers the following comments:

The NOP indicates the City's General Plan would be amended to allow potential increases in development in certain areas. Precise plans of development for such actions would then later be subject to normal development processing. As a result, it is concluded the current project could not present significant surface water quality impacts, and that potential surface water quality issues need not be addressed in the EIR. This approach does not provide decision-makers on this EIR with information concerning unique challenges facing any new development draining to such sensitive and impaired water bodies as Newport Bay.

The EIR should at a minimum identify all downstream Receiving Waters that may receive contributory runoff from project sites entailing increased development opportunities, and describe the sensitivity of these Receiving Waters, including identification of Areas of special Biological Significance, water bodies with Total Maximum Daily Loads (TMDL), and clean Water Act Sec. 303(d) listed impaired water bodies, for which future TMDLs will be prepared with which new projects will need to comply.

If you have any questions or need clarification please do not hesitate to call me at (714) 667-3211.

Sincerely,



Polin Modanlou, Manager
Strategic Land Planning Division
OC Public Works/OC Planning Services
300 North Flower Street
Santa Ana, California 92702-4048
Polin.Modanlou@ocpw.ocgov.com

cc: Chris Crompton, Manager, OC Public Works/Environmental Resources



1919 S. State College Blvd.
Anaheim, CA 92806-6114



October 30, 2013

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

Attn: Gregg Ramirez

**Subject: Environmental Impact Report for the 2006 General Plan Land Use Element
Amendment, Newport Beach**

Thank you for providing the opportunity to respond to this E.I.R. Document. We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from an existing gas main located in various locations. The service will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a Public Utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Estimates of gas usage for residential and non-residential projects are developed on an individual basis and are obtained from the Commercial-Industrial/Residential Market Services Staff by calling (800) 427-2000 (Commercial/Industrial Customers) (800) 427-2200 (Residential Customers). We have developed several programs, which are available upon request to provide assistance in selecting the most energy efficient appliances or systems for a particular project. If you desire further information on any of our energy conservation programs, please contact this office for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Armando Torrez", written over a large, light-colored oval scribble.

Armando Torrez
Technical Services Supervisor
Orange Coast Region- Anaheim

AT/ps
EIR.doc



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

November 18, 2013

Gregg Ramirez, Senior Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Notice of Preparation of a Draft Supplemental EIR for the General Plan Land Use Element Amendment (PA2013-098)

Dear Mr. Ramirez:

Thank you for forwarding the NOP/Initial Study for the subject project. The City of Huntington Beach looks forward to reviewing the draft Supplemental EIR when it becomes available.

Sincerely,

Jennifer Villasenor
Senior Planner



8554 Katy Freeway
Suite 200
Houston, TX 77024
Tel: 713.463.1700
Fax: 713.647.9601
www.belmontvillage.com

September 27, 2013

VIA ELECTRONIC MAIL

Mr. Edward Selich, Council Member
Chair, Land Use Element Advisory Committee
100 Civic Center Drive
Newport Beach, CA 92660

Re: General Plan Amendment - Land Use Element modification of 1.7 acre parcel at 4699 Jamboree Road & 5190 Campus Drive, Newport Beach CA 92660 ("Property").

Dear Council Member Selich:

Belmont Village, L.P. ("Belmont") and the owners of the Property, WPI CAMPUS LLC & UAP JAMBOREE LLC ("WPI/UAP), respectfully request a modification of the allowed Floor Area Ratio ("FAR") for development of an Assisted Living/Congregate Care facility as part of the proposed General Plan Land Use Element Amendment ("General Plan Amendment").

Belmont has participated in the Advisory Committee meetings from the start and has been advised by city staff to locate a suitable site for its proposed development. Belmont proposes to develop an Assisted Living/Congregate Care facility with a maximum of 170 residences on the Property and maintain traffic neutrality.

Assisted Living/Congregate Care Needed: Newport Beach is an aging community and demographics strongly support the need for more Assisted Living/Congregate Care. The Zoning Code allows Assisted Living/Congregate Care in only a few sites zoned as Private Institutional. None of these sites are available for redevelopment nor would they allow adequate FAR. A modification to the General Plan is necessary to allow more development of Assisted Living/Congregate Care to address the future care needs of senior citizens in Newport Beach.

Traffic Neutrality: The attached traffic study shows that an Assisted Living/Congregate Care facility with 170 residences will produce the same daily traffic as the current entitlements on the Property, but with substantially fewer AM and PM peak trips. We understand that the City has its own model to calculate traffic, but traffic experts have advised that the traffic conversion from Commercial Office to Assisted Living/Congregate Care will be very similar under any calculation model.

FAR Modification: As part of the General Plan Amendment, we request an increase in FAR to 2.0 in order to develop an Assisted Living/Congregate Care with a maximum of 170 residences on the Property. The proposed project would be approximately 148,000 square feet in size which would require a FAR of 2.0. The proposed project can be built vertical (6 stories & 75 feet as proposed) as the existing zoning allows building height up to 125 feet.

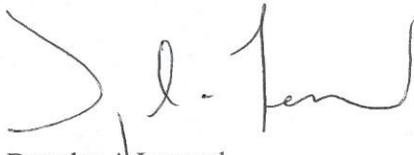
We have attached an example site-fit for the proposed project. The 6 story building would have a 25,000 sq. ft. footprint which fits nicely on the 1.7 acre (74,052 sq. ft.) parcel. The building footprint conforms to the previously approved office building envelope and required setbacks of the Koll Specific Plan. The facility would be approximately 148,000 sq. ft. with a maximum of 170 residences. All parking would be underground.

Compatible Use: The proposed development would enhance the corner of Jamboree and Campus, a major gateway to the city. Assisted Living/Congregate Care is an institutional type use and compatible with the surrounding uses. Next to the Property are two non-residential uses including a County Courthouse (Institutional) and commercial offices. An Assisted Living/Congregate Care facility will serve as a buffer between those uses and the existing and planned multifamily developments across Jamboree and Campus.

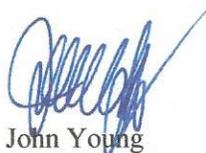
Koll Specific Plan: A subsequent zoning amendment to the Koll Specific Plan will also be necessary to allow Congregate Care/Assisted Living on the Property.

We thank you for consideration of our request. Please do not hesitate to contact us with any questions or comments.

Sincerely,



Douglas A Lessard
Senior Vice President
Acquisitions & Investment
Belmont Village Senior Living
dlessard@belmontivillage.com



John Young
Manager
WPI CAMPUS LLC;
UAP JAMBOREE LLC
4699 Jamboree, Newport Beach CA 92660

CC: Kim Brandt
Brenda Wisneski
Greg Ramirez
Cora Newman

DRAFT

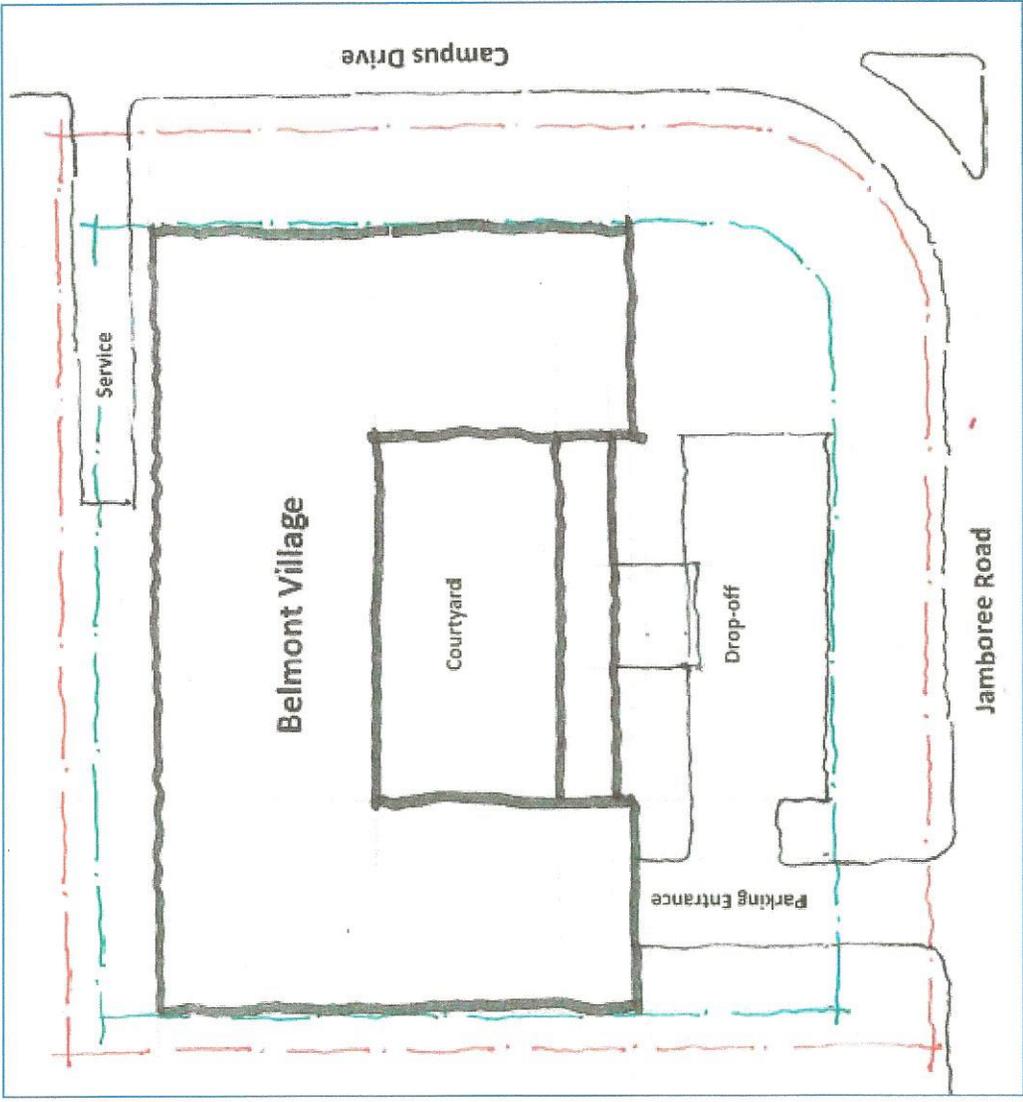
Table C
TRIP GENERATION COMPARISON [1]
46,000 SF OFFICE BUILDING
(PM PEAK HOUR EQUIVALENCY)

LAND USE	SIZE	DAILY TRIP ENDS [2] VOLUMES	AM PEAK HOUR VOLUMES [2]			PM PEAK HOUR VOLUMES [2]		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Independent/Assisted Living [3],[4]	170 DU	506	18	14	32	25	22	47
Multi-Family [5]	76 DU	505	8	31	39	31	16	47
Hotel [6]	56 Rooms	500	22	16	38	19	20	39
General Office [7]	46,000 GSF	507	63	9	72	12	57	69

- [1] Source: ITE "Trip Generation Manual", 9th Edition, 2012.
- [2] Trips are one-way traffic movements, entering or leaving.
- [3] ITE Land Use Code 252 (Senior Adult Housing - Attached) trip generation average rates.
 - Daily Trip Rate: 3.44 trips/DU; 50% inbound/50% outbound
 - AM Peak Hour Trip Rate: 0.20 trips/DU; 34% inbound/66% outbound
 - PM Peak Hour Trip Rate: 0.25 trips/DU; 54% inbound/46% outbound
 It is assumed that 55 of the 170 units are independent living units.
- [4] ITE Land Use Code 254 (Assisted Living) trip generation average rates.
 - Daily Trip Rate: 2.74 trips/Occupied Bed; 50% inbound/50% outbound
 - AM Peak Hour Trip Rate: 0.18 trips/Occupied Bed; 68% inbound/32% outbound
 - PM Peak Hour Trip Rate: 0.29 trips/Occupied Bed; 50% inbound/50% outbound
 The trip generation forecast is based on one occupied bed per dwelling unit. It is assumed that 115 of the 170 units are assisted living units.
- [5] ITE Land Use Code 220 (Apartment) trip generation average rates.
 - Daily Trip Rate: 6.65 trips/dwelling unit; 50% inbound/50% outbound
 - AM Peak Hour Trip Rate: 0.51 trips/dwelling units; 20% inbound/80% outbound
 - PM Peak Hour Trip Rate: 0.62 trips/dwelling units; 65% inbound/35% outbound
- [6] ITE Land Use Code 310 (Hotel) trip generation average rates.
 - Daily Trip Rate: 8.92 trips/occupied rooms; 50% inbound/50% outbound
 - AM Peak Hour Trip Rate: 0.67 trips/occupied rooms; 58% inbound/42% outbound
 - PM Peak Hour Trip Rate: 0.70 trips/occupied rooms; 49% inbound/51% outbound
- [7] ITE Land Use Code 710 (General Office Building) trip generation average rates.
 - Daily Trip Rate: 11.03 trips/1,000 SF of floor area; 50% inbound/50% outbound
 - AM Peak Hour Trip Rate: 1.56 trips/1,000 SF of floor area; 88% inbound/12% outbound
 - PM Peak Hour Trip Rate: 1.49 trips/1,000 SF of floor area; 17% inbound/83% outbound

Example Site Layout – Jamboree & Campus

- 1.7 acre site
- Approximate 25,000 sq ft building footprint
- 6 story structure
- Approximately 148,000 GSF
- Footprint fits easily within envelop of approved office building with larger setback from Jamboree (blue lines)
- Koll Specific Plan setbacks maintained
- All Parking underground



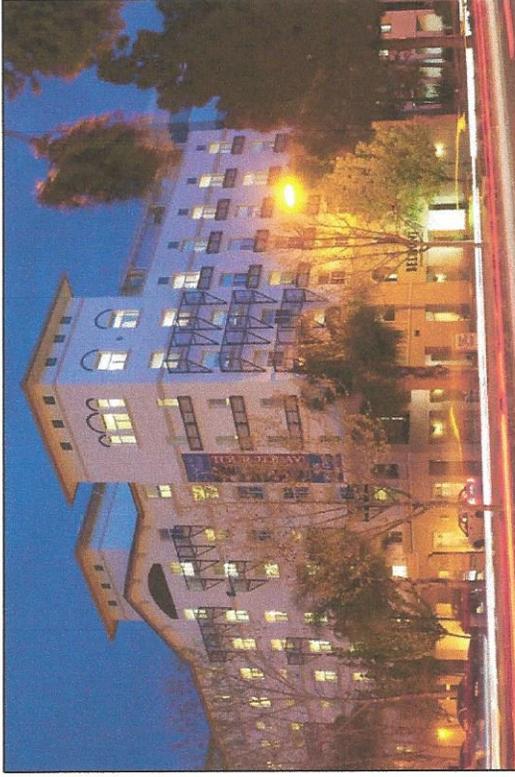
CONFIDENTIAL

Examples of Vertical Developments



**Belmont Village of Westwood
10475 Wilshire Blvd, Los Angeles CA**

- 1.7 acre site
- 6 floors
- 156,000 sf.;
- 168 IL/AL/ALZ residences
- Underground parking garage
- UCLA Affiliation



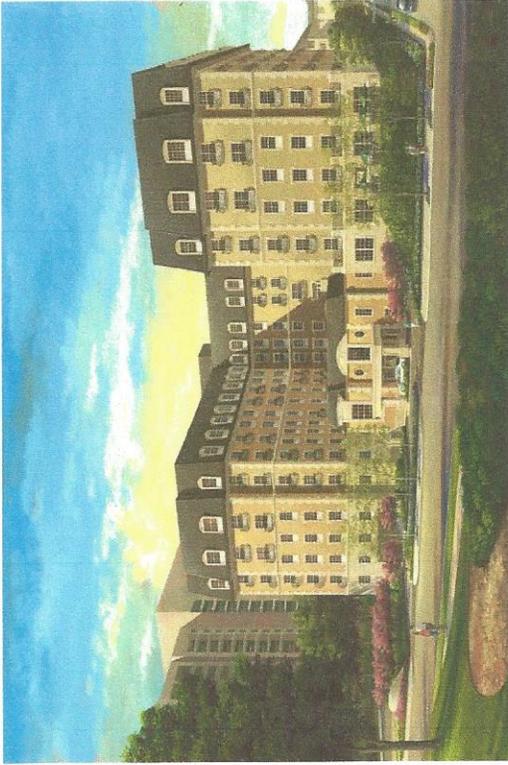
**Belmont Village of San Jose
500 S. Winchester Blvd, San Jose, CA**

- 0.75 acre site
- 7 floors; 89 ft height
- 97,000 sf building
- 136 AL/ALZ residences
- Underground parking garage
- Next to Santana Row Mixed Use Development



CONFIDENTIAL

Examples of Vertical Developments



Belmont Village of Turtle Creek

Dallas Texas

- 7 floors
- 198,435 sf.;
- 212 IL/AL/ALZ residences
- 2 levels of underground parking
- 2 acre site
- Completed August 2013



Belmont Village of Hunters Creek

Houston Texas

- 6 stories
- 161 AL/ALZ units
 - 109,608 sf.
 - Surface parking
 - 2.1 acre site
 - Est. completion in August 2014



CONFIDENTIAL