CITY OF NEWPORT BEACH
ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DATE/TIME: **Monday, October 19, 2009**
7:00 p.m.
LOCATION: **Police Department Auditorium**
870 Santa Barbara Drive

Roll Call

1. Minutes of September 21 2009 (*attachment*)
2. Report from subcommittee on Draft EIR for City Hall and Park Development Project (1000, 1100, 1300 and 1450 Avocado Avenue) and review and approval of comments *(Subcommittee report attached)*
3. Discussion and recommendation to City Council on potential regulation of leaf blowers *(attachment)*
4. Review and confirmation of subcommittee assignments on Draft EIR for Sunset Ridge Park
5. Task Force on Green Development Representatives' Report
6. Coastal/Bay Water Quality Committee Representatives' Report
7. Economic Development Committee Representative's Report
8. Report from Staff on Current Projects
9. Public Comments
10. Future Agenda Items
11. Adjournment

NEXT MEETING DATE: ***November 16, 2009***

*Attachments can be found on the City's website http://www.newportbeachca.gov. Once there, click on ***Agendas and Minutes*** *then scroll to and click on* ***Environmental Quality Affairs***. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2nd Floor.

Any writings or documents provided to a majority of the Environmental Quality Affairs Committee regarding any item on this agenda will be made available for public inspection in the Planning Department located at 3300 Newport Blvd., Newport Beach, CA 92663 during normal business hours.

Attachment No. 1

Draft Minutes 09/21/2009

CITY OF NEWPORT BEACH
ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DRAFT MINUTES 9-21-09

Draft minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach City Council Chambers, 3300 Newport Boulevard, on **Monday, September 21, 2009.**

Members Present:

X	Nancy Gardner, Council Member	E	Barbara Thibault
X	Michael Henn, Council Member	X	Laura Curran
X	Kenneth Drellishak, Chair	X	Vincent Lepore
X	Kimberly Jameson	X	Kevin Nolen
E	Kevin Kelly	X	Arlene Greer
		X	Sandra Haskell
	Michael Smith	X	Kristine Adams
X	Jeff Herdman	X	Timothy Stoaks
X	Nick Roussos	X	Jay Myers
E	Joan Penfil	X	Charles McKenna
X	Bruce Asper		Ray Halowski
X	Merritt Van Sant	X	Michael Alti

Staff Representatives: **Guests:**

X	Sharon Wood, Assistant City Manager	Morgan Stoaks Amy Senk, CoronadelMarToday.com

Chairperson Drellishak called the meeting to order at 7:03 p.m.

1. Minutes of August 17, 2009

Sandra Haskell moved to approve the minutes of August 17, 2009, with the correction to show Vincent Lepore as present. Vincent Lepore seconded the motion.

Motion passed unanimously

2. Report from subcommittee on Draft EIR for Megonigal residence (2333 Pacific Drive)

The Committee reviewed and discussed amendments to the draft comments. Tim Stoaks moved and Kristine Adams seconded that the comments be approved as amended.

Motion passed unanimously

3. Discussion and recommendation to City Council on potential regulation of leaf blowers

The Committee discussed additional information that may be helpful to the City Council, and Kimberly Jameson, Laura Curran and Kristine Adams volunteered to research additional information. The item was continued to October 19, 2009.

4. Review and confirmation of subcommittee assignments on Draft EIR for Civic Center project

Chairperson Drellishak discussed review assignments and deadlines for submittal of comments.

5. Task Force on Green Development Representative's Report

No report

6. Coastal/Bay Water Quality Committee Representative's Report

No report

7. Economic Development Committee Representative's Report

No report

8. Report from Staff on Current Projects

Sharon Wood reported that the review period for the Draft EIR on Sunset Ridge Park will be October 20 to December 14.

9. Public Comments - None.

10. Future Agenda Items

11. Adjournment

Chairperson Drellishak adjourned the meeting at 9:10 p.m.

Attachment No. 2

Subcommittee Report on DEIR for City Hall and Park Development Project and Project Description pp 3-1 thru 3-18

TO: Jaime Murillo, Associate Planner October 20, 2009

Planning Department
City of Newport Beach

FROM: Environmental Quality Affairs Citizens Advisory Committee (EQAC)

SUBJECT: Comments on DEIR SCH No. 2009041010, "City Hall and Park Development Plan", dated September 2009

EQAC is pleased to submit the following comments and questions for your consideration related to the subject DEIR. We understand that this project is of major significance to the City of Newport Beach and its citizens and we hope that our inputs will help to make this project a source of civic pride for all concerned. Our inputs are presented in order of appearance in the DEIR with appropriate section/page citations to facilitate your review.

4.1 LAND USE

Existing City Hall Site: The DEIR states that the proposed project includes "reuse of the existing City Hall site with other public facilities uses. Reuse of the site in such a manner would be consistent with the Public Facilities General Plan land use designations on the existing City Hall site" (DEIR, p. 4.1-33). Because the existing City Hall site is part of the proposed project, the DEIR needs to elaborate on what the actual future uses will be at that site, and whether they will indeed be public facilities uses. Otherwise, there is a potential inconsistency with the General Plan and zoning designations for the current City Hall site as well as potential environmental impacts resulting from those uses.

Coastal Act: The DEIR states that the Coastal Act is not applicable to the proposed project site (DEIR, p. 4.1-9). The DEIR needs to clearly state whether or not the future City Hall site is located within the Coastal Zone. The DEIR also states that the City's Local Coastal Land Use Plan applies to the existing City Hall site, but that "no changes in use or architectural or physical improvements to the existing City Hall site that would conflict with the City's existing CLUP are proposed as part of this project" (DEIR, p. 4.1-34). Again, the DEIR needs to clarify what the actual future uses will be at the existing City Hall site; otherwise there remains a potential inconsistency with the City's Local Coastal Land Use Plan.

Historical Element: The DEIR states that there are two known prehistoric archaeological sites within the proposed project site, and that the site is considered to be sensitive for subsurface archaeological and paleontological resources (DEIR, p. 4.1-13). Although these resources may be discussed in a different section, the discussion in the Land Use section of the DEIR needs to at least summarize how these archaeological and paleontological resources are being addressed or considered.

Arts and Cultural Element: The DEIR briefly summarizes the Arts and Cultural Element of the General Plan (DEIR, p. 4.1-14) but needs to contain an analysis of how the proposed project is consistent with that element and will further the goal of providing "improved and expanded arts and cultural facilities and programs to the community."

Airport Land Use Plan: The DEIR states "the project site is located within the John Wayne Airport Planning Area, and is subject to the restrictions contained in the applicable AELUP" (DEIR, p. 4.1-21). The DEIR needs to explain what those restrictions are and how they apply to the proposed project.

SCAG Regional Comprehensive Plan and Guide: The DEIR mentions SCAG's Regional Comprehensive Plan ("RCP) and states that the SCAG RCPG "includes a package of policies related to growth and development that seeks to coordinate infrastructure with projected population and housing growth" (DEIR, p. 4.1-21). However, the DEIR does not contain any specific analysis of how the Project will further these SCAG policies. The DEIR merely includes a conclusory statement stating "the proposed project would be consistent with SCAG policies encouraging job growth near transportation modes and promoting the use of alternative transportation" (DEIR, p. 4.1-34). There needs to be more analysis, other than just relying on the fact that the proposed project will be located near the OCTA Newport Transportation Center.

General Plan Consistency: Table 4.1.B in the DEIR is a General Plan Land Use Policy Consistency Analysis. Page 4.1-26 of the DEIR lists Policy LU 5.2.1 "Architecture and Site Design" yet the related analysis has nothing to do with architecture and site design, rather focusing on access to natural habitat areas and viewpoints. The analysis needs to discuss whether the proposed project will "exhibit a high level of architectural and site design" consistent with the points specified in the General Plan. Likewise, Policy LU 5.4.2 is called "Development Form and Architecture" and requires that "new development ... be designed to convey a unified and high quality character in consideration of the following principles" including architectural design, signage, and building facades (DEIR, p. 4.1-28). Again, the analysis in the DEIR addresses natural habitat, open space and viewpoints. The DEIR needs to specifically address consistency with Policy LU 5.4.2. Finally, General Plan Policy LU 6.1.3. requires "architecture and planning that complements adjoining uses" (DEIR, p. 4.1-30). The DEIR states "The proposed project was designed to be consistent with the mass and scale of surrounding buildings." The DEIR needs to elaborate on how the proposed project will be consistent with adjoining uses instead of just making a conclusory statement.

Exemptions from Zoning Regulations: The DEIR states that "a city or county may exempt itself from the provisions of its own zoning regulations, or it may amend its Zoning Code to include a provision that the regulations shall not apply to capital improvement projects" (DEIR, p. 4.1-33). The DEIR needs to provide some authority supporting this conclusion.

Zoning Inconsistency: The DEIR states that the proposed Civic Center would not be consistent with the Open Space land uses assigned to that area of the Project site under Planned Community Zoning District PC-27 (DEIR, p. 4.1-33). The DEIR states that "the City proposes to take action to either exempt itself from the provisions of its own Zoning Code and the Newport Village Planned Community Development Plan (PC-27) or amend PC-27 to assign Government and Institutional uses to the area of the Central Parcel proposed for development as the Civic Center." The DEIR should state which action the City will be taking; and if this is not yet known, how the City will determine a plan of action and on what grounds.

Sight Plan: The elevator at the southern end of the parking structure will extend into the Sight Plane (DEIR, p. 4.1-34). The DEIR states "this height extension would be approximately 4 ft 9 inches and 5 ft 2 inches on the north and south sides of the elevator, respectively. The overall scale of this exceedance relative to the Sight Plane is minimal

and would not significantly impact public views." The DEIR needs to substantiate this conclusion by explaining why this exceedance is minimal and would not impact public views.

Traffic: The DEIR states that one intersection (Newport Boulevard southbound ramps/West Coast Highway) is projected to operate at an unacceptable level of service (DEIR, p. 4.1-38). It is not clear why this intersection is relevant to the Project, other than its location to the north of the existing City Hall site. The DEIR should discuss traffic issues near the proposed Civic Center site, including along MacArthur, San Miguel and Avocado.

Cumulative Impacts. The DEIR concludes that "the conversion of the proposed project site from vacant land to a passive park and Civic Center complex would not result in a potential inconsistency with the City General Plan or other land planning documents..." (DEIR, p. 4.1-38). This statement is not accurate because the DEIR itself stated that the proposed Civic Center would not be consistent with the Open Space zoning designation assigned under the PC-27 Zoning District (p. 4.1-33).

4.2 TRAFFIC AND CIRCULATION

San Miguel Drive Geometric Improvements Analysis, pp 4.2-39,40, states that " This section analyzes the effects of proposed improvements to San Miguel Drive. The project includes..... following geometric improvements..... as part of the proposed project:

- A third eastbound left-turn lane from San Miguel Drive onto MacArthur Boulevard
- A third eastbound through lane at San Miguel Drive/Avocado Avenue
- A defacto eastbound right-turn lane from San Miguel Drive onto MacArthur Boulevard
- A defacto westbound right-turn lane from San Miguel Drive onto Avocado Avenue"

As shown in Table 4.2.D, all of the study intersections currently operate at an acceptable LOS D.

While the study intersections are calculated to operate at an acceptable LOS, it should be noted that the MacArthur Boulevard/San Miguel Drive and Avocado Avenue/San Miguel Drive intersections have experienced operational issues in the past due to the combination of the short spacing between the intersections and heavy turning movements.

No Data was provided that indicates the widening of San Miguel in this short of distance will be affective in improving the congestion in this impacted intersection. Please provide data of a specific intersection where this medication concept of adding lanes was successful in short a short area of roadway.

On p. 4.2-39, the DEIR asserts that "Sight distances at the project entrance at Avocado Avenue and Farallon Drive will need to be confirmed as adequate relative to the vertical grade of Farallon Drive. Therefore, a detailed sight distance analysis must be prepared for the proposed project entrances, especially the main entrance at Avocado Avenue and Farallon Drive, to ensure that safe access and egress are provided (Mitigation Measure 4.2.3(sic)). The sight distance analysis..... indicate limited use areas (i.e., low-

height landscaping) and on-street parking restrictions (i.e., red curb), if necessary. These modifications would be undertaken to provide adequate sight distance"..

Sight distances for the project entrance are "assumed" to be adequate, although a detailed sight distance analysis has not been done for the proposed location. If the distances do not meet the guidelines of the city, will this cause all traffic criteria to be revised? What other options are available?

On p. 4.2-29, the DEIR states that "Mitigation Measure 4.2.1 requires restriping of the northbound Bayside Drive approach to the East Coast Highway intersection..... With the restriping, a.m. and p.m peak-hour v/c..... would be 0.89 and 0.86, respectively. This intersection would operate at LOS D in the a.m. and p.m. peak hours. Therefore, with implementation of Mitigation Measure 4.2.1, the cumulative traffic impacts at Bayside Drive/East Coast Highway would be reduced to less than significant during the a.m. peak hour for forecast General Plan build out with project traffic".

. Does this Mitigation take into account the proposed Bayside Dr. roadway re-striping per the city's website under General Service's improvement projects?

The proposed Civic Center project is providing 475 parking spaces using traffic studies only based on the number of projected employees [295] or the ULI 361 parking space criteria? Referencing Table 4.2U, City parking requirements, the current number of city vehicles is 37. With the increase in proposed number of employees, will the number of city vehicles increase as well? Analysis was only done with today's actual count of vehicles and actual visitor counts based on current employee headcount. Shouldn't parking demand be increased based on realistic escalations of these two factors (city vehicles and future visitors)?

4.3 AESTHETICS

Visual Character- The visual character of the project site will be altered from scrub landscape to regulated park paths and buildings. Further open space in the City will be eliminated.

Scenic Vistas- The view corridors from various points on surrounding streets appear to be intact It does not appear that views from the northern portion will be affected. Presently, a grove of pine and palm trees cuts into a portion of the scenic vista. Is the grove to remain?

There is an open culvert running through the northern portion of the property. It is unsightly, as well as being a potential hazard for park visitors. Will the culvert be covered or otherwise isolated from the public?

The central portion of the property will have substantial alteration to its character. A building will block the vista afforded from the plateau on the property. An elevator shaft will extend 5 feet into the sight plane of adjacent neighbors. Is it necessary for the elevator to extend into the sight plane?

Although there are no "designated scenic resources" at this site, the two arroyos are verdant and offer an inviting vista of shade. The native plants used to replace the present growth need to be similarly appealing.

Within the wetland area, there is a very large open drainpipe. It appears to be a dangerous hazard. Is there a plan to cover it in some manner?

Onsite Views- In the northern portion, a dog park is planned on 1/2 acre. This seems too small an area for this purpose. The area will soon be stripped of all vegetation. For reference, visit the Costa Mesa Bark Park. Is this a token dog park area to satisfy the dog element in our City?

Also in the northern portion, the San Miguel Overpass Bridge will limit the vista because of its height. If the plan is to build the bridge 20 feet to the bottom of the bridge, it will project at least 4 or 5 feet above that height when complete. Is this bridge necessary?

New Sources of Light and Glare- The DEIR addresses this problem at length. After the library was completed, the most common complaint from the adjacent neighbors concerned the glare from inside lighting, especially at night. The Civic Center project addresses this problem by the use of automated internal blinds and auto dim lights in City Hall. Can our leaders actually see enough to work when the lights are dimmed for "small task lighting"?

Exterior lighting is dark sky compliant. The park portion of the properties will have no nighttime lighting. Would this present an attractive opportunity to neighborhood mischievous makers? Should there be minimal security lighting?

24 foot light poles in the Civic Center and Parking Structure would cast light and glare onto the adjacent neighborhood. Is the height of the lights dictated by safety or code issues? Do the lights need to be this tall?

4.4 AIR QUALITY

The DEIR adequately covers key issues related to air quality during the construction and operational phases of the project. However, it is not clear from the DEIR whether there will be visible plumes of exhaust from project sources during the operational phase (recall issues related to steam plumes at the Hoag Hospital site). Are any such visible effects expected from this project and, if so, what mitigation has been employed to minimize them?

Two additional items should be addressed:

(1) The construction management plan should include adequate signage and contact information to deal with questions, concerns and emergencies.

(2).The parking plan should include provisions for flexible facilities to accommodate charging of a reasonable number and variety of visitor electric vehicles.

4.5 BIOLOGICAL RESOURCES

Park Design Guidelines- The Civic Center Plan Design Guidelines, item f. call for a 'Natural park, i.e. one that is reflective of the region's natural habitats, and not significantly manicured nor oriented towards turfgrass'. The Civic Center Plan/EIR calls for removal of 11 acres of native habitat, with 1+ acre retained. Some of this is in the area foreseen for the City Hall, Parking Garage and entrance areas. Some of this, however, is in the 5.6 acre Park section, where the highest quality, intact Coastal Sage Scrub (CSS) plant communities currently exist. The areas currently marked for preservation are highlighted in Appendix D: Biological Assessment Report, Page 30 - Figure 8, Page 31 - Plant Communities, Table B.

The areas in Appendix D: Biological Assessment Report, Page 30,Figure 8, show that the Wetlands habitat would be preserved. However, immediately adjacent, the Civic Center site supports extensive Coastal Sage Scrub habitat, from a range of plant communities. The Park plan as proposed would remove significant, well established natural Coastal Sage Scrub habitat. For example, in the northeastern section, adjacent to the wetlands, supports a stand of Prickly Pear Cactus, (Coastal Prickly Pear (Opuntia littoralis), a signature CSS species.

Please clarify the need for the removal of the natural plant communities. Do options exist to support the planned amenities (i.e. trails, bird blind) while maintaining the natural plant communities? What grading is required to install the amenities, and what is optional?

Landscaping Plan- Without a comprehensive landscaping plan, which identifies plant communities and species to be established, it is difficult to determine the potential impact of the landscaping on wildlife, current and future. Has analysis been completed to show the expected wildlife, particularly birds and small mammals, which would be expected to visit the site?

Soils (section 3.11, p.3-65)- Soils would be removed ... and would be 'amended to make it suitable for plantings'. The existing site proposed for the Park area supports CSS communities. What is the basis for the determination that the existing soil will not support plantings, and that the soil must be 'amended to make it suitable for plantings'? How can this determination be made without a landscaping plan in place?

The park design calls for plantings reflective of the region's natural habitat and plant communities. Pages 4.5-8-15 discuss the condition of the existing plant communities. The majority of the plant communities received a rating of good; (Sagebrush-Mulefat 2.3.6.1), Sagebrush-Grassland Econtone/Sere (2.8.1), Southern Cactus Scrub (2.4), Deerweed (2.8.6), Freshwater Marsh (6.4), Willow Riparian Scrub (7.2) or Moderate; Coyote Brush Scrub (2.3.9), Mixed Scrub (2.3.10), Mulefat Scrub (7.3). The Plan calls for replanting of species, e.g. Mulefat in areas of the Park which would be graded. Is it possible to adjust the grading plan to accommodate the planned paths/amenities and maintain the soils for these species?

Grading and removal of existing topsoil for new landscaping would eliminate existing viable soil and increase costs. Has a cost/benefit analysis been completed including;

-Grading for specific amenities with maintenance of existing plant communities where possible.
-Grading and replanting of all vegetation, in accordance with Design guidelines?

Newport Beach General Plan, Natural Resources Element 10.3, Siting of New Development states, ' Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits. (Policy HB 8.16) (Imp 2.1, 6.1). Complete replacement of the existing natural plant communities with new landscaping would require extensive watering and maintenance to establish native plantings in the areas outside of the perimeter identified in Page 30, Figure 8. Though irrigation will be required with any project, replacement of existing viable habitat would increase the amount of potential water runoff next to the wetlands areas marked for preservation, which must be managed, as well as the cost.

The Civic Green (section 3.5.5, p. 3-43)- The DEIR states that the Civic Green will be 'landscaped with turf, ornamental species and areas of paving'. Please clarify which ornamental species are envisioned. What is meant by "Ornamental Species"? Is the intent to use Native Plantings in an ornamental setting and to achieve desired aesthetic objectives.

Separately, the use of subtropical species is identified for the Civic Green. Please explain:
1) which subtropical species are under consideration for use and where
2) how this is consistent with the natural character of the site and 'reflective of region' (Design guidelines)
3) why they would be used rather than local species
4) cost of managing subtropicals on this site: water/ maintenance compared to other options.

Dog Park- The northern parcel includes a Dog Park with restrooms to be used at the OCTA site and near City Hall. Parking at site includes 16 spaces. Overflow will be in the Parking Garage. As a result, dog owners will walk dogs through the Park. Please analyze the impact of dogs in the main park section, and proposed management plans. Further, policies need to be established for dog activity in the public areas and public buildings.

Air Quality- Where will the Library Drop off boxes be located? Has the impact been measured of people driving into the site/Parking Garage and parking to reach a drop off box? The current options require either entering and circling the parking lot which generates more emissions and congestion, or exiting one's car on Avocado, which is a safety concern. Has a 'mailbox' drop off been considered?

4.6 CULTURAL RESOURCES

This section is well written, comprehensive and it appears that numerous state and local statutes and regulations have covered the field.

It appears there is small likelihood that architectural or archeological, cultural or paleontological resources exist or are likely to exist in the area and if they do exist, rules are in place to handle each type of situation. The affected area/s has/have been "wasteland" (not even planted in an aesthetic manner) for so long that the project is a welcome one, even besides its potential usefulness for the community.

4.7 GEOLOGY AND SOILS

4.7.8. Mitigation Measures (p. 4.7-15)

The DEIR references the Geotechnical Study prepared by Leighton Consulting Inc. The language used under Mitigation Measure 4.7.1. subheading "Subsurface Drainage", page 4.7-16 does not reflect the conclusions and recommendations in Leighton's report.

"Subterranean Slab Floor Design" - Page 21, Section 5.7.

The DEIR states, "in the unlikely event ground water is encountered during constructions and is at a depth that would impact project structures (post construction) ... ". This should be amended to reflect the language in the Geotechnical Study "The subterranean floor slabs planned for the proposed development will be in close proximity to at least the groundwater table encountered and may be periodically submerged."

Note: Leighton's report identifies a possible obstacle to obtaining Storm Water design credits under the LEED-NC Silver Certification. Under 3.3, "Percolation Characteristics", the percolation test performed indicates that the bedrock at the tested depth has a percolation rate of less than 0.02 gallon per day, per square foot (gal/day/sq.ft.). Therefore, an on-site infiltration system may not be feasible.

4.8 GLOBAL CLIMATE CHANGE(GCC) AND GREENHOUSE GAS(GHG) EMISSION

Many of the Mitigation Measures described in Table 1.A of the Executive Summary contain language that, while well-meaning, does not provide any guarantee with respect to achieving successful mitigation practices. For example "The City is committed to evaluating and implementing energy efficiency programs and procedures.", "The City will continue to implement existing waste reduction programs, including office recycling, source reduction, waste reduction and reuse, purchase of recycled content products and source separation and recycling of materials, including composting of biodegradable materials...", and, "The City will continue to seek new opportunities to promote commuter carpooling and transit use.". Because desires to mitigate are often not easily realized in practice please provide further details (general timelines, milestones for mitigation progress, etc.) indicating how the less easily enforceable mitigation practices are envisioned to be scheduled to implement and carryout. Timelines and milestones for mitigation events will allow mitigation to proceed in a more systematic and tractable fashion, with perhaps the net effect of a more significant mitigation effort.

A good deal of the emissions from the project will arise from automobile travel associated with the project. While it may not be feasible, we did not see mention of

consideration given to including charging stations for electric vehicles, in anticipation that (at a minimum) the City may segue into this form of transportation for it's fleet of employee vehicles in the future. Please indicate in the DEIR whether plans of this sort would be achievable in the project, and if so, how.

Throughout section 4.8 the conclusion is that the impact of project operations on the GCC factors will be "cumulatively considerable". However, if it is unavoidable that unmitigated "project operations would result in more than 6,000 metric tons of CO2e per year", every year, in perpetuity, it seems important to know how much of an increase (if any) this amount is over the CO2e produced by the operation of the old City Hall site. That is, assuming that the old City Hall site will experience a potentially significant decrease in GCC factors by the displacement of many services and personnel from that site, please provide the following additional information to allow a comparative assessment of:

(1) a comparable measure of the amount of CO2e arising from old City Hall operations prior to moving operations from the old site and after moving
(2) the estimated difference between the total old and new CO2e amounts.
(3) an evaluation of the impacts of this difference (if any) over the GCC impact of the old site. In theory, because the new City Hall will be LEED-silver, and the old City Hall is not, there could be a GHG improvement by moving the majority of City operations to the new site, and this important potential difference is not discussed in the DEIR.

Does the "more than 6,000 metric tons of CO2e per year" estimate also include the new Library facility? If so, it would be instructive to break out the existing Library site's GHG contributions and weigh these with the additional (if any) contributions that will be made by the rebuilt Library portion of the project.

On page 4.8-22 & 23 mention is made of the Guidance portion of the Recommended Approaches for Setting Interim Thresholds for Greenhouse Gases Under the California Environmental Quality Act. There it is stated that, while no recommendations are made for uncommon projects (such as this one), it does state that: "...the Guidance states that some small residential and commercial projects, emitting 1,600 metric tons of CO2e per year or less, would clearly not interfere with achieving the State's emission reduction objectives in AB 32 (and EO S-03-05), and thus may be deemed categorically exempt from CEQA". The Guidance does not state or imply that projects emitting more than 1,600 metric tons of CO2e per year will necessarily result in a significant impact, although at this point, the Guidance has no precise numerical threshold for commercial and residential projects.

For industrial projects, the Guidance proposes that " projects that emit less than 7,000 metric tons of CO2e per year may be considered less than significant, recognizing that AB 32 will continue to reduce or mitigate emissions from these sorts of projects over time." In view of these recommendations, it seems that if the new City Hall project does not contribute in excess of an additional 1,600 metric tons of CO2e per year compared to the Old City Hall project, then it could be deemed as not adding additional interference with the State's emission reduction objectives cited. Moreover, the project is projected to emit less CO2e per year than the 7,000 metric ton criterion set by the State for industrial projects, and arguably City operations are much more like an industry than a residence.

Please include comments on this issue to aid in understanding, and help address, the unmitigated impacts of the project.

Seeking LEED-NC Silver certification for the project is commendable. However, please state briefly in the context of the LEED certification discussion, the rationale for why Silver certification is achievable for this project, but Gold or Platinum are not appropriate goals.

4.10 HYDROLOGY AND WATER QUALITY

Will there be any significant storage of excavated material on site during excavation of the project? If so, how extensive will that storage be and what provisions are included to prevent contaminated run-off?

5.0 ALTERNATIVES

INTRODUCTION (5.1.1)

1. Page 5-2; numbered bullet #1 in this section: **Project Objectives** – Since approval of Measure B in February 2008 calling for the development of the City Hall and Park at the proposed site, no alternative would seem possible. Why is it even necessary for there to be an analysis of alternative sites? Is this section of the DEIR specifically required under the CEQA guidelines?

2. Page 5-5; Table 5.A: **Geographically Unsuitable Sites** – The DEIR states that possible sites numbers; 6, 7, 8 and 13 are unsuitable because they are too far removed from most of the city's population and therefore eliminated them from further consideration. However no standards or criteria for this analysis are provided in the DEIR. Please provide the basis for these findings.

3. Page 5-5; Table 5.B: **Technically or Practically Infeasible Sites** – The DEIR states that possible site number 11 (Camelback Building) is infeasible due to "Problematic assess issues." The basis for this determination is not clarified within the DEIR and is not as self evident or clear-cut as some of the other reasons provided for rejection of the other sites. Please provide further explanation for this finding.

4. Page 5-7; Footnote [1]: **Recommendations of the City Hall Site Committee** – The DEIR states in a footnote that the proposed City Hall and Park site, was not one of the Committee's two final site recommendations to the City Council, but rather that the combination of the "north" and "central" parcels into one large site was made subsequently. The DEIR does not elaborate on how this recommendation came about or why the City Hall Site Committee failed to recommend this option initially. Please provide further background information on circumstances that lead to the proposal that was eventually accepted.

EXISTING ZONING ALTERNATIVE (5.4.2)

5. Page 5-16; second to last and last paragraphs: **Traffic Circulation** –
   Part A –The DEIR states that if San Miguel Drive was used as part of the construction route there would be potentially significant impact, therefore mitigation would be necessary to be sure that construction material were not delivered by this route. The DEIR does not clarify the alternative route. Please provide details regarding the route planned to mitigate the significant impact.

   Part B – The DEIR states that the Existing Zoning Alternative would result in far fewer trips per day and therefore NOT require the restriping of the intersection of Bayside Drive & East Coast Highway. This intersection is almost 2 miles from the proposed City Hall & Park site. The DEIR does not explain why restriping in this location is necessary.

6. Page 5-24; second full paragraph: **Public Services, Utilities and Service Systems** – The DEIR states that the Existing Zoning Alternative's use of water would be greater then that of the proposed project. This conclusion is not supported by data within the DEIR nor does it appear to make common sense. The proposed project would include the large Civic Green and landscaping around the various new buildings plus essentially the same passive park. How could all these improvements use less water then the passive park alone? Please explain this conclusion.

CORPORATE PLAZA ALTERNATIVE (5.4.3)

7. Page 5-42; first complete paragraph: **Public Services, Utilities and Service Systems** – The DEIR once again states that the Existing Zoning Alternative's use of water would be greater then that of the proposed project. This conclusion is not supported by data within the DEIR nor does it appear to make common sense. The proposed project would include the large Civic Green and landscaping around the various new buildings plus essentially the same passive park. How could this improvements use less water then the passive park alone? Please explain this conclusion.

8. Page 5-43; first complete paragraph: **Recreation** – While noting that this alternative would not realize the recreation goals associated with the Civic Green and Library expansion, the DEIR never-the-less concludes that the Corporate Plaza West Alternative and the proposed project would have different but comparable impacts related to recreation. This conclusion appears wrong on its face. The Civic Green and library expansion produce many new recreation options absent in the Corporate Plaza Alternative. Please provide further explanation of how this conclusion was reached.

9. Page 5-43; third paragraph, third sentence: **Recreation** – The DEIR states the Corporate Plaza Alternative site "...would not accommodate the Fire Station." When was incorporation of a fire station ever a part of this alternative's or the planned project's goals? Please explain this statement.

MODIFIED CONSTUCTION SCHEDULE ALTERNATIVE (5.4.5)

10. Page 5-65; last complete paragraph on page: **Global Climate Change** – The DEIR states "...that the proposed project would result in a significant unavoidable cumulative impact related to activities that may impede achievement of the State's goal for reducing GHG emissions to 1990 levels by 2020." The alternative would

only spread out the emissions but not mitigate them. The analysis seems to end there i.e.: nothing can be done, therefore, ignore the matter further. The DEIR offers no further comment; is this acceptable? Is this avoidance OK because of the report's conclusion that the No Growth/No Development Alternative is the best option for mitigating potentially significant environmental impact?

IDENTIFICATION OF ENVIRONMENTALLY SUPERIOR ALTERNATIVE (5.5)
Page 5-70 & 71; **Conclusions** – The DEIR states that since the No Project/No Development Alternative is the most favorable to mitigate against potentially significant environmental impact of the proposed project, CEQA guidelines require that it suggest the environmentally superior alternative among the remaining alternatives. The DEIR goes on to consider some of the alternatives and appears to conclude that the Existing Zoning Alternative is the next best alternative. Absent however from the DEIR'S discussion is any mention of either the Reduced Project or Modified Construction Schedule Alternatives. Why are these two alternatives not mentioned in this all-important concluding section?

6.0 LONG-TERM IMPLICATIONS OF THE PROJECT

"Significant Irreversible Environmental Changes" are discussed on page 6-1 in the context of how impacts of the proposed project compare with current uses of the site. Large increases in yearly electrical utilization (1,061,000 kWh/yr), natural gas consumption (17,000 therms) etc. are noted. However, this presentation does not recognize a reduction in use of these resources by elimination of usage at the current City Hall site on the Balboa Peninsula. Wouldn't it be more meaningful to cite incremental differences in resource utilization between the new City Hall site and the old site? This same question relates to the discussion of project GHG production (more than 6,000 metric tons of CO2 per year) on page 6-5. Assuming implementation of all the proposed GHG reduction strategies, how does the proposed project compare with the current City Hall site?

Section 6.2.4, Precedent-Setting Action, page 6-4, states that "the proposed project does not propose any precedent-setting actions..... encourage other projects ...". However, the proposed project is being built on land that was once designated as "Open Space" and has been changed to allow this project. This should be recognized as precedent-setting in the EIR since future land use designation change requests could refer back to this project for justification.

7.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure 4.2, PDF-TRA-1, page 7-3: What is the justification for a pedestrian over-crossing? Expense and sight line interference are negative impacts? What are the benefits of this bridge? Has a pedestrian traffic analysis been done, anticipating the pedestrian bridge traffic flow and need?

Mitigation Measure 4.2.1 appears to include an assumption that there is a traffic impact over a mile away from the proposed City Hall site at the Bayside Drive/PCH intersection. Is there a traffic analysis to support this? The proposed traffic count at the Bayside Drive/PCH intersection is to be done in one year from some indefinite future time. It's not clear why this is a traffic concern for this project.

Measures 4.4.1 & 4.4.2, pages 7-3 and 7-4: These two sections are but two of many fine examples in this DEIR of thorough and well planned mitigation measures, in this case involving air pollution and dust concerns.

Mitigation Measure 4.4.5, page 7-8: In the last sentence of this paragraph, the "overall length of the construction period" is unclear as to intent. Does this lengthen the construction day (already 7AM to 6:00 PM, M-F per page 7-34) or the total proposed project construction period in weeks and/or months?

EQAC appreciates the opportunity to participate in the review and evaluation of this landmark project for the City of Newport Beach.

3.0 PROJECT DESCRIPTION

3.1 PROJECT SUMMARY

This Environmental Impact Report (EIR) has been prepared to evaluate environmental impacts that will result from the development and operation of the Newport Beach City Hall and Park Development Plan (proposed project) on an approximately 20-acre site in the City of Newport Beach (City). The following discussion provides an introduction to the proposed project and summarizes its components. A more detailed description of the project and its components is provided in Sections 3.2–3.7.

The proposed project site is located in the City between Avocado Avenue and MacArthur Boulevard. Refer to Figure 3.1 for a project overview location map and to Figure 3.2 for a proposed project site location map. The project site currently consists of four parcels identified as Assessor's Parcel Numbers (APNs) 442-014-24, 442-014-25 and 442-014-26, and 442-014-27. APNs 442-014-25 and 442-014-26, the Library Parcels, are collectively referred to as the southern parcel, while the other two parcels are referred to as the northern and central parcels. Figure 3.3 provides the approximate parcel boundaries on the proposed project site. Altogether, the proposed project site is approximately 20 acres. The northern parcel and the central parcel, both of which are currently vacant, are separated by San Miguel Drive. The southern parcel is occupied by the existing Newport Beach Public Library located at 1000 Avocado Avenue; the Library would remain after project implementation.

The proposed project would result in the relocation of City functions (except for Fire Station No. 2)[1] currently taking place at the existing City Hall located at 3300 Newport Boulevard to the proposed project site. The proposed project includes eight primary components, including: (1) construction and operation of an approximately 98,000-square-foot (sf) City Hall administration building, Community Room, and Council Chambers; (2) a 450-space parking structure; (3) an approximately 17,000 sf expansion of the Newport Beach Central Library (Library); (4) a dedicated 4,800 sf Emergency Operations Center (EOC); (5) a Civic Green; (6) construction of a 14.3-acre public park that includes a dog park, wetlands area, bridges over the wetlands, lookouts, and a pedestrian overcrossing over San Miguel Drive; (7) widening of San Miguel Drive; and (8) reuse of the existing City Hall structures located at 3300 Newport Boulevard with public facilities uses. Throughout this EIR, project components 1–5 are collectively referred to as the Civic Center.

[1] Fire Station No. 2 serves a specific area of the Peninsula and Lido Isle and coincidentally is on the existing City Hall site.

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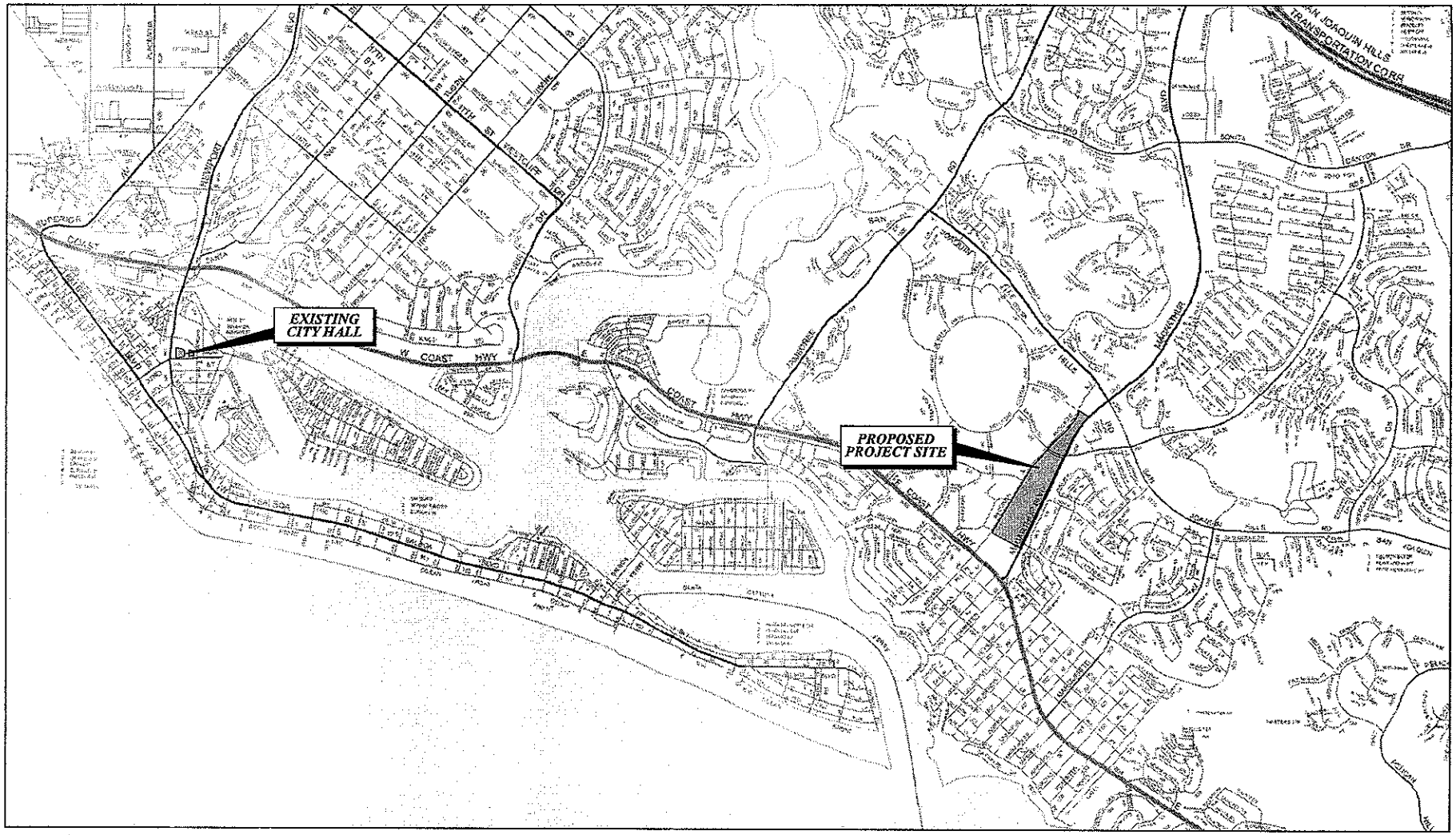

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FIGURE 3.1

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SOURCE: The Thomas Guide

Newport Beach City Hall and Park Development Plan

Project Overview Location Map

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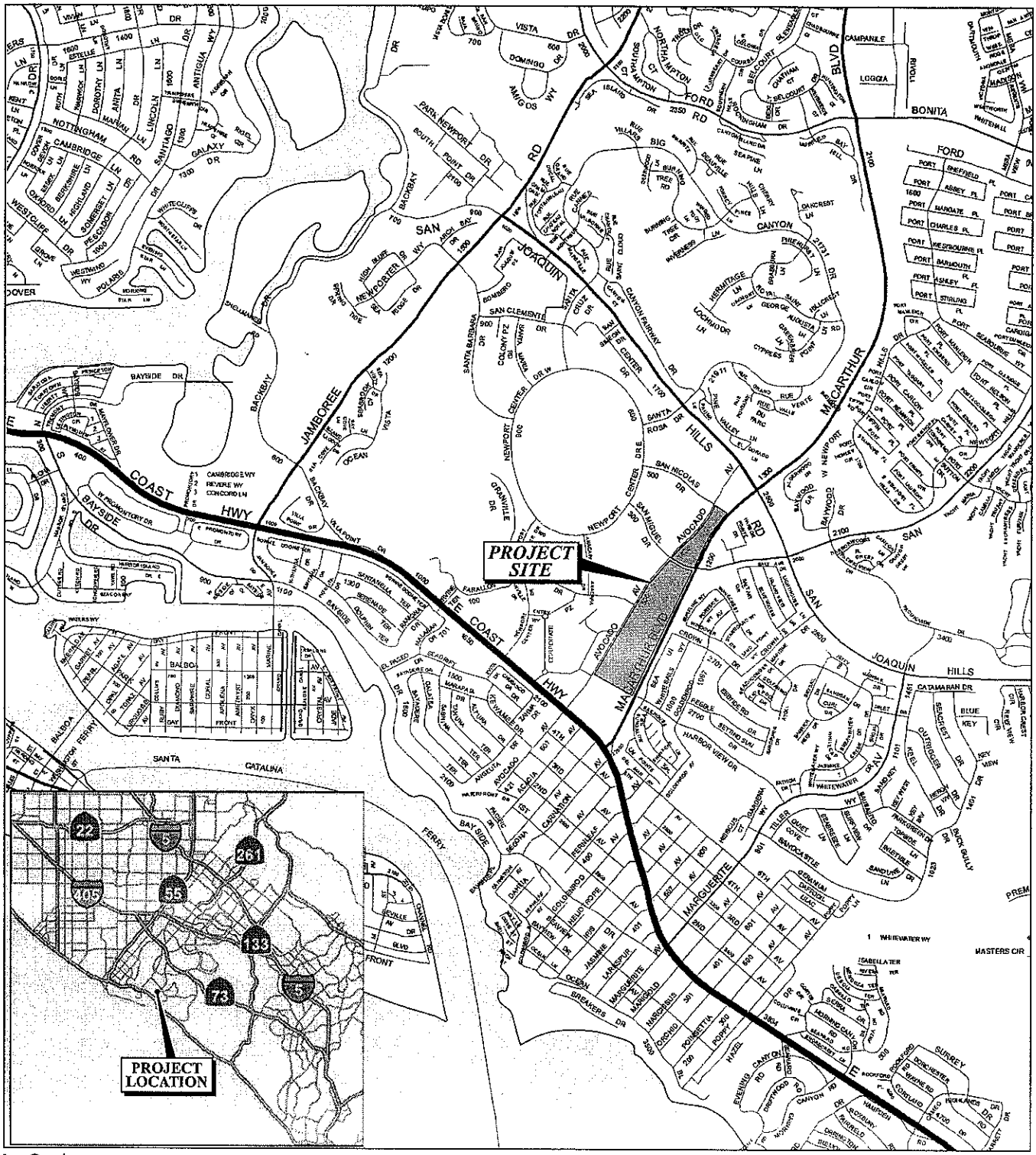

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FIGURE 3.2

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SOURCE: The Thomas Guide

Newport Beach City Hall and Park Development Plan

Proposed Project Site Location

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LEGEND

- Northern Parcel
- Central Parcel
- Southern Parcel

0 250 500

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SOURCE: DigitalGlobe (4/08)

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FIGURE 3.3

Newport Beach City Hall and Park Development Plan

Parcel Bounderies

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The City, as the Lead Agency, has the authority for preparation of this Draft EIR and, after the comment/response process, certification of the Final EIR (FEIR) and approval of the proposed project. The City and Responsible Agencies have the authority to make decisions on discretionary actions relating to the development of the proposed project. This EIR is intended to serve as an informational document to be considered by the City and the Responsible Agencies during deliberations on the proposed project. This EIR evaluates and provides mitigation for a reasonable worst-case scenario of potential impacts associated with the proposed project.

This EIR will serve as a Project EIR pursuant to the Guidelines for the California Environmental Quality Act (State CEQA Guidelines) (California Code of Regulations [CCR] Title 14, Chapter 3, Sections 15000–15387), Section 15161. According to Section 15161 of the State CEQA Guidelines, a Project EIR is appropriate for specific development projects for which information is available for all phases of the project, including planning, construction, and operation. This EIR will provide project-level analysis for all aspects of the project.

As noted above, the existing City Hall site and the proposed project site are physically separated but are both considered to be part of the project. A "project," under CEQA, means the whole of an action that has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (State CEQA Guidelines Section 15378). Reuse of the existing City Hall structures is included as part of the proposed project evaluated in this EIR because (1) the proposed City Hall cannot be operated without the relocation of existing City Hall functions from the existing City Hall site to the proposed project site, and (2) it is unlikely that the existing City Hall facility would remain vacant.

3.2 PROJECT HISTORY

For at least two decades, the City has considered making changes to its City Hall. The current effort began in 2001 with a thorough analysis of the current City Hall site on Newport Boulevard. The study found that the aging facility has several significant problems, including insufficient work space, lack of adequate parking, lack of full Americans with Disabilities Act (ADA) accessibility to every aspect of the campus, an inability to provide a more customer service-oriented plan check area (a "one-stop shop" [OSS]), and inefficient heating, ventilation, and air-conditioning (HVAC) and electrical systems. A new City Hall was needed, but funding and location issues needed to be resolved. The City's Facilities Finance Review Committee determined that the City has the financial means to build a City Hall along with the ability to finance other key city infrastructure improvements. These improvements are detailed in the City's Facilities Replacement Plan (FRP).

The location of City Hall, however, was a matter of much public debate. This was resolved in February 2008, when a special ballot measure, Measure B, was approved by voters. Measure B amended the City Charter to require that City Hall be located on City-owned land on Avocado Avenue.[1]

[1] Measure B provided as follows: *Shall the City of Newport Beach Charter be amended to require City Hall, city administrative offices and related parking to be located on City property which is bounded by Avocado Avenue on the west, San Miguel Drive on the north, and MacArthur Boulevard on the east, and Newport Beach Central Library on the south?*

The proposed project site includes the vacant 11.8-acre parcel north of the Newport Beach Central Library on Avocado Avenue (as stipulated by Measure B) and the vacant 4.2-acre parcel between San Miguel Drive and the Orange County Transportation Authority (OCTA) Newport Transportation Center, also along Avocado Avenue, in addition to the existing 4-acre Central Library parcels (as described above, two parcels compose the Central Library site).

With the project location determined, the City Council voted (on February 28, 2008) to begin the planning, design, and construction process for the new City Hall and park. The Council established a design process and appointed a City Hall and Park Design Committee (Design Committee) comprised of local architects and landscape architects to conduct an architectural design competition. The City issued a Request for Qualifications (RFQ) for the design of the new City Hall and park in April 2008. More than 50 teams comprised of architects and landscape architects submitted qualifications by the May 19, 2008, deadline. Members of the Design Committee individually reviewed each RFQ before collectively evaluating the submittals during a series of public meetings.

The Design Committee narrowed the field to 13 design teams and then agreed upon the top 5 finalists to recommend to the City Council for approval. The City Council unanimously approved the committee's recommendations at its June 24, 2008, meeting.

Each of the five designated teams received a $50,000 stipend and approximately 3 months to prepare a concept plan for the new City Hall and park. The design committee hosted an all-day public meeting on September 27, 2008, to review each team's concept plan. The committee hosted additional public meetings as it evaluated and ranked the five plans before forwarding its recommendations to the City Council in November 2008. The City Council approved the Committee's recommendation and selected Bohlin Cywinski Jackson and its concept plan on November 25, 2008. The proposed project presented in this EIR is a refinement of the concept plan approved by the City Council in November 2008. The refined concept plan was approved for evaluation in this EIR in April 2009.

3.3 PROJECT OBJECTIVES

The following objectives have been established for the Newport Beach City Hall and Development Plan project and will aid decision-makers in their review of the project and associated environmental impacts:

1. Implement the February 2008, voters' approval of Measure B for a new City Hall, including the City Hall administration building, Community Room, Council Chambers, and a parking structure on City-owned property located between MacArthur Boulevard and Avocado Avenue.

2. Incorporate the proposed City Hall into an overall Civic Center Complex at the proposed project site, which would include a Library Expansion, a dedicated EOC, and a Civic Green. A park and a pedestrian overcrossing linking the park areas on the northern parcel with the park areas on the central and southern parcels should also be constructed.

3. Accommodate the relocation of all existing City Hall uses to the proposed project site, with the exception of the Fire Station.

4. Implement Policy R.1.9 of the City's General Plan by developing a passive park (a park without sports fields) that is integrated with the proposed Civic Center Complex.

5. Integrate the 3.24-acre parcel (northern parcel) located between MacArthur Boulevard and Avocado Avenue, and north of San Miguel Drive, as a portion of the proposed public park and incorporate features that will encourage use of the proposed project site.

6. Provide adequate on-site parking and circulation for all City vehicles, employee vehicles, and visitors of the new Civic Center Complex uses.

7. Minimize costs to the City by developing the proposed Civic Center Complex on a site that does not require the condemnation of private property or result in excessive site acquisition costs to the City and that requires minimal demolition and tenant relocation.

8. Preserve and enhance the existing on-site wetlands.

9. Protect and enhance public views to the ocean and harbor from MacArthur Boulevard by maintaining the existing Sight Plane above the proposed project site and providing lookouts in the park plan.

10. Improve public infrastructure on and near the proposed project site, including adjacent roadways, to both serve on-site uses and to enhance operations in the vicinity of the project.

11. Incorporate sustainable features into the project via innovative design techniques to achieve energy savings, water efficiency, potable water use reduction, carbon dioxide emissions reduction, operational cost savings, and improved indoor environmental quality compared to conventional construction.

12. Construct a dedicated EOC to allow better and faster citywide and regional coordination of response to emergency events, including earthquakes, fires, floods, tsunamis, and air disasters.

13. Expand the capacity of the Newport Beach Central Library and create a distinct linkage between the Library and the Civic Green, the parking structure, the Community Room, and the City Hall administration building to promote use of the facilities and create a unified campus through design features, including a second entry into the Library, food concession, credit union, drop-off area, shared parking, and landscaping.

3.4 LOCATION, EXISTING USES, AND SITE CONTEXT

3.4.1 Existing City Hall Site

The existing City Hall site, which includes the Council Chambers, is located at 3300 Newport Boulevard, on the corner of Newport Boulevard and 32nd Street. Refer to Figure 3.1 for the location of the existing City Hall site. The existing City Hall site is occupied by over 47,809 gross square feet (gsf) of floor area in five buildings and five temporary buildings (trailers); approximately 3,417 sf are occupied by the Newport Beach Fire Station No. 2, which would remain after project implementation. There are approximately 160 parking spaces on site, excluding metered parking on 32nd Street and

parking spaces allocated to Fire Station No. 2. The buildings on site were constructed at various times between 1945 (City Hall Building B) and 2008 (Human Resources recruitment trailer).

The existing City Hall building is occupied by 257 employees.[1] There are approximately 280 daily visitors to City Hall.

The existing City Hall site is surrounded by a variety of office, retail, and public facilities uses. Retail uses are located north of the existing City Hall site. Retail and residential uses are located west of the existing City Hall site. A church structure and offices are located east of the existing City Hall site, and retail and mixed-use developments are located to the south.

The existing City Hall site is designated Public Facilities (PF) in the Land Use Element of the City's General Plan. The Public Facilities designation is established to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities at appropriate sites in the City. The existing City Hall site is zoned Retail Service Commercial (RSC) in the City's Zoning Code. The Retail Service Commercial zone provides areas that are predominantly retail in character but allow some service office uses.

3.4.2 Proposed Project Site

The proposed project site is located in the City between Avocado Avenue and MacArthur Boulevard. Refer to Figure 3.1 for a project overview location map and to Figure 3.2 for the location of the proposed project site. The project site currently consists of four parcels identified as APNs 442-014-24, 442-014-25 and 442-014-26, and 442-014-27. APNs 442-014-25 and 442-014-26, the Library Parcels, are collectively referred to as the "southern parcel," while the other two parcels are referred to as the northern and central parcels. The general location of each parcel is illustrated in Figure 3.3. The northern parcel is 4.2 acres, the central parcel is 11.8 acres, and the southern parcel is 4 acres. Altogether, the proposed project site is approximately 20 acres. The northern parcel and the central parcel, both of which are currently vacant, are separated by San Miguel Drive. The southern parcel is occupied by the existing Library located at 1000 Avocado Avenue. The City Hall administration building has been assigned an address of 1100 Avocado Avenue.

The proposed project site is currently vacant. Existing on-site vegetation is highly disturbed and consists of coastal sage scrub and ruderal grassland, with ornamental landscaping around the perimeter of the site. The central parcel has two drainage courses composed primarily of freshwater marsh, mulefat scrub, and riparian willow scrub.

The proposed project site is surrounded by a variety of office, retail, and public facilities. OCTA owns and operates the Newport Transportation Center, a bus transfer station, located immediately north of the project site. The Newport Transportation Center features surface parking, public restrooms, and terminals for buses that serve Routes 1, 55, 57, 75, 76, and 79.[2] South of the project site (south of the existing Central Library) is a commercial retail center called Corona Del Mar Plaza. Avocado Avenue forms the western boundary of the site, with a variety of commercial and medical

[1] Employee count does not include Fire Station personnel who would remain at 3300 Newport Boulevard after project implementation.

[2] OCTA's bus route numbers are generally coterminous with freeway and highway designations.

office buildings beyond. Newport Center and Fashion Island are located farther to the west. MacArthur Boulevard forms the eastern boundary of the site, with residential uses beyond the roadway.

The proposed project site is designated Public Facilities (PF) and Open Space (OS) in the Land Use Element of the City's General Plan. As described above, the Public Facilities designation is established to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities at appropriate sites in the City. The Open Space designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources.

The proposed project site is located within the Newport Village Planned Community (PC-27) zoning district. Within PC-27, land uses are assigned to specific areas of land called planning areas (PA). The northern and central parcels of the proposed project are in PAs assigned OS uses (PAs 2 and 3) and the southern parcel, which is occupied by the existing Library, is in PA 4, which is designated for Government and Institutional uses.

Section II.13 of the Newport Village Planned Community (PC-27) Development Plan establishes a maximum height limitation for all buildings within PC-27 to 45 feet, measured in accordance with the Newport Beach Municipal Code, except that no building shall extend higher than the extension of the plane ("Sight Plane") established by Ordinance No. 1596 for the Corporate Plaza PC. The Corporate Plaza PC was adopted in 1975 and limits heights of buildings to an extension of a Sight Plane that was originally established under Ordinance No. 1371. When PC-27 was amended in 1995, heights of buildings were limited to a further extension of the Sight Plane over the PC, up to the southerly right-of-way of Farallon Drive. Refer to Figure 4.3.13 for an illustration of the Sight Plane height restrictions (in feet above mean sea level) applicable to the proposed project site and adjacent areas of PC-27.

3.5 PROJECT CHARACTERISTICS

The proposed project includes construction of an integrated Civic Center, a 14.3-acre public park, widening of San Miguel Drive, and reuse of the existing City Hall site. The Civic Center would be composed of an approximately 98,000 sf City Hall (including an administration building, Community Room, and Council Chambers), a 450-space parking structure, a 4,800 sf EOC, a Civic Green, and an approximately 17,000 sf expansion of the Newport Beach Central Library.

Table 3.A provides a list of project components and a general description of each. Additional detailed descriptions of each project component are provided after the table. Figure 3.4 provides the Conceptual Site Plan for the proposed project, illustrating the project components described below.

Table 3.A: Project Components

Project Component	Description
Grading, Demolition, and Site Preparation	• Grading • Export of excavated materials • Soil import for sensitive archaeological areas and areas of unsuitable soil • Demolition (to be relocated) of existing on-site utilities north of existing Library • Soil harvest and amendment for landscaping of the park • Fill removal and recompaction • Slope and Soil Stabilization and Remediation • Shoring • Demolition for Library expansion (northern and eastern walls)
Transportation Improvements	• Construct a third eastbound left-turn lane from San Miguel Drive onto MacArthur Boulevard • Install a third eastbound through lane at San Miguel Drive/Avocado Avenue • Install a defacto[1] eastbound right-turn lane from San Miguel Drive onto MacArthur Boulevard • Install a defacto westbound right-turn lane from San Miguel Drive onto Avocado Avenue • Restripe the southbound Avocado Avenue approach to San Miguel Drive to provide for two left-turn lanes. • Reconstruct curbs, gutters, and sidewalks • Relocate existing fire hydrant(s) • Modify the existing traffic signal at Farallon Drive and Avocado Avenue to accommodate the Civic Center entrance

[1] The County of Orange Traffic Implementation Manual (1994) defines a defacto lane as an "unofficial" lane right-turning vehicles may be assumed to utilize if the distance from the inside edge of the outside through travel lane is at least 19 feet and no observable demand exists during the peak period, or parking is prohibited.

Table 3.A: Project Components

Project Component	Description
Construction of City Hall administration building, Community Room, and Council Chambers	• Obtain LEED-NC Silver certification for the City Hall administration building, Community Room, and Council Chambers • 2-story, 98,000 sf City Hall, including City Hall administration building, Community Room, public restrooms, and free-standing Council Chambers • Construction of an office loading dock area at the southern end of the City Hall administration building that would connect to and expand the existing Library loading dock • Install new cooling tower, emergency generator, and transformer • 25 surface parking spaces
Emergency Operation Center	• 4,800 sf subterranean EOC
Construction of the Parking Structure	• 3-level, 450-space parking structure partially set into hillside; the two easternmost portions of the lower levels would be subterranean, and the top level would be open to the sky • Includes stairs and elevators • Emergency access (sidewalk/curb cut) to the top level of the parking structure via a gated entry point on MacArthur Boulevard
Construction of Library Expansion	• Approximately 17,000 sf Library expansion would include an expanded reading area, children's area, small media lab, sound and video room, storage and mechanical spaces, and two tenant spaces currently planned to be a small credit union and a coffee or food concession area • Utility relocations

Table 3.A: Project Components

Project Component	Description
Construction of Park Facilities, including:	• Civic Green with turf and ornamental plants between the parking structure and City Hall administration building • Outdoor seating area near southeast corner of Library • Arrival garden and formal entry (drop-off area) • City Hall administration building garden • Community Terrace located near the main entry/drop-off area • Library Terrace to facilitate connections between the Library and the Civic Green • Central parcel high point (Lookout) • Two steel pedestrian footbridges and one precast concrete pedestrian footbridge spanning wetlands areas (no proposed support structures or other portions of the bridges that would be installed within the ACOE or CDFG jurisdictional limits) • Installation of pedestrian paths (stabilized decomposed granite and/or asphalt) • Pedestrian overcrossing (over San Miguel Drive) connecting the north and central parcels; includes stairs and an elevator on the central parcel side of the bridge and an ADA-compliant ramp on the northern parcel side of the bridge • North parcel "belvedere" (Lookout) and shade structure • 0.5-acre dog park • Street-adjacent parking (20 spaces) off of Avocado Avenue near the OCTA Newport Transportation Center • Areas for art placement • Flowering grove and "forest" areas
Exterior Lighting	• 24 ft poles in Civic Center and parking structure • Bollard lighting for drop-off area and Civic Green • Exterior lighting would be high-intensity discharge, fluorescent, or LED type • Exterior light fixtures would be the cutoff type, dark sky compliant, and consistent with LEED SSc8 criteria • Automated dimmable lighting in the City Hall administration building and Library expansion • Exterior lighting that will be controlled by a Lighting Control Panel with an exterior photocontrol and automatic shut-off timer • No nighttime lighting in park
Project Landscaping	• Perimeter and parkway landscaping • On-site landscaping (refer to Park Description)

Table 3.A: Project Components

Project Component	Description
Wetlands	• Install orange snow fencing prior to start of grading • Remove invasive exotic plant species (e.g., myoporum, castor bean, pampas grass) • Install mulefat and willow cuttings
Utility Connections	• Provide connections to existing water, wastewater, electricity, natural gas, data, cable television, and telecommunication services in Avocado Avenue
Water Quality and Flood Control	• Maintain existing detention storage capacity in wetlands area • Provide detention storage for peak flow reduction within two drainage areas in the southeast and southwest corners of the site • Install a vegetated bioswale with check dams along the western edge of the central parcel to treat runoff from Avocado Avenue • Install vegetated swales, vegetated strips, and extended detention basins to treat runoff from the park, buildings, and other impervious surfaces • Install oil and water separator to pretreat runoff from the parking structure prior to discharging to an extended detention basin • Install a media filter to pretreat runoff from the dog park prior to discharging to a vegetated swale
Reuse of the existing City Hall	• Reuse the existing City Hall structure for other Public Facilities uses

ACOE = United States Army Corps of Engineers
ADA = Americans with Disabilities Act
CDFG = California Department of Fish and Game
EOC = Emergency Operations Center
ft = foot
LED = light-emitting device
LEED (NC) = Leadership in Energy and Environmental Design-New Construction
sf = square foot

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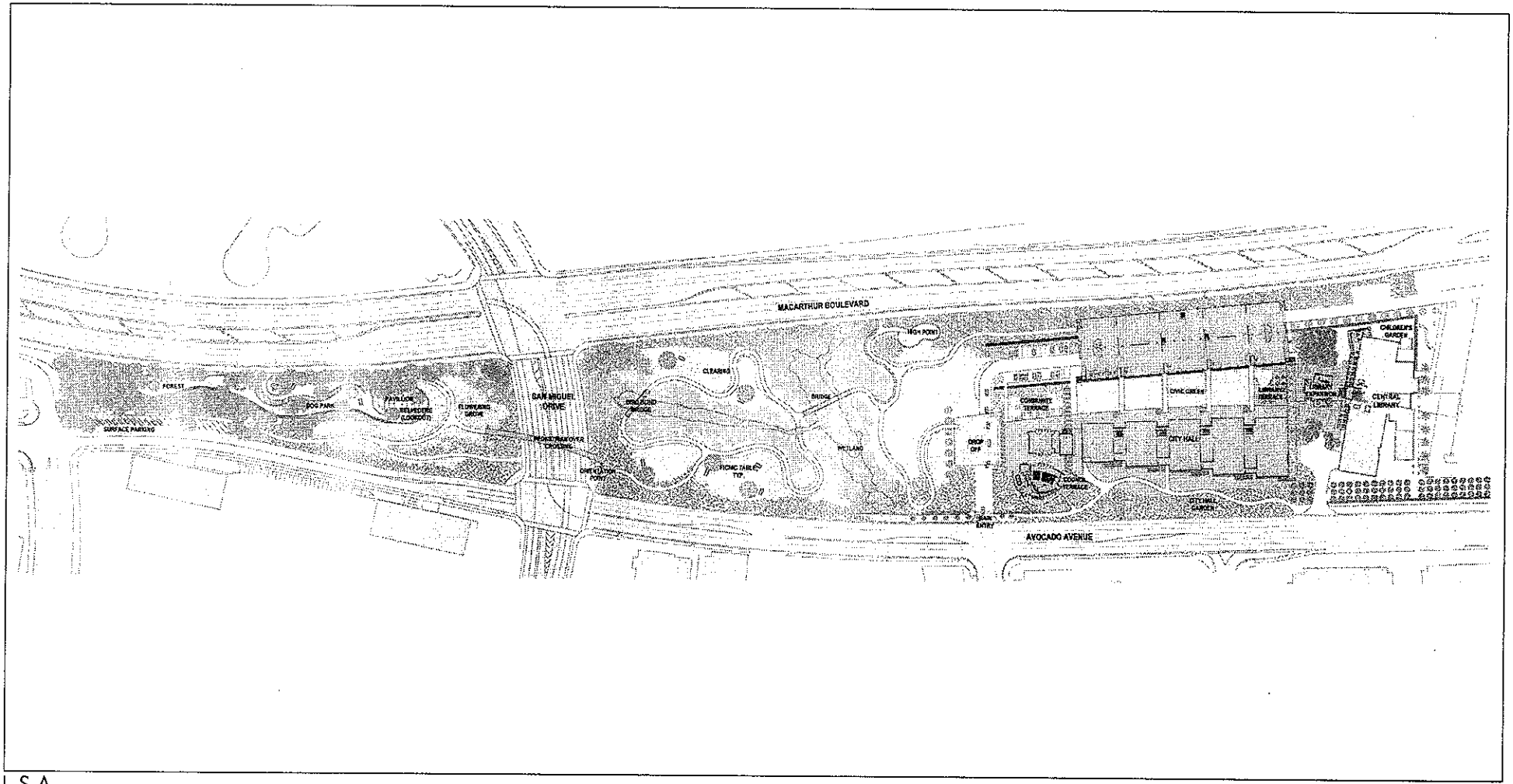

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FIGURE 3.4

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SOURCE: Bohlin Cywinski Jackson/PWP/ARUP

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Newport Beach City Hall and Park Development Plan

Conceptual Site Plan

Attachment No. 3

Recommendations to City Council on
Potential Regulation on Leaf Blowers

To: City of Newport Beach Mayor and City Council October 2009

From: Environmental Quality Affairs Citizens Advisory Committee (EQAC)

Subject: Potential Ordinance to Ban Leaf Blowers in Newport Beach

BACKGROUND

Gas-powered and electrically-operated leaf blowers, vacuums and mulchers are widely used and have been this subject of significant objections by residents who experience the noise, combustion products and fugitive dust produced by such equipment. The California Air Resources Board (Ref. 1) recognized the potential health impacts of using this equipment by the operators and others in the vicinity. They recommended use of safety equipment by the operators (e.g. filtered masks, earplugs, safety glasses), but suggested further study on the potential hazards beyond the operator. Other environmental groups including ZAP (Zero Air Pollution, Ref. 2) have encouraged more restrictions on such equipment because of the potentially harmful and nuisance effects to nearby non-operators due to noise, combustion- product air pollution and fugitive dust (containing PM10 and PM2.5 particulates, garden chemicals, fungi etc.), all of which are felt well beyond the immediate area of operation. The major findings from data collected over approximately 10 years indicates leaf blowers produce significant exhaust emissions, re-suspend dust and particulate matter and generate high noise levels – all contributing to environmental health hazards. (Ref.1).

AIR POLLUTION ISSUES

Casual observations of operations make it obvious that leaf blowers (gas or electric powered) are significant producers of local air pollution. EPA reports warn of dust clouds consisting of particulate matters, fecal matter, pesticides, fungi, chemicals, fertilizers, spores and street dirt (containing lead and organic and elemental carbon). Such clouds are evident everywhere leaf blowers are used. In addition, gas powered machines produce unusually high concentrations exhaust emission products (hydrocarbons, carbon monoxide and particulates). While industry groups claim that these emissions average less that 1% of emissions pollution in a typical long-term scenario, other studies show that local, short term exposures can be 10-100 times the long

term averages. The combination of these leaf blower exhaust emissions and the associated dust cloud contaminants represents a significant nuisance and potential health hazard to those in the vicinity of their operation.

As described by the California EPA Air Resource Board comparing emissions for a given amount of leaf blower operation to miles traveled by car:

"...for the average 1999 leaf blower and car data ... we calculate that hydrocarbon emissions from one-half hour of leaf blower operation equal about 7,700 miles of driving, at 30 miles per hour average speed. The carbon monoxide emission benchmark is significantly different. For carbon monoxide, one-half hour of leaf blower usage ... would be equivalent to about 440 miles of automobile travel at 30 miles per hour average speed." (Ref. 1, p. 58)

Table 9. Commercial Leaf Blower Emissions Compared to Light Duty Vehicle Emissions 3 hp average, 50% load factor, 1999 emissions data

	Exhaust Emissions, g/hr	Exhaust Emissions, new light duty vehicle,* g/hr	Exhaust Emissions, older light duty vehicle,** g/hr
Hydrocarbons	199.26	0.39	201.9
Carbon Monoxide	423.53	15.97	1310
Particulate Matter	6.43	0.13	0.78
Fugitive Dust	48.6-1031	N/A	N/A

*New light duty vehicle represents vehicles one year old, 1999 or 2000 model year, driven for one hour at 30 mph.
**Older light duty vehicle represents vehicles 1975 model year and older, pre-catalytic vehicle, driven for one hour at 30 mph.

Table 9 above provides the California EPA data on leaf blower emissions (excerpted from Ref. 1, pg. 50). The emissions from leaf blowers are significant because they use small but dirty two-stroke engines that can be responsible for a surprising share of the health-harming air pollutants in local environments, which is why municipal controls on two-stroke engines of all varieties is common.

NOISE ISSUES

Leaf blowers from all manufacturers produce objectionable levels of local noise. This problem has been addressed by most manufacturers of newest models (see Table

below), but they all operate at noise levels that exceed Newport Beach and other city municipal code noise allowable levels as discussed below. Even though their use is intermittent, while in operation, these devices produce objectionable local noise levels.

TYPICAL LEAF BLOWER CHARACTERISTICS

(2009 Models)

BRAND	TYPE/POWER	WT-LB	AIR VEL-MPH	SOUND LEVELdb(A)
Toro 51599	Handheld/Electric	7.3	112-235	63-67
Black&Deckerbv4000	Handheld/Electric	8.1	230	65
Husqvarna 125B	Handheld/Gas Eng.	9.4	170	70
Stihl BG55	Handheld/Gas Eng.	9.0	140	69
Stihl BR380D	Backpack/Gas Eng.	20.5	181	73
Echo PB-265LC	Backpack/Gas Eng.	13.3	135	65

NOTES:
1. Sound levels measured at 50-ft. per ANSI B175.2.
2. NB Municipal Code 10.28.045 defines allowable noise levels of 55-60db(A).

HEALTH RISKS ASSOCIATED WITH LEAF BLOWER USE

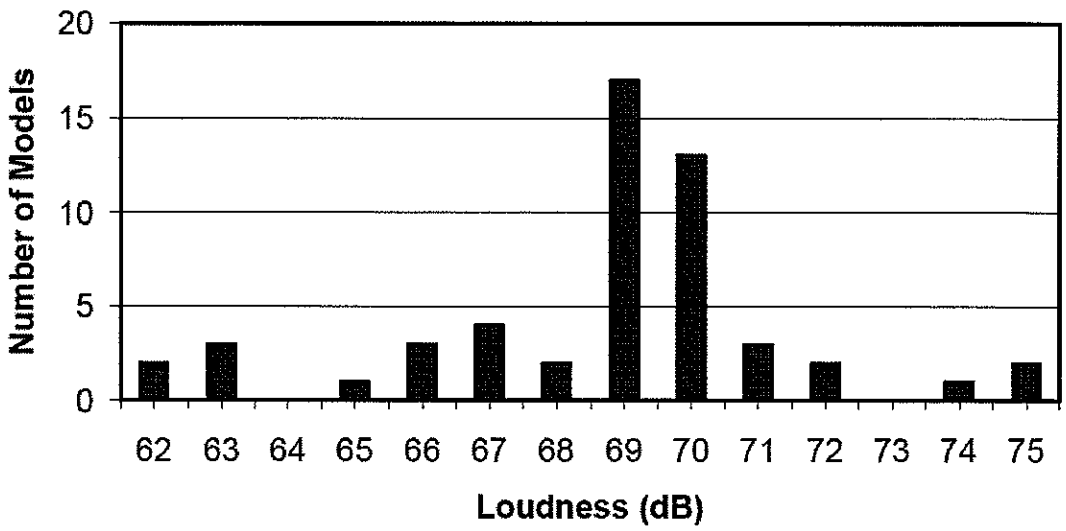
The California Environmental Protection Agency Air Resources Board published a summary of existing research on the hazards and health risk factors associated with leaf blower operations (http://www.arb.ca.gov/msprog/leafblow/leafblow.htm). Two significant forms of hazards are summarized here: (1) hazards to leaf blower operators, and (2) hazards to the general public.

(1) The exposure scenario suggests that 10 minutes of leaf blower usage could expose the operator to a significant, potentially harmful dose of CO in cases where exposure involves no dispersion of pollutants out of the immediate area. In this case, the operator could be exposed to potentially harmful amounts of carbon monoxide. Actual operator usage apparently ranges from 15 minutes to a full work day. Research demonstrates that high short-term exposures to CO were found in people operating small gas-powered garden equipment (ref. 5). Thus, the real risks to long-term pollutants is substantial to the

operator. A second significant health risk to leaf blower operators is noise- induced hearing loss. Two factors contribute to an increased risk of hearing loss in typical career gardeners: the high sound pressure levels emitted by leaf blowers at the level of the operator's ear, and the infrequent use of hearing protection. Insufficient data makes it difficult to estimate the percentage of workers who will experience noise-induced hearing loss. Hearing loss is gradual, and may become obvious only years after the exposure has ceased. Thus, by using leaf blowers within the City, in all likelihood leaf blower operators may be exposed to potentially hazardous concentrations of carbon monoxide and particulate matter throughout their work day, and related noise exposure are likely high enough that operators are at increased risk of developing hearing loss.

(2) Considerable evidence also suggests both short- and long-term impacts of leaf blower operations on the general public. With respect to local pollutants: according to the California EPS, National Ambient Air Quality Standards have been set to protect public health and welfare and are intended to protect certain sensitive and probable risk groups of the general population. The sensitive and probable risk groups for CO include anemics, the elderly, pregnant women, fetuses, young infants and those suffering from certain blood, cardiovascular or respiratory diseases (Refs. 5, 6). At a minimum, it would be prudent to restrict the use of leaf blowers specifically in areas where these populations are present, including near schools, residential homes for elderly, hospital service areas, and where these groups are likely to be present.

For the general public, exposure to leaf blower noise also has deleterious effects, and the literature on health effects of noise is extensive. Exposure of adults to prolonged and excessive noise results in noise-induced hearing loss that shows a dose-response relationship between its incidence, the intensity of exposure, and duration of exposure. Noise-induced stimulation of the autonomic nervous system reportedly results in high blood pressure and cardiovascular disease (Ref. 7). In addition are psychological effects that reduce job performance and educational and work place productivity. The sound level distribution at which a leaf blower operates are illustrated in the following Figure (Ref. 1, pg. 40).



The World Heath Organization, as well as other informed organizations, cite 65 dB(A) as the criterion for psychologically disruptive sound (ref. 8) that impacts learning and productivity. It should be noted that the decibel scale shown is the dB(A) scale. For technical reasons, the dB(A) scale is most commonly used in practice, despite the fact that it greatly attenuates a spectrum's low frequency sound waves and thus under-estimates the effects of low frequency noise on the human body and hearing. Almost half of the energy of the leaf blower sound spectrum occurs at frequencies below 1 kilohertz, which is the region of the spectrum where the dB(A) scale begins to progressively under-estimated the effects of leaf blower noise. An alternative, but under-used measure, dB(C) more uniformly weights all frequencies of perceived sound, and would give a more accurate, more veridical, index of the damaging sound impacts of leaf blower noise.

Known cardiovascular effects, psychological stress and performance decreases have been demonstrated after long-term exposure to traffic noise (ranging in 65–70 dB(A)) – a range coincident with leaf blower noise. In general, NB Municipal Code 10.28.045 allows only 55-60 dB(A) Leq. Yet leaf blowers which can be used for hours every day, mostly exceed 65 dB(A) levels.

Based on these data, one can predict that long-term exposure to leaf blower noise will also have negative health impacts on local residents and presents risks for hearing impairment with continued increased exposure.

CURRENT SITUATION

Newport Beach and other densely populated areas are particularly susceptible to the secondary effects of the use of portable leaf blowers/mulchers. As a result, it is estimated (Ref. 3) that up to 100 California cities have imposed bans or restrictions on their use in their communities. These have taken the form of total and complete bans (as in Laguna Beach) or stringent restrictions (as in Palo Alto and Los Angeles). Other actions include ordinances requiring training and use of safety equipment by operators, relief for use in industrial/commercial areas versus residential areas and allowance for use of electric but not gas-powered equipment.

These municipal controls have led to objections by equipment suppliers and user groups and there have been unsuccessful attempts in Sacramento to prevent municipalities from imposing bans or restrictions.

In addition, user groups have raised concerns regarding potential economic impact of bans on the use of such equipment. To date, we have found no specific data (anecdotal or formal) to quantify this objection.

It has recently come to our attention that members of the Corona del Mar Residents Association have been seeking leaf blower controls. Current results of their surveys and polls can be found on their Association website, http://www.cdmra.org.

EXAMPLES

EQAC has performed a limited internet search to determine current status of some ordinances. Apparently because of the difficulty in quantifying the air pollution and fugitive dust components of the problem, all existing controls are focused on the health hazards or nuisance concerns of noise and are contained within the Municipal Codes related to residential noise control.

Los Angeles: Has had existing ordinance No. 171890 since 1998. Refer to Los Angeles Municipal Code Chapter XI (Noise Regulation, Article 2, Special Noise Sources), Section 112.04 (Distance Restrictions). The last change code for this was dated 6/10/2005. Equipment cannot operate within 500 feet of a residence if the equipment exceeds 65 db(A) at 50 feet from the equipment. We have obtained no input on compliance/enforcement issues.

Palo Alto: Has had an ordinance since 2005 amending Municipal Code Title 9 (Peace, Morals and Safety), Chapter 9.10 (Noise), Item 9.10.030 (Residential Property Noise Limits). It bans gas-powered and electrically-operated equipment with noise level more than 6db above local ambient, but allows electrically operated blowers powered by gas powered electrical generators which are compliant with local noise ordinances. Enforcement has been more complicated and expensive than desired according to an August 7, 2006 status report by the Palo Alto City Manager (Ref. 4).

Laguna Beach: Ordinance 1259 amended Municipal Code Title 7 (Health and Sanitation), Section 7.25.071, Item D to now read as follows:
"The use of electrical gas powered blowers, such as used by gardeners and other persons for cleaning lawns, yards, driveways, gutters and other property is prohibited at any time within the city limits".

This is the most complete, least equivocal position we have seen. Compliance Officer, Joe Trujillo (949-497-0301) stated in a telephone interview that "in two years on the job I have had no more than 3 or 4 complaints. We have had negligible compliance problems and good community support. If we see a potential problem while on patrol, we hand out a copy of the ordinance and it is solved then and there."

RECOMMENDATION

Research shows that ordinances to ban or control leaf blowers have been successfully implemented in residential areas in other communities in California. At least 100 municipalities in California have restricted or banned the use of leaf blowers within city limits in response to community health concerns and in the interest of adopting "greener" policies and practices. Compliance enforcement experience varies widely among communities, with the most successful compliance apparently occurring in the city with the most restrictive ordinance – Laguna Beach. EQAC recommends that the city of Newport Beach take steps needed to evaluate whether a similar residential leaf blower ban is feasible here. The following steps are recommended:

1. Direct staff to confirm above findings and expand the database with other communities as needed.

2. Conduct an outreach activity to quantify the perceived economic impacts (i.e. increased labor costs) on the affected residential property owners.

3. Conduct outreach to determine residential community reactions (positive and negative) to such an ordinance.

3. Based on above, decide whether to proceed with a complete ban, limited ban, imposition of more restrictive standards (noise and air pollution) or continue with the current ordinance (10.28.045).

REFERENCES

1. California Environmental Protection Agency Air Resources Board, "A Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers." Feb. 2000.

(http://www.arb.ca.gov/msprog/mailouts/msc0005/msc0005.pdf)

2. Zero Air Pollution web site: zapla.org
3. Citizens for a Cleaner, Better Lincoln web site: ccblincoln.com (other cities and towns heading).
4. Palo Alto City Manager Interim Report to City Council, "Gas-Powered Leaf Blower Ban Enforcement – One Year Status Report", Aug. 7, 2006
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7. American Academy of Pediatrics Committee on Environmental Health. Noise: A Hazard for the Fetus and Newborn (RE9728). *Pediatrics*, 100(4), **1997**; [online at: http://www.aap.org/policy/re9728.html, 07/08/99].
8. WHO *Guidelines for Community Noise – Guideline document* to the Department of the Protection of the Human Environment, Occupational and Environmental Health, World Health Organization, Geneva, Switzerland (Fax: +41 22-791 4123, e-mail: schwelad@who.int).