

CEQA Initial Study 150 Newport Center

*General Plan Amendment No. GP2014-003
Zoning Code Amendment No. CA2014-008
Planned Community Development Plan No. PC2014-004
Site Development Review No. SD2014-006
Tract Map No. NT2015-003
Development Agreement No. DA2014-002
(PA2014-213)*



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The reports identified below are included within the Technical Appendices to this Initial Study.

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B.	Greenhouse Gas Analysis
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ACRONYMS

AB	Assembly Bill
ACM	Asbestos-Containing Material
AELUP	Airport Environs Land Use Plan
ALUC	Airport Land Use Commission
amsl	above mean sea level
AQMP	Air Quality Management Plan
APN	Assessor's Parcel Number
BMPs	Best Management Practices
CalEEMod	California Emissions Estimator Model
CBSC	California Building Standards Code
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO-R	Regional Commercial Office
dBA	A-weighted decibels
DOF	Department of Finance
EIR	Environmental Impact Report
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
GHG	Greenhouse Gas(es)
gpd	gallons per day
HCP	Habitat Conservation Plan
HOA	Homeowners Association
JWA	John Wayne Airport
LOS	Level of Service
mgd	million gallons per day
MRZs	Mineral Resources Zones
MS4	Municipal Separate Storm Sewer System
MTCO ₂ e	Metric Ton of Carbon Dioxide Equivalent
NAHC	Native American Heritage Commission
NBMC	Newport Beach Municipal Code
NCCP	Natural Community Conservation Plan



ACRONYMS

NMUSD	Newport-Mesa Unified School District
NO _x	Oxides of Nitrogen
NPDES	National Pollutant Discharge Elimination System
OCALUC	Orange County Airport Land Use Commission
OCHCA	Orange County Health Care Agency
OCSO	Orange County Sanitation District
OCTA	Orange County Transportation Authority
OHP	California State Parks Office of Historic Preservation
OR	Office Regional Commercial
PC	Planned Community Zoning District
PC-56	North Newport Center Planned Community 56
PC	Planned Community
PM _{2.5}	Fine Particulate Matter
PM ₁₀	Inhalable Particulate Matter
pph	person(s) per household
RHNA	Regional Housing Needs Assessment
RM	Multiple Unit Residential
RWQCB	Santa Ana Regional Water Quality Control Board
SB	Senate Bill
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SO _x	Sulfur Oxides
SR-1	State Route 1/Pacific Coast Highway
SR-73	State Route 73
SWPPP	Stormwater Pollution Prevention Plan
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank
VOCs	Volatile Organic Compounds
WQMP	Water Quality Management Plan



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1.0 Introduction

1.1 Purpose and Scope of this CEQA Initial Study

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code §§ 21000-21177. CEQA applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. The overarching goal of CEQA is to protect the physical environment. To achieve that goal, CEQA requires that public agencies inform themselves of the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts when avoidance or reduction is feasible. CEQA also gives other public agencies and the general public an opportunity to comment on a proposed project's environmental effects. If significant adverse impacts cannot be avoided, reduced, or mitigated to below a level of significance, the public agency is required to prepare an Environmental Impact Report (EIR) and balance the project's environmental concerns with other goals and benefits in a statement of overriding considerations.

The principal objectives of CEQA are to: 1) inform governmental decision makers and the public about the potential, significant environmental impacts of proposed activities; 2) identify the ways that environmental impacts can be avoided or significantly reduced; 3) prevent significant, avoidable impacts to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and 4) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

This Initial Study assesses the potential of the proposed 150 Newport Center Project (the "Project") to effect the physical environment. The Project site comprises 1.26 acres, located in the City of Newport Beach, Orange County, California. The current address of the site is 150 Newport Center Drive, Newport Beach, California 92660-6906. The assessor's parcel number (APN) is 442-231-12.

A Mitigated Negative Declaration (MND) was prepared for the Project and circulated for public review and comment in September, 2015. However, following circulation of the MND, the City determined that an EIR would be prepared in order to more thoroughly evaluate the environmental impacts of the proposed Project. This Initial Study is a preliminary analysis prepared by the City of Newport Beach Community Development Department, acting in its capacity as the CEQA Lead Agency, to determine the level of environmental review and analysis that will be required for the Project in the EIR. This Initial Study is an informational document that provides an objective assessment of the potential environmental impacts that could result from implementation of the proposed Project.

1.2 Potential Environmental Effects of the Proposed Project

The analysis presented in this Initial Study addresses the proposed Project's potential to result in one or more significant direct, indirect, and/or cumulative environmental effects to the following environmental subjects:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources



- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance



2.0 Project Description and Setting

2.1 Project Location

As shown on Figure 2-1, *Regional Location Map*, and Figure 2-2, *Vicinity Map*, the Project site is located near the center of the City of Newport Beach, adjacent to the Fashion Island shopping center. The site is rectangular in shape and is fronted on the north by Newport Center Drive, on the east by Anacapa Drive, on the south by an existing approximately 38,734 square foot office building with subterranean parking, and on the west by an existing 2-story office park and associated parking areas (Project Application Materials, 2015). Newport Harbor is located 0.71-mile to the southwest. The Project site is located in Section 36 of Township 6 south, Range 10 West, San Bernardino Baseline and Meridian.

2.2 Existing Site and Area Characteristics

2.2.1 Site Access

Primary roadway access to the Project site is provided by a driveway on Anacapa Drive, located along the eastern Project boundary and at driveways on Civic Center Drive, which provide access to the adjoining office parking areas to the south and direct access to the Project site via an ingress/egress easement to the Project site. Local access to the Project vicinity is provided by Newport Center Drive, located north and west of the Project site, Civic Center Drive, located south of the Project site, and Avocado Avenue, located east of the Project site. These local streets provide access to State Route 1 (SR-1) also known as Pacific Coast Highway, located approximately 0.31 mile south of the Project site, which provides access to MacArthur Boulevard, located approximately 0.3 mile east of the Project site. MacArthur Boulevard provides access to California State Route 73 (SR-73), located approximately 2.0 miles northeast of the Project site.

2.2.2 Existing Site Conditions

Under existing conditions, the Project site contains an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary gas station. All portions of the Project site are fully developed with this use, and no undeveloped open space or undisturbed areas occur on the site. There are currently 28 trees on the property. A paved parking area containing 12 parking stalls is located along the western edge of the Project site, and ornamental landscaping areas occur primarily along the perimeter of the site. Street trees, shrubs, groundcover, and curb-adjacent sidewalks are located along the Project site's frontage with Newport Center Drive and Anacapa Drive. There are six street trees located along the Project site's side of Anacapa Drive and three street trees are located on the opposite side of Anacapa Drive from the Project site that would be affected by the proposed Project. Streetlights are located near the intersection of Anacapa Drive and Newport Center Drive. There is an existing private catch basin in the southwest corner of the Project site. Figure 2-3, *Aerial Photograph* depicts the site's existing conditions as seen from above.

2.2.3 Surrounding Land Uses and Development

The Project site is located within a highly urbanized portion of the City of Newport Beach that is fully developed with a variety of office, retail, and service commercial land uses. As shown on Figure 2-4, *Existing and Surrounding Land Uses*, the Project site is bordered by Anacapa Drive on the east. Abutting the Project site on the east, at the southeastern corner of Newport Center Drive and Anacapa Drive, is Muldoon's Irish Pub and an office building occupied by a fitness studio, a rehabilitation and sports therapy office as well as other commercial/office-related businesses. The Project site is bordered by Newport Center Drive on the north, beyond which is Fashion Island, a regional shopping center. Two restaurants are located at the southern edge of the Fashion Island parking lot and are directly across



Newport Center Drive from the Project site at the intersection with Anacapa Drive. To the south and west of the Project site is a parking lot that serves the adjacent Gateway Plaza office complex, which is comprised of seven two-story low rise office buildings, and associated surface parking.

2.3 Planning Context

2.3.1 On-Site General Plan and Zoning Designations

Under existing conditions, the Project site is designated by the Newport Beach General Plan (hereafter, “General Plan”) for “CO-R (Regional Commercial Office)” land uses. The CO-R land use designation “...is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses” (Newport Beach, 2006a, p. 3-13).

2.3.2 Surrounding General Plan and Zoning Designations

General Plan designations surrounding the Project site include Regional Commercial (CR) to the north and Regional Commercial Office (CO-R) to the south, east, and west (Newport Beach, 2006a, Figure LU21). Zoning designations surrounding the Project site include PC-56 (North Newport Center Planned Community) to the north, and PC-56 and OR (Office Regional Commercial) to the west and south. Land to the east is zoned OR (Newport Beach GIS, 2015).

2.3.3 Airport Environs Land Use Plan for John Wayne Airport

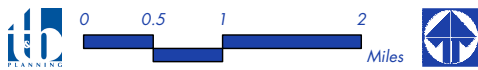
John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. As detailed in the Airport Environs Land Use Plan (AELUP) for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA. The AELUP establishes requirements for notifying the Airport Land Use Commission (ALUC) for Orange County and the Federal Aviation Administration (FAA) of certain construction activities and alterations to existing structures within the AELUP Part 77 Notification Area, in order to ensure there are no obstructions to navigable airspace. Within the Notification Area boundary, ALUC must be notified of any proposed construction or structural alterations involving a land use or legislative amendment in the AELUP Planning Area, development that exceeds 200 feet above ground level, and all heliports or helistops. In addition, projects that surpass 200 feet above ground level must also file Form 7460-1 with the FAA. (OCALUC, 2008, p. 4)

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



PROJECT SITE

FIGURE 2-1
REGIONAL LOCATION MAP



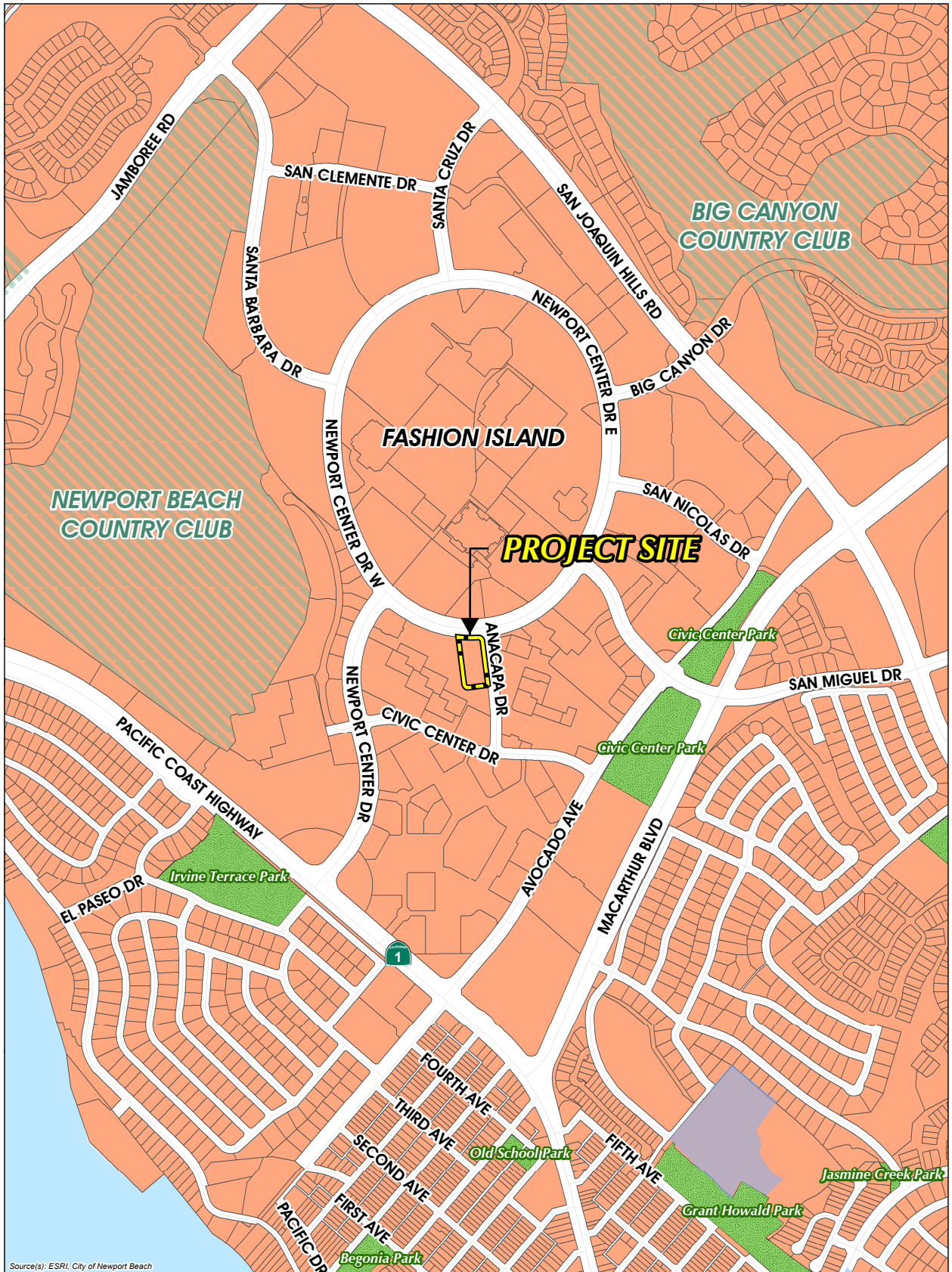
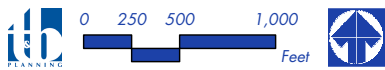
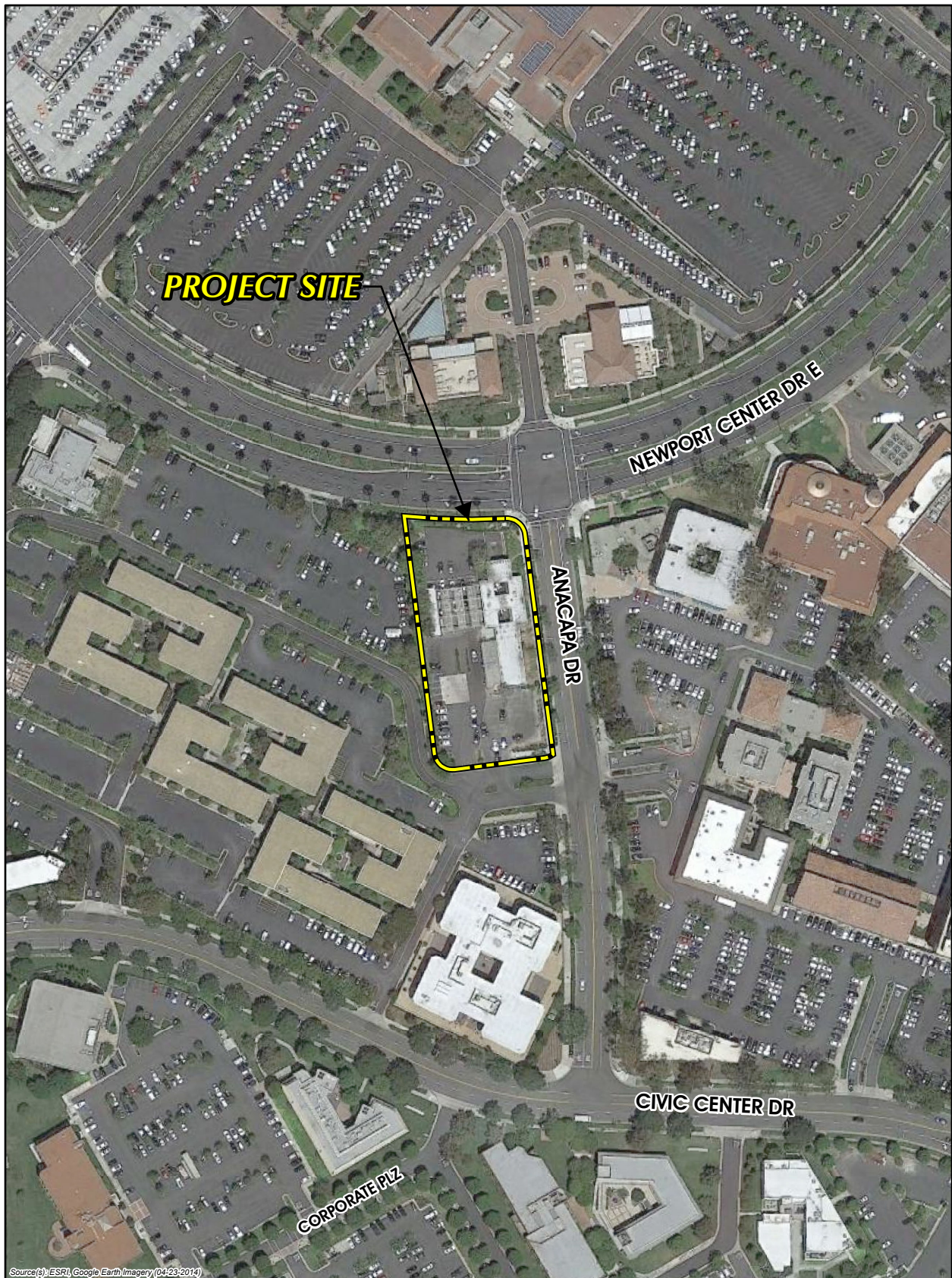


FIGURE 2-2
VICINITY MAP





Source(s): ESRI, Google Earth Imagery (04/23/2014)

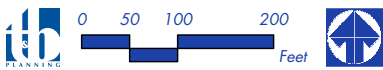
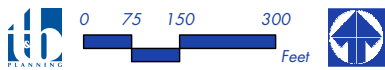


FIGURE 2-3
AERIAL PHOTOGRAPH



FIGURE 2-4

EXISTING AND SURROUNDING LAND USES



3.0 Project Description

Project Overview

The City of Newport Beach (hereafter “City”) received applications from Newport Center Anacapa Associates, LLC (hereafter “Project Applicant”) for the development of 49 condominium dwelling units in one seven-story building on a 1.26 acre site. The Project site is bounded by Newport Center Drive to the north and Anacapa Drive to the east. Civic Center Drive and adjacent commercial development occur south of the Project site.

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

Construction would occur over an approximate 18-month duration. Excavation to construct the Project would require the export of approximately 51,600 cubic yards of soil, which would occur over approximately 30 working days. (Nova, 2015b) Soils would be disposed of at the Frank R. Bowerman Landfill in the City of Irvine.

Planned Community Development Plan

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

Section 20.56.020 (Area Requirements) of the Zoning Code identifies a minimum acreage requirement of 10 acres of improved land area for the establishment of a PC District. As allowed by this Zoning Code Section, the Project Applicant is requesting City Council to waive the minimum acreage requirement to establish the proposed PC. The PC District is a designation given to land for which a PC has been prepared and the PC is the document that identifies land use relationships and associated development standards for that particular PC District (Newport Beach, 2015a, Section 20.56.010). The applicant proposes a PC for the Project in an effort to ensure broader coordination and consistency with the surrounding neighborhood, and to include a higher level of architectural quality supporting the Newport Center environment with pedestrian connectivity.

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



Project Access/Parking

A guest entrance driveway is proposed with direct access from Anacapa Drive along the eastern boundary of the Project site. This entry includes a porte-cochere and is approximately 26 feet wide at the property line and approximately 26 feet in front of the lobby entrance. This entry would support drop-off/pick-up for an optional valet parking service for the residents, with mandatory valet service for guests. The entrance and exit driveways along Anacapa are designed as full access driveways, with the entrance driveway allowing left and right turns into the site from Anacapa Drive, and the exit driveway allowing both left and right turns onto Anacapa Drive. The guest parking spaces would be accessed by the valet via a one way internal ramp at the south end of the driveway and the valet parking spaces would be located on level B-1. Valet service would exit the garage via the south driveway and return the vehicles to the front entry via the porte cochaire off of Anacapa Drive. The Project Applicant submitted a site circulation plan. The lobby is proposed to have a concierge to provide services to residents such as U.S. mail delivery, package delivery, mailing, moving van access, receiving food delivery, and meeting guests.

The primary access for the resident parking area would be located at the southern portion of the building, with entrance/exit driveways accessing the building from a shared driveway south of the Project site along Anacapa Drive. The Project is designed for three levels of parking below-grade. Level B-1 would be partially at grade on the southern edge to allow tenant access. Each residential unit would have a designated private 2-car subterranean garage. Additionally, trash loading would occur at the south entrance to the building.

The Project site's Preliminary Title Report states that the Project site is comprised of Parcels A and B and that Parcel B, located to the south of the Project site, contains a non-exclusive easement for ingress and egress over Parcel A in the City of Newport Beach. The underlying property owner's authorization would be required for any site improvements to this area.

Building Footprint/Height

Refer to the PC Development Plan Text (*Technical Appendix A*), which lists the proposed building setbacks. Above grade setbacks are greater than the setbacks proposed for the parking podium, which would occur below grade and closer to the property lines than the above grade structure. The proposed PC Development Plan provides for a 75 foot 6 inch height limit to accommodate the proposed 49 units in a seven-story building. The PC Development Plan provides height exceptions for the elevator override and mechanical equipment 8 feet above the height limit and architectural projections (such as the parapet) up to 2 feet above the height limit. Thus, the maximum height of the building, including rooftop appurtenances would be 83 feet 6 inches.

Building Mass and Architectural Features

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

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



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

3.1 Project Technical Characteristics

3.1.1 Demolition

To construct the Project, existing buildings and associated site improvements located on the property would be demolished and cleared from the site. The existing 8,500-square-foot car wash with an ancillary gas station and asphalt/concrete parking area would be demolished to prepare the site for redevelopment. Demolition activities on-site are projected to result in the creation of approximately 80 tons of construction debris, 240 cubic yards of concrete, and 620 cubic yards of asphalt (Nova, 2015b). Demolition activities would occur over a period of approximately one month.

Demolition debris and excavated soils would be disposed of at the Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in Irvine (approximately 15 roadway miles from the Project site) (Newport Beach, 2006b, p. 4.14-39). Some demolition materials would also be transported to Dan Copp Crushing, located at 1120 N. Richfield Road in Anaheim (approximately 21 roadway miles from the Project site). Existing steel fuel tanks would be conveyed to a metal scrapping facility and any remnant liquids, including fuel, would be pumped out and disposed of in compliance with all applicable State of California hazardous materials procedures. (Nova, 2015b) The Project would be subject to the City's Recycling Service Fee pursuant to Municipal Code Chapter 2.30 (Recycle Service Fee), which assists the City in meeting its 50% solid waste diversion objective. Refer to Section 4.5.17, Utilities and Service Systems, of this document for additional details about solid waste disposal.

3.1.2 Anticipated Construction Schedule

The Project Applicant estimates that construction activities associated with the Project would occur over an approximately 18-month duration. Construction would include the following phases: grading, evacuation, and shoring; foundation; construction of basement; construction of super structure; waterproofing; installation of exterior finishes; installation of mechanical, electrical, plumbing; installation of interiors; installation of landscape and irrigation; and installation of furniture and equipment.

3.1.3 Off-Site Improvements

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

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



3.1.4 Future Population

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

3.2 Proposed Discretionary Approvals

The proposed discretionary approvals for the Project are described below.

3.2.1 General Plan Amendment No. GP2014-003

The City of Newport Beach General Plan assigns land uses to all areas of the City. Under existing conditions, the General Plan designates the Project site for "Regional Commercial Office (CO-R)" land uses. As stated in the General Plan, the CO-R land use designation "...is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses." (Newport Beach, 2006a, p 3-13)

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

3.2.2 Zoning Code Amendment No. CA2014-008

The City of Newport Beach Zoning Code is contained as Title 20 "Planning and Zoning" of the City's Municipal Code. Under existing conditions, the Project site is zoned "OR (Office Regional Commercial) Zoning District." The gas station on-site is an ancillary use to the car wash, which is permitted via a use permit in the OR zone (Use Permit No. UPI461). Proposed Zoning Code Amendment No. CA2014-008 seeks to apply the "PC (Planned Community District)" zoning designation to the entire 1.26 acre site. According to City Municipal Code Section 20.26.010(B) (Planned Community Zoning District), the PC Zoning District is "...intended to provide for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment..." The PC Zoning District requirements are met by the Project Applicant's preparation of development standards and plans for the development of the Project site with the proposed 49 unit condominium units in one building, as discussed below.

The base height limits established in Part 2 of the Municipal Code (Zoning Districts, Allowable Land Uses, and Zoning District Standards) may be increased within specified areas with the adoption of a Planned Community District, adoption of a specific plan, or approval of a planned development permit, or site development review. (Newport Beach, 2015a, Section 20.20.060).

3.2.3 Planned Community (PC) Development Plan Text

The Project's proposed PC-Text identifies general conditions and regulations and provides for land use and development regulations for the Project site. To establish a PC, a waiver of the minimum site area of 10 acres of developed land is necessary. The applicant requests that the City Council waive the 10-acre minimum as part of the Project's application. Refer to *Technical Appendix A*, which contains a copy of the proposed PC-Text. The PC-Text is available for public review at the City of Newport Beach

Planning Division, 100 Civic Center Drive, Newport Beach, CA. Where the standards of the PC-Text conflict with the regulations of the NBMC, the regulations contained in the PC-Text would take precedence. The NBMC would continue to regulate all development within the PC when such regulations are not provided within the PC-Text.

3.2.4 Site Development Review No. SD2014-006

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

Figure 3-1, *Proposed Site Plan*, identifies the location and orientation of the building, required property line setbacks, and the basement footprint. As shown, the Project includes one multi-story residential building that consists of seven above ground levels and three levels of underground parking. The Site Plan identifies that the building would have a gross floor area of 163,260 square feet. The Project would include 100 residential garage parking stalls (98 stalls required) and 26 visitor parking stalls (25 stalls required). Thus, the Project would meet the City's parking requirement.

3.2.5 Conceptual Grading Plan

Figure 3-2, *Conceptual Grading Plan*, identifies proposed elevations for the lower level garage, the proposed building outline at grade level, as well as the boundary for the proposed basement levels. The plan indicates that the Project's grading operation would excavate 51,600 cubic yards of raw cut, all of which would be exported from the Project site to the Frank R. Bowerman Landfill in the City of Irvine. The Conceptual Grading Plan also identifies that the Project's access driveways off of Anacapa Drive would be 26 feet in width and the Project's driveway for residential underground parking would be 26 feet wide.

3.2.6 Tentative Tract Map No. 17555 (NT2015-003)

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

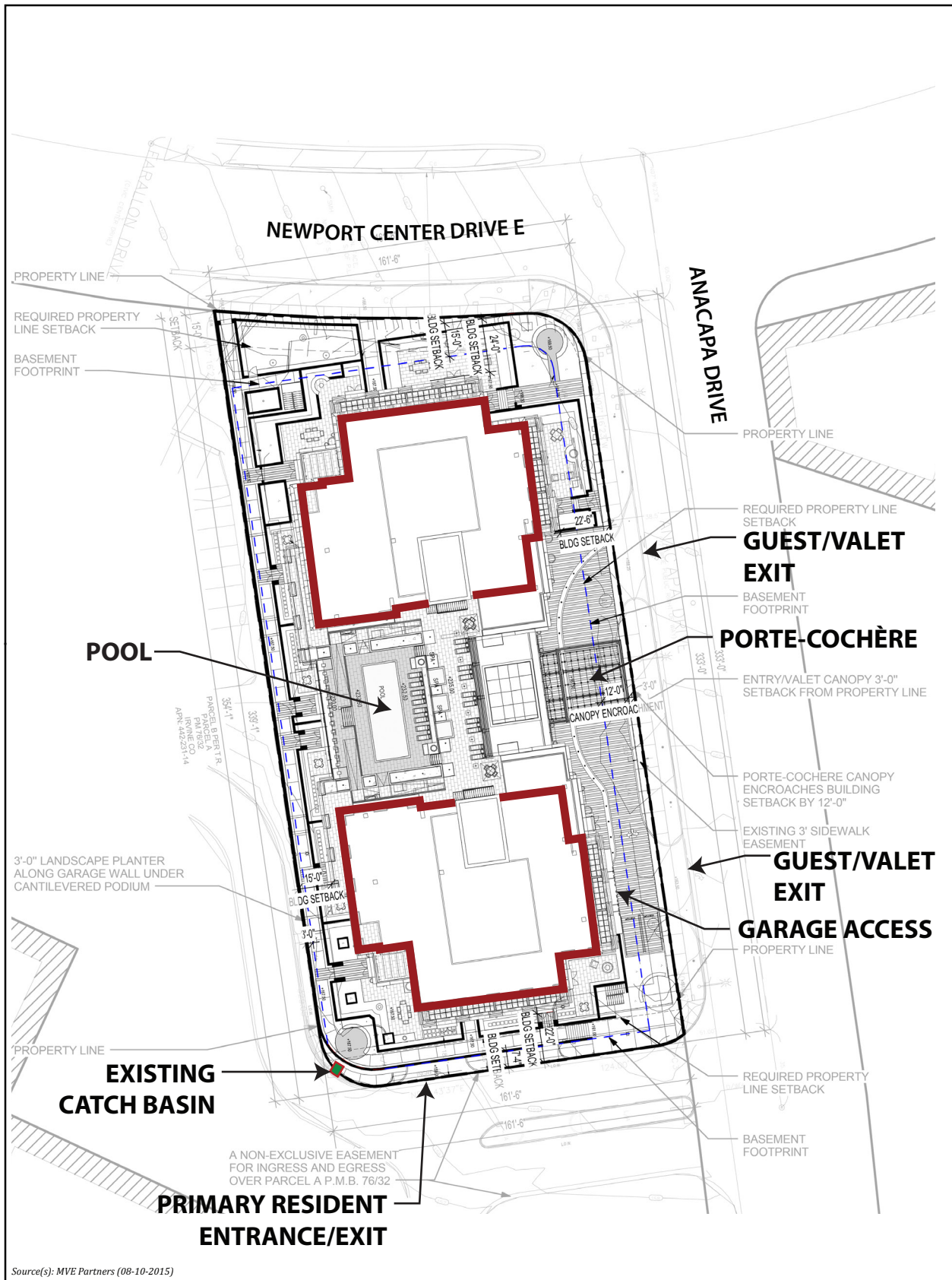
3.2.7 Development Agreement No. DA2014-002

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



3.2.8 Approvals Required from Other Agencies

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

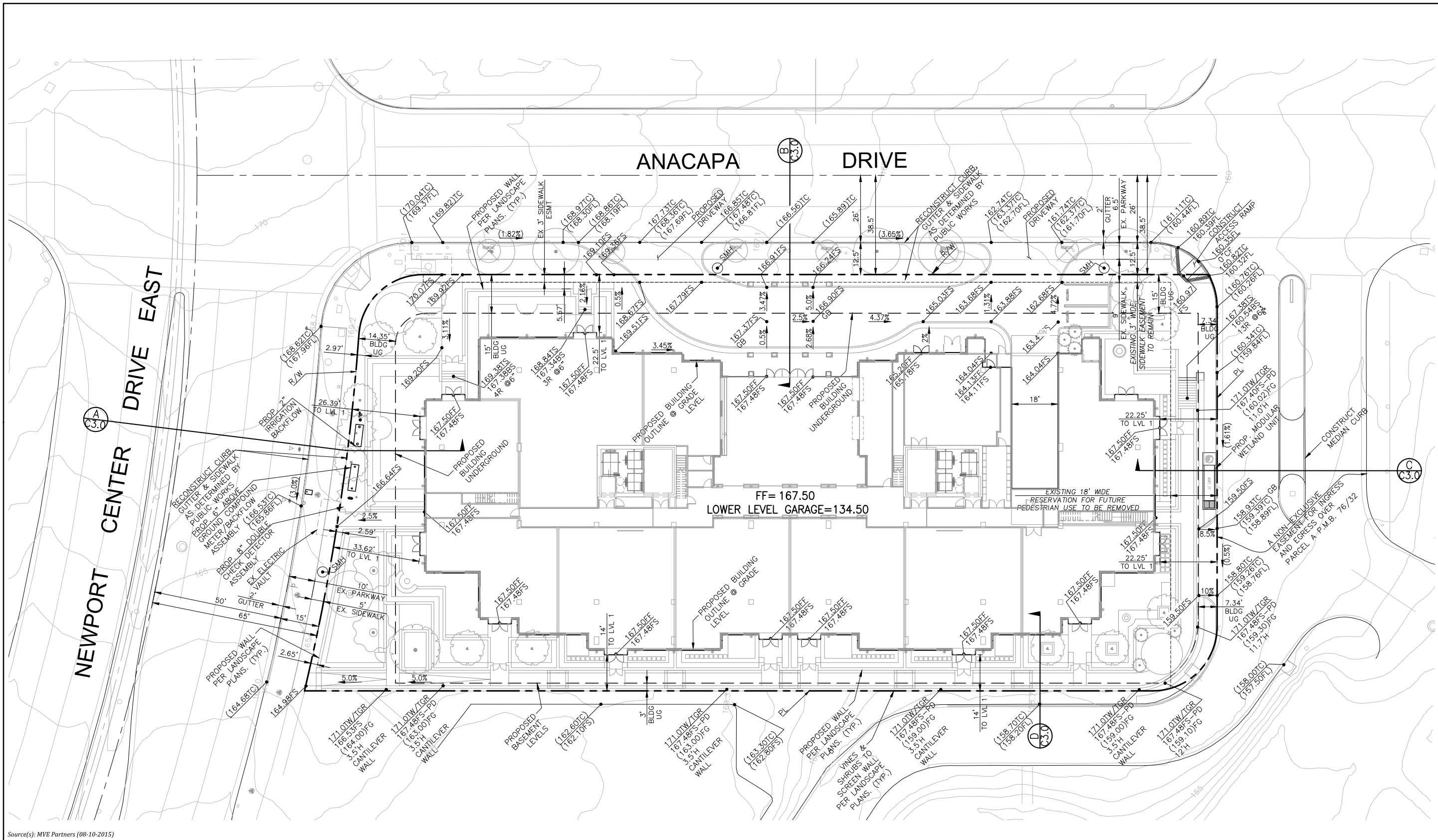


Source(s): MVE Partners (08-10-2015)

FIGURE 3-1

PROPOSED SITE PLAN





Source(s): MVE Partners (08-10-2015)



FIGURE 3-2
CONCEPTUAL GRADING PLAN



4.0 Environmental Checklist and Analysis

Provided on the following pages is an Environmental Checklist, based on *Technical Appendix G* of the State CEQA Guidelines. The Checklist evaluates the Project's potential to result in significant adverse effects to the physical environment. As concluded by the Checklist, the proposed Project has the potential to result in significant environmental effects. Accordingly, and pursuant to CEQA Guidelines § 15063(b)(1), an **Environmental Impact Report** will be prepared for the Project.

4.1 Project Information

1. Project Title

150 Newport Center

2. Lead Agency Name and Address

City of Newport Beach
Community Development Department
Planning Division
100 Civic Center Drive
Newport Beach, CA 92660

3. Contact Person and Phone Number

Ms. Makana Nova, AICP, Associate Planner
City of Newport Beach Planning Division, (949) 644-3249

4. Project Location

The Project site consists of a 1.26 acre site bounded by Newport Center Drive to the north and Anacapa Drive to the east, within the City of Newport Beach's Newport Center/Fashion Island Sub-Area (Statistical Area L1). The site's existing address is 150 Newport Center Drive, Newport Beach, CA 92663. Figure 2-1 and Figure 2-2 (previously presented) depict the Project site's location.

5. Project Sponsor's Name and Address

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

6. General Plan Designation

Regional Commercial Office (CO-R)

7. Zoning

OR (Office Regional Commercial) Zoning District



8. Description of Project

Please refer to Section 3.0 for a detailed description of the Project.

9. Surrounding Land Uses and Setting

As previously discussed and presented on Figure 2-4, the Project site is located within a portion of the City of Newport Beach that is fully developed with a variety of office, and commercial land uses. The Project is bordered by Anacapa Drive on the west, Newport Center Drive on the north, a parking lot on the west and low rise office buildings on the south. Refer to Section 2.2.3, Surrounding Land Uses and Development, for details.

10. Other Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement)

The City of Newport Beach would be responsible for issuing ministerial approvals for the Project, including (but not necessarily limited to) the following: final map(s), grading permit(s), and building permit(s). An encroachment agreement may be needed for approval by the City Council for the proposed improvements along Anacapa Drive and Newport Center Drive because tie-backs are proposed that would encroach into these streets to connect water and sewer lines from the Project site (Nova, 2015a). The Project also would require issuance of a NPDES Permit from the Santa Ana RWQCB. The Orange County Health Care Agency would be responsible for reviewing plans for the removal of the existing underground storage tanks associated with the gas station. Although a portion of the Project site falls within the John Wayne Airport notification area, the proposed building height does not penetrate the 100:1 imaginary surface for notification and thus, the Project does not fall within the Planning Area requiring Airport Land Use Commission review. The Project would not require discretionary review or approval by any other public agencies. However, as a condition of approval for the Project, the adjacent property owner's authorization would be required to allow improvements to the shared driveway located in the 100 Block of Newport Center Drive immediately south of the Project site and for street tree improvements across Anacapa Drive.

4.2 Environmental Factors Potentially Affected

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

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

4.3 Determination (To Be Completed By the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	<input type="checkbox"/>
I find that although the proposed Project could have a significant effect on the environment, there will not	<input type="checkbox"/>



be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	<input type="checkbox"/>
I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	<input checked="" type="checkbox"/>
I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	<input type="checkbox"/>
I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.	<input type="checkbox"/>

Submitted by: Makana Nova, Associate Planner, Planning Division (Signature)

01/06/2016
Date



EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.



- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.



(Page intentionally blank)

4.4 City of Newport Beach Environmental Checklist Summary

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
I. AESTHETICS				
Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. AGRICULTURE AND FOREST RESOURCES				
Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY				
Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) <i>Violate any air quality standard or contribute to an existing or projected air quality violation?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose sensitive receptors to substantial pollutant concentrations?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Create objectionable odors affecting a substantial number of people?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. BIOLOGICAL RESOURCES				
Would the Project:				
a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES				
Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI. GEOLOGY AND SOILS				
Would the Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS				
Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS				
Would the Project:				
a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
X. LAND USE AND PLANNING				
Would the Project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. MINERAL RESOURCES				
Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE				
Would the Project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a Project located within an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XIII. POPULATION AND HOUSING				
Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. PUBLIC SERVICES				
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XV. RECREATION				
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the Project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XVI. TRANSPORTATION/TRAFFIC				
Would the Project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</i>				
b) <i>Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES & SERVICE SYSTEMS				
Would the Project:				
a) <i>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g) <i>Comply with federal, state, and local statutes and regulation related to solid waste?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) <i>Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>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.)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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4.5 Evaluation of Environmental Impacts

4.5.1 Aesthetics

a) *Would the Project have a substantial adverse effect on a scenic vista?*

Finding: Potentially Significant Impact. The Project could result in a substantial adverse effect to a scenic vista.

The City of Newport Beach General Plan does not officially designate any scenic vistas. (Newport Beach, 2006b, page 4.1-16); however, many natural features such as the Pacific Ocean and Newport Bay provide open coastal views. The Project site is developed with a car wash, ancillary gas station building, and a surface parking lot that is surrounded by urban development. Figures 4.1-1 through 4.1-3 in the City's General Plan EIR show prominent coastal viewing locations throughout the City as identified through public view points and coastal view roads (Newport Beach, 2006b, page 4.1-2). Additionally, Figure NR 3, Coastal Views, of the Natural Resources Element of the City's General Plan shows that the closest Coastal View Road to the Project site is a portion of Newport Center Drive that runs parallel to Anacapa Drive, about 800 feet west of the Project site. In addition to Newport Center Drive, Figure NR 3 identifies segments of MacArthur Boulevard and Avocado Avenue as Coastal View Roads. The Project site is located approximately 0.3 mile west of MacArthur Boulevard and approximately 0.2 mile west of Avocado Avenue. Additionally, Civic Center Park, located between MacArthur Boulevard and Avocado Avenue, approximately 0.2 mile east of the Project site affords public views of the Pacific Ocean (Google Earth Pro, 2015).

Public views of the Pacific Ocean available near the Project site are limited to views along Newport Center Drive looking toward the west and south (a portion of which is designated as a Coastal View Road), to the west of the Project site. The Pacific Ocean can also be seen from Civic Center Park and portions of Avocado Avenue and MacArthur Boulevard. Due to the topography and existing development within the immediate Project vicinity, views of the Pacific Ocean from Newport Center Drive do not occur along the Project frontage with Newport Center Drive. The portion of Newport Center Drive that provides views of the Pacific Ocean occurs west of the Project site, with views toward the ocean available to the west, away from the Project site. However, because the proposed Project would have the potential to affect views of the Pacific Ocean and Newport Bay from nearby roadways and public viewpoints, potentially significant impacts to scenic vistas could occur. Potential impacts associated with scenic vistas will be evaluated in the EIR.

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

Finding: No Impact. The Project has no potential to substantially damage scenic resources in a State scenic highway.

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



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

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

Finding: Potentially Significant Impact. The Project has the potential to degrade the existing visual character or quality of the site.

The Project proposes to redevelop a property that currently contains a car wash and ancillary gas station. The Project would remove the existing improvements and in their place construct a seven-story residential structure in a contemporary architectural style. The proposed building would be higher than immediately surrounding existing buildings, which could result in a degradation of the existing visual character or quality of the site and its surroundings, resulting in a potentially significant impact. Therefore, impacts associated with this issue will be fully evaluated in the EIR.

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

Finding: Potentially Significant Impact. The Project would introduce a new source light or glare.

Exterior lighting fixtures associated with the proposed Project that would provide nighttime illumination would primarily include lights installed on the building face to illuminate the exterior of the building and lights installed along sidewalks and along Anacapa Drive and Newport Center Drive. The lighting intensity would be expected to increase from what occurs on the site under existing conditions. As the proposed Project would replace a single-story car wash and gas station with a new seven-story residential building, there would be a corresponding increase in lighting levels due to new light sources from within the 49 residential units that could be seen from the exterior through windows, as well as light from fixtures mounted on the building's façade. Thus, the Project could have a potentially significant impact regarding light and glare. This issue will be further addressed in the EIR.

4.5.2 Agriculture and Forestry Resources

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

Finding: No Impact. The Project would not impact Farmland and mitigation is not required.

The Project site and surrounding areas do not contain any lands that are mapped by the California Resources Agency as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance ("Important Farmland"). The Project site is designated as "Urban and Built-Up Land." Accordingly,



implementation of the Project would result in no impact to Important Farmlands and has no potential to convert farmlands to non-agricultural use.

b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding: No Impact. The Project has no potential to conflict with agricultural zoning designations or to impact agricultural lands subject to a Williamson Act Contract.

The Project site is currently zoned “OR (Office Regional Commercial) Zoning District.” As part of the Project, this existing zoning designation would be changed to “PC (Planned Community District).” Zoning designations surrounding the Project site include PC-56 (North Newport Center Planned Community) to the north, PC-56 and OR to the south and east, and OR to the west (Newport Beach, 2010b). There are no existing or proposed agricultural zoning designations affecting the Project site or surrounding areas. As such, the Project has no potential to conflict with agricultural zoning designations, and no impact would occur.

According to information available from the California Department of Conservation (CDC), there are no agricultural lands subject to a Williamson Act Contract within the City of Newport Beach. Accordingly, the Project would have no potential to conflict with lands subject to Williamson Act contracts. (CDC, 2012)

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

Finding: No Impact. The Project has no potential to conflict with existing forest land, timberland, or timberland zoned Timberland Production acres.

There are no lands within the City of Newport Beach, including the Project site and properties surrounding the Project site, that are zoned for forest land, timberland, or timberland zoned Timberland Production (Newport Beach, 2010b). Accordingly, the Project has no potential to impact properties zoned for forest land or timberland.

d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use

Finding: No Impact. The Project would not result in the loss of forest land or conversion of forest land to non-forest use.

The City of Newport Beach, including the Project site and properties surrounding the Project site, does not contain any forest lands (Newport Beach, 2006b, Table 3-2). The Project site occurs within a highly urbanized portion of the City of Newport Beach surrounded by developed properties. Accordingly, the Project has no potential to result in the loss of forest land or convert forest land to non-forest use.

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

Finding: No Impact. The Project would not involve any changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use.

As indicated in the analysis presented above under the discussion and analysis of Thresholds a) through d) of this section, the Project site and surrounding areas do not contain any lands that are used for farmland or forest land. Accordingly, the Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use. No impact would occur.

4.5.3 Air Quality

a) *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Finding: Potentially Significant Impact. The Project has the potential to conflict or obstruct implementation of the South Coast Air Quality District 2012 air quality management plan (AQMP).

The proposed Project would replace an existing car wash and ancillary gas station with a new residential building, which may have the potential to exceed applicable AQMP thresholds during construction and/or operation. Therefore, impacts associated with the applicable air quality plan would be potentially significant and will be analyzed in the EIR.

b) *Would the Project violate any air quality standard or contribute to an existing or projected air quality violation?*

Finding: Potentially Significant Impact. Construction and operation of the Project could violate air quality standards or contribute to an existing or projected air quality violation.

Construction activities associated with the Project could result in emissions of carbon monoxide (CO), volatile organic compounds (VOCs), oxides of nitrogen (NO_x), sulfur oxides (SO_x), particulate matter 2.5 microns in diameter or less (PM_{2.5}), and particulate matter 10 microns in diameter or less (PM₁₀) during demolition, site preparation, grading, building construction, paving, and painting activities. Additionally, operational activities associated with the proposed Project could result in emissions of reactive organic gases (ROG), NO_x, CO, SO_x, PM₁₀, and PM_{2.5} from area source, energy source, and mobile source emissions. The construction and operational emissions associated with the proposed Project could violate air quality standards or contribute to an existing or Project air quality violation, resulting in a potentially significant impact.

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

Finding: Potentially Significant Impact. Construction and operation of the Project could result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.

The South Coast Air Basin (SCAB) has a non-attainment status under both state and federal designations for ozone and PM_{2.5}, and is considered non-attainment under State of California criteria for PM₁₀. Construction and operational emissions of VOCs, NO_x, and CO (all of which are ozone precursors), SO_x, PM₁₀ and PM_{2.5} could exceed the SCAQMD regional significance thresholds. Therefore, near-term construction emissions and long-term operational emissions have the potential to contribute to a net increase of criteria pollutants for which the Project's region is in non-attainment and



impacts associated with this issue are potentially significant. This issue will be further addressed in the EIR.

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

Finding: Potentially Significant Impact. During construction, the Project could expose sensitive receptors to substantial construction-related pollutant concentrations. Under long-term conditions, the Project could expose sensitive receptors to substantial pollutant concentrations.

Sensitive receptors can include land uses such as long-term health care facilities, rehabilitation centers, and retirement homes. In addition, residences, schools, playgrounds, child care centers, and athletic facilities can also be considered as sensitive receptors. Due to the Project's potential to generate emissions during the construction phase, the Project could have a potentially significant impact to sensitive receptors in the vicinity of the Project site. Additionally, the operation of the proposed Project would generate air quality emissions that could have a potentially significant impact on sensitive receptors.

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

Finding: Less-than-Significant Impact. Impacts associated with odors generated during the Project's construction and long-term operation would be less than significant, and mitigation is not required.

The Project would include the redevelopment of an existing developed property with 49 condominium units in one building. The Project does not propose any land uses typically associated with emitting objectionable odors. Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities, none of which would occur on the property.

The potential for odor sources associated with the Project are limited to construction equipment exhaust and the application of asphalt and architectural coatings during construction activities, and the temporary storage of typical municipal solid waste (refuse) during the Project's lifetime

Construction-related odors would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phases of construction activity. These odors are common in urban and suburban areas and are generally not objectionable to a large majority of the population. For these reasons, temporary and intermittent construction-related odors would be less than significant.

During long-term Project operation, the only potential for odor generation is from temporary refuse storage. However, solid waste collection requirements in the City of Newport Beach require all refuse containers to be covered with a watertight lid, which minimizes odor. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. The Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. The Project would be required to comply with Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), which mandates that all multi-unit projects with five or more dwelling units "...provide enclosed refuse and recyclable material storage areas with solid roofs." (Newport Beach, 2015a) The applicant proposes a trash room



on level B1. Levels B-1 through B-3 each have separate trash areas. Trash rooms within the basement areas will minimize impacts to residents within their living units. The potential for objectionable odors to emanate from the Project's refuse containers would be very slight and no different than the potential for refuse-related odors from other residential land uses in the City of Newport Beach. Therefore, impacts associated with odors from Project operation would be less than significant.

4.5.4 Biological Resources

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

Finding: Potentially Significant Impact. The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species.

Improvements proposed as part of the Project would occur wholly within the 1.26 acre Project site, along the site's frontage with surrounding streets, and in the adjacent property to the south. Ornamental on-site trees and street trees along Anacapa Drive and Newport Center Drive would be removed. The Project's potential to impact candidate, sensitive, or special status species will be analyzed in the EIR.

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

Finding: No Impact. The Project would have no potential to impact riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW and USFWS.

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

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

Finding: No Impact. The Project would have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act.

The Project site is fully developed with a car wash with ancillary gas station and does not contain any wetlands. Accordingly, the proposed Project would have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.



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

Finding: Potentially Significant Impact. Due to the Project's proposal to remove existing trees on the Project site, and along both sides of Anacapa Drive, the Project has the potential to have an adverse effect on bird species that could be nesting in trees.

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

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

Finding: Potentially Significant Impact. The Project could have a significant impact regarding conflict with any local policies or ordinances protecting biological resources.

Implementation of the Project would require the removal of existing street trees located along Anacapa Drive, within the Project site, and vegetation in the existing median to the south of the Project site. These plant materials are ornamental in nature. As the proposed Project includes the removal of street trees, it may conflict with the City's General Plan policies associated with street trees. Therefore, impacts associated with this issue would be potentially significant and impacts will be fully evaluated in the EIR.

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

Finding: No Impact. The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, including the Orange County Central and Coastal Orange County Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).

The Project site is located within the Orange County Central and Coastal Orange County NCCP/HCP, which does not identify the Project site and surrounding areas for conservation (Orange County, 1996, Figure 11). Due to the developed nature of the Project site, the site also does not contain any habitat for any of the plant or animal species addressed by the NCCP/HCP. Accordingly, the Project has no potential to conflict with the NCCP/HCP. There are no additional Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project site or vicinity. Accordingly, no impact would occur.



4.5.5 Cultural Resources

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

Finding: No Impact. Although the Project would demolish the existing building and remove it from the property, the structure is not a historical resource pursuant to Section 15064.5 of the CEQA Guidelines.

The Project site consists of one existing building (car wash with an ancillary gas station) that would be demolished and removed from the property as part of the Project.

CEQA Guidelines Section 15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.
3. Any object, building, structure, site, area, place, record, or manuscript which a Lead Agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

The City of Newport Beach has listed seven properties in the City of Newport Beach Register of Historical Property (City Register), as shown in Figure 4.4-1 of the General Plan EIR, in recognition of their local historical or architectural significance. The existing car wash and ancillary gas station located on the Project site is not listed in the City Register (Newport Beach, 2006b, Figure 4.4-1). In addition, pursuant to the criteria used by the California State Parks Office of Historic Preservation (OHP), the existing structure on-site is not eligible for inclusion on the California Register of Historical Resources because: 1) it is not associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; 2) it is not associated with the lives of persons important to local, California or national history; 3) it does not embody the distinctive characteristics of a type, period, region or method of construction or represent the work of a master or possess high artistic values; and 4) it has not yielded, nor does it have the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The existing structure also is not included in any local register of historical resources, nor is it identified as significant in the City's Historic Resource Inventory (Newport Beach, 2006a, page 6-11). Moreover, the existing structure is not historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California; rather, the structure consists of relatively modern architectural styles and exhibits no unique architectural characteristics.

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

The goals and policies of the General Plan Historical Resources Element are not applicable to the Project because the Project site does not contain any historical resources (as indicated herein).



Accordingly, the Project would not conflict with any goals or policies of the Historical Resources Element.

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

Finding: Potentially Significant Impact. There is a remote possibility that archaeological resources could be encountered during site grading activities.

The Project site is fully disturbed and developed with a car wash, ancillary gas station, and a parking lot. The excavation for the proposed subterranean parking structure is estimated to range from approximately 30-40 feet below the proposed final ground surface. Due to the depth of the excavation required for the proposed subterranean parking structure, there is a potential that previously unearthed archeological resources may be encountered where excavation depths exceed the depth of previous construction activities, which could result in a potentially significant impact. The Project's potential impacts regarding this issue will be evaluated in the EIR.

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

Finding: Potentially Significant Impact. There is a remote possibility that paleontological resources could be encountered during site grading activities.

The excavation for the proposed subterranean parking structure is estimated to range from approximately 30-40 feet below the proposed final ground surface. The Project site is not located in a portion of the City of Newport Beach that is known to contain fossil-bearing soils or rock formations (Newport Beach, 2006b, p. 4.4-17). However, due to the depth of the excavation required for the proposed subterranean parking structure, there is a potential that previously unearthed paleontological resources may be encountered where excavation depths exceed the depth of previous construction activities, which would result in a potentially significant impact. This issue will be further addressed in the EIR.

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

Finding: Less-than-Significant Impact. In the remote event that Project construction activities unearth human remains, mandatory compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98(b) would ensure that impacts would be less than significant.

The Project site is fully developed with a car wash, ancillary gas station, and a parking lot. The Project site is not known to have ever been used as a cemetery and the possibility of uncovering human remains during site grading activities is remote due to the previous development at the site. However, in the unlikely event that human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition is made by the Coroner. If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations

concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Mandatory compliance with these policies would ensure that potential impacts associated with the discovery of human remains would be less than significant.

4.5.6 Geology and Soils

- a) *Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - ii) *Strong seismic ground shaking?*
 - iii) *Seismic-related ground failure, including liquefaction?*
 - iv) *Landslides?*
-

Finding: Potentially Significant Impact. The Project could be potentially impacted by seismic events.

As with much of the Southern California region, the Project site is located in a seismically active area. The Project site is not located within an Alquist-Priolo Earthquake Fault Zone and is not in an area subject to landslides. However, the proposed structure would be subject to ground shaking during seismic events that would occur during the lifetime operation of the proposed Project that could result in potentially significant impacts associated with strong seismic ground shaking and seismic-related ground failure. Impacts associated with seismic-related hazards will be thoroughly analyzed in the EIR.

- b) *Would the Project result in substantial soil erosion or the loss of topsoil?*
-

Finding: Potentially Significant Impact. The Project could result in substantial soil erosion or the loss of topsoil during construction.

The proposed demolition and grading activities associated with the Project would temporarily expose underlying soils to water and air, which would increase erosion susceptibility while the soils are exposed. Exposed soils would be subject to erosion during rainfall events or high winds due to the removal of structures, pavement, and/or stabilizing vegetation and exposure of these erodible materials to wind and water. Erosion by water would be greatest during the first rainy season after grading and before the Project's structure foundations are established and paving and landscaping occur. Erosion by wind would be highest during periods of high wind speeds when soils are exposed. The only potential for erosion effects to occur during Project operation would be indirect effects from storm water discharged from the property. Accordingly, impacts associated with erosion would be potentially significant during construction activities. These issues will be further addressed in the EIR.

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

Finding: Potentially Significant Impact. Unstable soil conditions could be encountered during Project construction, resulting in substantial adverse effects.

Due to the fact that the Project site is previously developed, unstable soils conditions could occur on-site due to the potential presence of varying earth units across the site, including fill of varying



composition. Additionally, during Project construction, the excavation for the subterranean parking garage could create a potentially significant impact associated with unstable soils during Project construction. The presence of unstable soils would represent a potentially significant impact, and this issue will be fully analyzed in the EIR.

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

Finding: Potentially Significant Impact. Expansive soils could be encountered during the Project’s construction, resulting in substantial adverse effects.

Due to the potential presence of expansive soils on-site, this issue will be further addressed in an EIR.

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

Finding: No Impact. No septic tanks or alternative waste water disposal systems are located on the site or proposed as part of the Project; accordingly, no impact due to soils incapable of supporting such systems have the potential to occur.

Under existing conditions, the Project site is being served by the City’s municipal sewer system. The proposed Project would include facilities that would also connect to the City’s municipal sewer system. No septic tanks or alternative waste water disposal systems are proposed as part of the Project; accordingly, no impact would occur.

4.5.7 Greenhouse Gas Emissions

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

Finding: Less-than-Significant Impact. The Project would result in greenhouse gas (GHG) emissions that are below the City of Newport Beach’s screening threshold of 3,000 metric tons of CO₂e per year.

Construction Emissions

Construction activities associated with the proposed Project would result in emissions of CO₂ and CH₄ from construction activities. In estimating the potential for GHG emissions, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions, discussed below. (Urban Crossroads, 2015, p. 28)

Operational Emissions

Operational activities associated with the proposed Project would result in emissions of CO₂, CH₄, and N₂O from the following primary sources:

- Area Source Emissions
- Energy Source Emissions
- Mobile Source Emissions
- Solid Waste



- Water Supply, Treatment and Distribution

The City of Newport Beach relies upon the SCAQMD draft screening level threshold of 3,000 Metric Ton of Carbon Dioxide Equivalent (MTCO_{2e}) per year to determine the significance of GHG emissions on both direct and cumulatively considerable bases; therefore, for purposes of analysis, the proposed Project would have a significant adverse impact on GHG emissions if it would result in excess of 3,000 MTCO_{2e} per year (Urban Crossroads, 2015, p. 27).

The annual GHG emissions associated with the operation of the proposed Project are calculated to be 539.83 MTCO_{2e} per year as summarized in Table 4-1 below, and additional information and analysis methodologies are included in *Technical Appendix B* of this Initial Study. As shown, the proposed Project would result in a less than significant impact with respect to GHG emissions because the Project’s GHG emissions would be well below the 3,000 MTCO_{2e} per year threshold. (Urban Crossroads, 2015, p. 30) Thus, Project-related emissions would have less-than-significant direct and indirect impact and less than cumulatively considerable effect on GHG and climate change (Urban Crossroads, 2015, p. 2). Mitigation is not required.

Table 4-1 Total Project Greenhouse Gas Emissions (Annual)

Emission Source	Emissions (metric tons per year)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ E
Annual construction-related emissions amortized over 30 years	27.97	3.67e-3	--	28.04
Area ^a	16.04	0.02	3.50e-4	16.49
Energy ^b	199.23	8.05e-3	2.26e-3	200.10
Mobile Sources ^c	262.41	9.87e-3	--	262.62
Waste	4.58	0.27	--	10.25
Water Usage	19.31	0.10	2.63e-3	22.33
Total CO ₂ E (All Sources)	539.83			
SCAQMD Draft Screening Level Threshold	3,000 MTCO ₂ E			

Source: Table 3-1, (Urban Crossroads, 2015)

Note: Totals obtained from CalEEMod™ and may not total 100% due to rounding.

Table results include scientific notation “e” is used to represent *times ten raised to the power of* (which would be written as x 10^b) and is followed by the value of the exponent

a Includes emissions of landscape maintenance equipment and architectural coatings emissions

b Includes emissions of natural gas consumption

c Includes emissions of vehicle emissions and fugitive dust related to vehicular travel

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

Finding: No Impact. The Project would comply with all applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions; accordingly, no impact due to a conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions would occur.

As indicated in the discussion and analysis above, the Project would generate GHG emissions below the SCAQMD draft screening level threshold of 3,000 MTCO_{2e} that is utilized by the City of Newport Beach for evaluating the significance of a residential development Project’s GHG emissions. Additionally, activities associated with the Project would be subject to all applicable federal, state, and regional requirements adopted for the purpose of reducing GHG emissions, including, but not limited to: California Building Standards Code (CBSC) Title 24 Energy Standards (also known as CalGreen);



California Assembly Bill (AB) 1493; Executive Order S-3-05; AB 32; Senate Bill (SB) 1368; SB 97; and the applicable policies of the City's General Plan that reduce GHG emissions. There are no other plans, policies, or regulations adopted for the purpose of reducing GHG emissions that are applicable to the Project area; therefore, the Project would have no potential to conflict with such plans, policies, or regulations. Accordingly, no impact would occur and mitigation is not required.

4.5.8 Hazards and Hazardous Materials

- a) *Would the Project create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?*
 - b) *Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
-

Finding: Potentially Significant Impact. Demolition of the existing improvements would include the removal of an underground storage tank and the removal of a building that could contain asbestos containing materials, which have the potential to expose construction workers and/or nearby sensitive receptors to health risks during demolition activities.

Potential Impacts Due to Existing Site Conditions

Due to the potential presence of underground storage tank (USTs) on site associated with the gas station component of the car wash, potentially significant impact may occur during the demolition of the existing facility. This issue will be further analyzed in the EIR.

Potential Impacts During Construction and Demolition Activities

Based on the apparent age of the existing structure, it is possible that asbestos containing materials (ACMs) are present in some of the building materials, such as flooring or roofing materials. During demolition of the building, there is a potential that construction workers could be exposed to asbestos materials, which are known to cause human health problems, including cancer. ACMs also have the potential to become airborne during demolition activities, potentially affecting nearby sensitive receptors, which would represent a potentially significant impact. This issue will be further analyzed in an EIR.

Impacts During Long-Term Operation

In the underground parking levels for the proposed Project, storage areas would be provided for use by Project residents. The potential for the storage of any acutely hazardous materials within these storage areas will be analyzed in the EIR.

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

Finding: No Impact. The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The nearest school facility to the Project site is the Harbor View Elementary School, which is located approximately 0.61 mile southeast of the Project site. There are no existing or proposed schools within one-quarter mile of the site. Moreover, the Project Applicant proposes to develop the site with residential land uses, which are not associated with hazardous emissions or the storage or use of acutely



hazardous materials, substances, or waste. Therefore, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and no impact would occur.

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

Finding: No Impact. The Project site is not identified on a list compiled pursuant to Government Code Section 65962.5; therefore, the Project has no potential to create a significant hazard to the public or environment as the result of listed properties.

A review of the California Environmental Protection Agency's (EPA's) Cortese List Data Resources (which lists the facilities/sites identified as meeting the "Cortese List" requirements) the Project site was not identified, thereby indicating that the site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (CalEPA, 2012). Therefore, the Project has no potential to create a significant hazard to the public or the environment due to presence of an existing hazardous materials site identified on a list compiled pursuant to Government Code Section 65962.5, and no impact would occur.

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

Finding: Less-than-Significant Impact. The Project would result in a less-than-significant impact due to the exposure of people residing or working in the area to safety hazards associated with operations at John Wayne Airport.

John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. As detailed in the Airport Environs Land Use Plan (AELUP) for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA.

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

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

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

The Project site does not fall within any of the above boundaries and as such, the Project site is not located within the Planning area of JWA. By applying the imaginary surface slope of 100:1, at this distance from the runway, the Project does not penetrate the imaginary surface extending 100 feet

outward and one foot upward (slope of 100:1) from the JWA runway at a height of 191 feet. Therefore, the Project does not fall within the AELUP Airport Planning Area and does not require ALUC review.

The AELUP establishes requirements for notifying the FAA of certain construction activities and alterations to existing structures within the AELUP Part 77 Notification Area, in order to ensure there are no obstructions to navigable airspace. Within the Notification Area boundary, Part 77 requires that the FAA be notified of any proposed construction or structural alterations having a height greater than an imaginary surface extending 100 feet outward and one foot upward (slope of 100:1) from the JWA runway. Outside the boundary, projects that include construction or structural alterations exceeding 200 feet in height above ground level are required to notify the FAA. (OCALUC, 2008, p. 4) The seven-story building proposed by the Project would be 83 feet 6 inches in height, so FAA notification is not required because the structure does not exceed 200 feet in height.

As the Project site also is not subject to substantial risks from aviation hazards, the proposed Project would also comply with General Plan Safety Element Goal S8. Thus, based on the preceding information, the Project would have a less-than-significant impact.

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

Finding: No Impact. No private airstrips are located in the vicinity of the Project site; therefore, the Project has no potential to result in a safety hazard for people residing or working in the area caused by private airstrips.

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

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

Finding: No Impact. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The City of Newport Beach Emergency Operations Plan (EOP) is the only emergency response plan applicable to the Project site. The EOP does not identify any specific requirements for the Project site, nor is the site identified by the EOP as being part of an emergency evacuation route (Newport Beach, 2011, p. 102). McArthur Boulevard is the nearest designated Tsunami evacuation route identified in the City's Emergency Operations Plan, and this road is located southwest of the Project site and does not abut the Project site (Newport Beach, 2011, p. 101).

Although temporary lane closures on surrounding streets may be required during short periods of the Project's construction period to connect the proposed Project to the existing utility facilities within the roadways, the construction of the proposed Project would not require the complete closure of any public or private streets or roadways during construction. Accordingly, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and no impact would occur.



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

Finding: No Impact. The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impact would occur and mitigation is not required.

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

4.5.9 Hydrology and Water Quality

a) *Would the Project violate any water quality standards or waste discharge requirements?*

Finding: Less-than-Significant Impact. The Project would not violate any water quality standard or waste discharge requirement.

Information associated with the Project's estimated water demand and waste generation is provided in Section 4.5.17, Utilities and Service Systems.

Construction-Related Water Quality Impacts

Construction of the proposed Project would involve the demolition of the existing car wash structure with ancillary gas station and parking lot on the site. The demolition activity, as well as excavation activities associated with construction of the proposed Project's subterranean parking levels would cause ground disturbance, resulting in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana Regional Water Quality Control Board (RWQCB) and the City of Newport Beach, the Project would be required to obtain a National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. In addition, the Project would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Program. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a Storm Water Pollution Protection Plan (SWPPP) for construction-related activities. The SWPPP would specify the Best Management Practices (BMPs) that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern (including sediment) are prevented, minimized, and/or otherwise appropriately treated on-site prior to being discharged from the subject property. Mandatory compliance with the SWPPP would ensure that the Project does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less than significant and no mitigation measures beyond mandatory compliance with regulatory standards would be required.



Post Development Water Quality Impacts

The Project would not substantially alter the chemical composition of storm water runoff discharged from the subject property as compared to existing conditions. Storm water pollutants commonly associated with residential land uses include suspended solids/sediments, nutrients, pathogens (bacteria/viruses), pesticides, and trash/debris (Fuscoe, 2015, p. 7). These urban types of storm water pollutants are also characteristic of the land uses that occupy the Project site under existing conditions (i.e., car wash, ancillary gas station, and surface parking lot).

The proposed Project would nominally increase the amount of impervious surface area, thus the Project would increase the amount of storm water runoff discharged from the subject property as compared to existing conditions. Under existing conditions, the Project site is covered by impervious surfaces (80% coverage); with implementation of the Project, the amount of impervious surfaces on the subject property would be increased to 85%. The additional impermeable surface area proposed by the Project would decrease the amount of storm water runoff infiltration on-site as compared to existing conditions thereby increasing the volume of storm water runoff carrying water pollutants that is discharged into downstream receiving waters. However, this nominal increase in storm water discharge volume would not represent a substantial increase in storm water quantity and would not result in a substantial increase in the potential for polluted storm water runoff to occur compared to the existing condition. As detailed in the Project's Preliminary WQMP (*Technical Appendix C*), under the proposed conditions, runoff will continue to drain towards the southwest portion of the site where a new area storm drain section will be constructed on the south, east and northern sections of the site. The new storm drain lines will tie into the existing 10" storm drain and catch basin at the southwest most end of the site. (Fuscoe, 2015, p. 9) Thus, the additional runoff from the Project site would be accommodated by the new storm drain section that will be constructed as part of the Project.

The Project's Preliminary WQMP identifies the inclusion of the following site design BMPs:

1. minimize impervious areas: Impervious surfaces have been minimized by incorporating landscaped areas throughout the site including around the perimeter of the proposed structures. Runoff from the proposed development will drain to a landscaped proprietary bioretention area.
2. preserve existing drainage patterns/time of concentration: Proposed drainage patterns will largely mimic existing drainage patterns. Runoff will flow in a south/ southwest direction and connect to existing storm drain facilities. Low-flows and first flush runoff will drain through a proprietary biotreatment system prior to discharge.
3. disconnect impervious areas: Runoff from the proposed improvements, buildings and hardscape areas will drain to bioretention systems to further disconnect impervious areas
4. protect existing vegetation and sensitive areas/revegetate disturbed areas: The Project site is fully developed under existing conditions. All disturbed areas will either be paved or landscaped
5. use of xeriscaping: native and/or tolerant landscaping will be incorporated into the site design, consistent with City guidelines. (Fuscoe, 2015, pps 15-16).

The following non-structural source control BMPs would be implemented: education for property owners, tenants, and occupants; activity restrictions; common area landscape; BMP maintenance; common area litter control; employee training; common area catch basin inspection; and street sweeping of private streets and parking lots (Fuscoe, 2015, pps 25-26). The following structural source



control BMPs would be implemented as part of the Project: provide storm drain system stenciling and signage; use of efficient irrigation systems and landscape design, water conservation, and use of smart controllers (Fusco, 2015, p. 27). The above listed site design BMPs, non-structural source control BMPs, and structural source control BMPs would minimize, prevent, and/or otherwise appropriately treat storm water runoff flows before they are discharged from the site. Mandatory compliance with the WQMP would ensure that the Project does not violate any water quality standards or waste discharge requirements during long-term operation. Additionally, the Project would be required to comply with provisions set forth in the Orange County Drainage Area Management Plan (DAMP), including the implementation of appropriate BMPs identified in the DAMP, to control stormwater runoff on-site so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of the water. (Newport Beach, 2006b, page 4.7-31) Therefore, water quality impacts associated with post-development activities would be less than significant and no mitigation measures would be required.

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

Finding: Less-than-Significant Impact. The Project site is not located within a groundwater recharge basin, and implementation of the Project would not result in a significant net deficit in aquifer volume or lowering of the local groundwater table.

No groundwater wells are located on the Project site or proposed as part of the Project. Therefore, implementation of the Project would not deplete groundwater supplies associated with water well withdraw. Additionally, as discussed under Utilities and Service Systems (refer to Section 4.5.17, the Project would use less domestic water in comparison to the demand created by the existing car wash use at the Project site. For these reasons, no impact associated with groundwater supply depletion would occur.

The Project site is not located within a groundwater basin and therefore cannot contribute to the recharge of any regional aquifer or local water table with beneficial potable water uses (Newport Beach, 2006b, Figure 4.7-1 and pp. 4.7-32 to 4.7-33). Implementation of the Project would nominally increase the amount of impervious surfaces on-site from 80% under existing conditions to 85% under proposed conditions. However, given that the Project site is already developed with impervious surfaces since 1970 (Fero, 2013, p. 9), implementation of the Project would not interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. A less than significant impact would occur.

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

Finding: Less-than-Significant Impact. The Project would not substantially alter the existing drainage pattern of the subject property or surrounding area in a manner that would result in substantial erosion or siltation on- or off-site.

The Project site is generally flat and currently drains towards an existing low point at the southwest portion of the site. Elevations vary from a low of 158.5 feet above mean sea level (amsl) in the south-southwest corner to a high elevation of 170.3 feet amsl in the northeast corner. Under existing

conditions, storm water runoff generally sheet flows towards the south-southwest, where an existing 10-inch storm drain line and catch basin intercepts the drainage. With implementation of the Project, the site's existing hydrological characteristics would not be substantially altered; under the proposed conditions, runoff would continue to drain towards the southwest portion of the site where a new area storm drain section would be constructed on the south, east, and northern sections of the site. The new storm drain lines would tie into the existing 10-inch storm drain and catch basin at the southwest end of the site. The storm drain system then discharges into the City Municipal Separate Storm Sewer System (MS4) facility along Civic Center Drive towards Pacific Coast Highway, where it would be conveyed west to the Lower Newport Bay for discharge (Fusco, 2015, p. 9). Additionally, as described above under Hydrology and Water Quality Threshold a), the Project would maximize natural infiltration capacity, thereby reducing the total volume and sediment load within on-site surface runoff. Therefore, with buildout of the Project, there would be no significant alteration of the site's existing drainage pattern and there would not be any significant increases in the rates of erosion or siltation on- or off-site. Impacts would be less than significant and no mitigation would be required.

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

Finding: Less-than-Significant Impact. The Project would neither substantially alter the existing drainage pattern of the subject property or surrounding area nor substantially increase the rate or amount of surface runoff discharged from the Project site in a manner that would alter the course of a stream or river or result in flooding on- or off-site.

As described above under Threshold c) of this section, the Project would not substantially alter the drainage pattern of the subject property or the surrounding area. There are no streams or rivers on-site. As detailed in the Preliminary WQMP prepared for the Project (*Technical Appendix C*), the amount of impermeable surfaces on-site would increase from the existing 80% to 85%, with the Project (Fusco, 2015, p. 5). However the Project is designed to reduce runoff from the Project site, including the use of detention facilities to prevent surface runoff from the site in a manner that would create flooding on or off-site. Impervious surfaces are minimized by incorporating landscaped areas throughout the site including around the perimeter of the proposed structures. Proposed drainage patterns would largely mimic existing drainage patterns with storm water runoff flowing in a south/southwest direction and connect to existing storm drain facilities. Low-flows and first flush runoff would drain through a proposed biotreatment system prior to discharge. (Fusco, 2015, p. 15) Refer to *Technical Appendix C, Preliminary Water Quality Management Plan*, for more detailed information. Because the Project would not substantially alter the drainage patterns of the subject property or surrounding area and would not substantially increase the rate or amount of storm water runoff discharged from the site, implementation of the Project would not result in or increase flood hazard risks on- or off-site. Impacts would be less than significant.

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

Finding: Less-than-Significant Impact. The Project would not create runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

As discussed above under Thresholds c) and d) of this section, the Project is designed to ensure that post-development runoff rates and volumes closely resemble those that occur under existing conditions.



Under existing conditions, storm water runoff generally sheets flows towards the south-southwest portion of the site and ties into an existing 10-inch storm drain (Fusco, 2015, p. 6). Because the existing 10-inch storm drain has sufficient capacity to convey runoff from the Project site under existing conditions, and because the rate and volume of runoff would not substantially increase with buildout of the Project, the Project would not create or contribute runoff which would exceed the capacity of any existing or planned storm water drainage system. Impacts would be less than significant and no mitigation would be required.

As discussed under the analysis of Threshold a) of this section, the Project would be required to comply with a future SWPPP and the Project's Preliminary WQMP (*Technical Appendix C*), which would identify BMPs to be incorporated into the Project to ensure that near-term construction activities and long-term post-development activities of the Project would not result in substantial amounts of polluted runoff. Therefore, with mandatory compliance with the Project's SWPPP and WQMP, the Project would not create or contribute substantial additional sources of polluted runoff, and impacts would be less than significant. No mitigation would be required.

f) *Would the Project otherwise substantially degrade water quality?*

Finding: Less-than-Significant Impact. The Project would not substantially degrade water quality.

As discussed above under Threshold a) of this section, mandatory compliance with the Project's SWPPP during near-term construction activities and WQMP during long-term post-development activities would reduce the Project's potential to generate substantial amounts of polluted runoff, including runoff containing pollutants of concern for downstream impaired waters to a level below significant. Other than surface storm water runoff from the site, there are no other known sources of pollutants that could adversely affect or degrade water quality. Accordingly, impacts would be less than significant and mitigation is not required.

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

Finding: No Impact. The Project site is not located within a designated 100-year flood hazard area and the Project would not place any housing within a designated 100-year flood hazard zone.

The entire Project site is located within Federal Emergency Management Agency (FEMA) Flood Zone "X (Unshaded)", indicating that the subject property is located outside of the 100-year floodplain and outside the 500-year floodplain (greater than 0.2% annual chance of flooding). No portion of the Project site is located within a designated 100-year flood hazard area (Newport Beach, 2006a, Figure S3). Therefore, the Project would have no potential to place housing within a 100-year flood hazard area. No impact would occur.

h) *Would the Project place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

Finding: No Impact. The Project would not place any structure within a designated 100-year flood hazard area which would impede or redirect flood flows.



As discussed under Threshold g) of this section, above, no portion of the Project site is located within a designated 100-year flood hazard area. Accordingly, the Project would not place any structure within a 100-year flood hazard area that could impede or redirect flood flows. No impact would occur.

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

Finding: No Impact. The Project site is not located within an area subject to significant flood hazard risks, and would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

As discussed under Thresholds g) and h) of this section, the Project is not located within a designated 100-year flood hazard zone; therefore, flood flows would not pose a substantial safety risk to people or structures on the Project site. The entire Project site is located within FEMA Flood Zone “X (Unshaded).” Flood Zone X (Unshaded) is an area that is determined to be outside the 0.2% annual chance flood plain (FEMA, 2015); thus, the Project would not subject future residents from either 100-year or 500-year flood hazards. For this reason, future residents, visitors, and employees of the Project would not be exposed to a significant risk of loss, injury, or death as a result of flooding. This flooding risk is the same risk posed to the site and surrounding land uses under existing conditions. Figure S3, *Flood Hazards*, in the City’s General Plan does not identify the Project site as being located within a dam inundation flood hazard area (Newport Beach, 2006a, Figure S-3).

Portions of Newport Beach are designated as occurring within the flood inundation areas for Prado Dam, Santiago Creek Reservoir, Villa Park Reservoir, San Joaquin Reservoir, Big Canyon Reservoir, and Harbor View Reservoir (Newport Beach, 2011, p. 62). The Big Canyon Reservoir is the nearest dam to the Project site. As identified in the Dam Failure Inundation Map in the City of Newport Beach Emergency Operations Plan, the Project site is not identified as being within any of the dam failure areas. Additionally, the City’s General Plan EIR does not identify the Project location as being within an area subject to potential flooding due to dam or levee failure (Newport Beach, 2006b, p. 4.7-40). Accordingly, the Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding including flooding from the failure of a levee or dam, and a less-than-significant impact would occur.

j) *Would the Project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?*

Finding: No Impact. The Project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow.

The potential for secondary seismic hazards, such as tsunami and seiche are considered very low, as the site is located away from the ocean at an elevation of over 140 feet amsl and outside of mapped tsunami inundation zones. Tsunami run-up areas are identified by the City of Newport Beach as area of elevation that are 32-feet or less (Newport Beach, 2007a). The site is not located adjacent to a confined body of water; therefore, the potential for seismic hazard of a seiche (an oscillation of a body of water in an enclosed basin) is considered very low to nil. As detailed in Figure S1, *Coastal Hazards*, of the City’s General Plan Safety Element, the Project site is not located in either a 100-year or 500-year zone for inundation from a tsunami at extreme high tide. Thus, there would be no potential impacts regarding tsunamis. Lands surrounding the Project site are generally characterized as flat and are developed with urban land uses. There are no prominent topographic landforms within the Project vicinity. Accordingly, the Project site is not subject to any mudflow hazards.

Additionally, as impacts associated with tsunami hazards, seiches, and mudflows would be less than significant; thus, the Project would be consistent with General Plan Safety Element Goals S 1 and S 2.

4.5.10 Land Use and Planning

a) *Would the Project physically divide an established community?*

Finding: No Impact. The Project would not physically divide an established community.

The Project site is bounded on two sides by existing roadways (Newport Center Drive and Anacapa Drive), on one side by a parking lot, and on another side by a complex of low-rise office buildings. Other land uses within the Project vicinity consist of commercial/office land uses, with Fashion Island shopping mall located north of the Project site, across Newport Center Drive. No residential uses are located adjacent to the Project site under existing conditions. The nearest existing residential land use to the Project site is the Granville Private Residential Community, which is a gated community located approximately 0.15 mile to the west. The Project would establish a new residential building on a site that is currently used for a car wash and ancillary gas station. As such, the Project has no potential to physically divide an established community and no impact would occur.

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

Finding: Potentially Significant Impact. The proposed could result in a conflict with the City's General Plan and Zoning Ordinance.

Under existing conditions, the Project site is zoned "OR (Office Regional Commercial) Zoning District." Proposed Zoning Code Amendment No. CA2014-008 would apply the "Planned Community District (PC)" Zoning district to the entire 1.26 acre site and establish development standards for building heights and setbacks that vary from the height and setback standards of the City's Zoning Code. The implementation of the proposed Project would have the potential to conflict with policies identified in the General Plan, as well as with the City's Zoning Code, which would result in a potentially significant impact.

c) *Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?*

Finding: No Impact. There are no policies of the Orange County Central and Coastal Orange County NCCP/HCP that are applicable to the Project.

The Project site is located within the Orange County Central and Coastal Orange County NCCP/HCP, which does not identify the Project site and immediate surrounding areas for conservation (Orange County, 1996, Figure 11). The Project site has maintained its existing uses since the 1970s. Due to the developed nature of the Project site under existing conditions, the site also does not contain any habitat for any of the plant or animal species addressed by the NCCP/HCP. Accordingly, the Project has no potential to conflict with the NCCP/HCP. There are no additional Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project site or vicinity. Accordingly, no impact would occur.



4.5.11 Mineral Resources

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

Finding: No Impact. The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

The Project site is developed with urban uses. No mines, wells, or other resource extraction activity occurs on the property or is known to have ever occurred on the property. According to the City’s General Plan EIR, which relies on mapping conducted by the California Geological Survey for areas known as Mineral Resources Zones (MRZs), the Project site is mapped as being on the boundary between MRZ-1 and MRZ-3. Areas mapped MRZ-1 are defined as “areas where available geologic information indicates that there is little or no likelihood for presence of significant mineral resources.” Areas mapped MRZ-3 are defined as “areas containing mineral deposits of undetermined significance.” (Newport Beach, 2006b, Figure 4.5-4) Accordingly, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, and no impact would occur.

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

Finding: No Impact. The Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan, and no impact would occur.

The Project site is not identified as a locally-important mineral resource recovery site delineated on the City’s General Plan, a specific plan, or other land use plan. Accordingly, no impact would occur.

4.5.12 Noise

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

Finding: Potentially Significant Impact. The Project has potential to result in significant noise impacts from Project construction and operation.

The Project site generates noise under existing conditions in relation to the existing vehicle traffic (discussed below), as well as noise from the car wash such as the dryer for the vehicles and compressed air that is used to detail the vehicles. The proposed Project would remove the existing car wash use and would construct a residential building. The potential for impacts associated with noise during construction and operation of the proposed Project is described below.

Construction Noise

Construction noise is explicitly exempted from the noise standards specified in NBMC Section 10.26.035(D), provided such activities adhere to the timing restrictions specified in NBMC Chapter 10.28.040. Accordingly, impacts would be less than significant.



Operational-Related Noise

Residential land uses are not typically associated with the generation of substantial stationary noise. However, The Project has the potential to contribute to off-site noise levels resulting from vehicular traffic that would be generated by the residents, which may represent a potentially significant impact. Additionally, the proposed Project may result in the exposure of residents within the Project site to potentially significant noise from surrounding roadways.

b) *Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Finding: Less-than-Significant Impact. Impacts associated with excessive groundborne vibration or groundborne noise levels during Project construction and long-term operation would be less than significant.

The only potential source of ground-borne vibration associated with the Project would occur as a result of construction activities, during which large machinery would be utilized in support of Project excavation and grading activities. However, construction activities associated with the Project would not require the use of pile drivers, rock crushers, or blasting, which are the primary sources of vibration-related impacts during construction. As such, groundborne vibration and noise impacts during construction would be less than significant.

Additionally, there are no sources of groundborne vibration or groundborne noise in the Project area, such as railroad lines. Accordingly, future Project residents also would not be subject to excessive groundborne vibration or groundborne noise levels and impacts associated with this issue would be less than significant.

c) *Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?*

Finding: Less-than-Significant Impact. The Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Residential uses typically do not generate substantial amounts of ambient noise. Any unusual noise generated by individual residents would be regulated by Chapter 10.28 (Loud and Unreasonable Noise) of the Municipal Code, and any future residents that violate the provisions of Chapter 10.28 would be subject to penalties as set forth in the ordinance. Residential uses can result in an increase in ambient noise levels due to an increase in vehicular trips in the Project area. The Project would generate less traffic when compared to the existing car wash use, thereby reducing the amount of vehicular-related noise affecting off-site areas. Therefore, the Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project, and impacts would be less than significant.

d) *Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?*

Finding: Less-than-Significant Impact. With mandatory adherence to the timing provisions of Municipal Code Section 10.28 during construction activities, Project impacts due to a temporary or periodic noise increase would be reduced to below a level of significance.

As indicated above under the discussion of Thresholds a) and b) of this section, demolition of the existing buildings on-site and construction of the Project would involve the use of heavy construction equipment that has the potential to result in a substantial temporary increase in ambient noise levels. However, construction noise is explicitly exempted from the noise standards specified in NBMC Section 10.26.035(D), provided such activities adhere to the timing restrictions specified in NBMC Chapter 10.28.040, Construction Activity-Noise Regulations (Newport Beach, 2015a). There are no potential sources of temporary or periodic noise increases associated with long-term operation of the Project, as the Project would involve the operation of 49 condominium homes, which are not associated with the generation of substantial amounts of temporary or periodic noise increases. Accordingly, impacts would be less than significant.

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

Finding: No Impact. The Project would not expose people residing or working in the Project area to excessive airport-related noise levels.

The only airport in the vicinity of the Project site is John Wayne Airport, which is located approximately 3.6 miles north/northeast of the Project site. As shown on Figure N4 of the Newport Beach General Plan, and as similarly presented on the Airport Impact Zones exhibit of the AELUP, the Project site is not subject to airport-related noise levels exceeding 60 A-weighted decibels (dBA) community noise equivalent level (CNEL) (Newport Beach, 2006a, Figure N4; OCALUC, 2008, Appendix D). Accordingly, the Project would not expose people residing or working in the Project area to excessive airport-related noise levels, and thus there would be no impacts in this regard.

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

Finding: Less-than-Significant-Impact. There would be a less than significant impact due to the exposure of people residing or working in the area to excessive noise levels associated with private airstrips.

There are no private airstrips within the vicinity of the Project site. Accordingly, there would be a less than significant impact due to the exposure of people residing or working in the area to excessive noise levels associated with private airstrips.

4.5.13 Population and Housing

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

Finding: Less-than-Significant Impact. The Project would provide for an additional 49 condominium units within one building in Newport Center, but the population accommodated by the Project would not result in population growth that would adversely affect the physical environment.

Southern California Association of Governments (SCAG) prepared a Regional Housing Needs Assessment (RHNA) for 2014-2021 to identify the housing need for each jurisdiction within the SCAG

region in the 2014–2021 period. To accommodate projected growth in the region, SCAG estimates that the City of Newport Beach needs to target its housing unit production to accommodate a total of five new housing units, as follows: one (1) “Very Low” income unit, one (1) “Low” income unit, one (1) “Moderate” income unit, and two (2) “Above Moderate” income units. (Newport Beach, 2006b, Table H31, page 5-44) As demonstrated in Table H32, the City has sufficient sites to accommodate the City’s 2014-2021 RHNA allocation. The Housing Element of the City’s General Plan has not previously identified the Project site as a housing opportunity site. The proposed Project would provide for 49 housing units in one building; accordingly, the Project would be consistent with the General Plan Housing Element by assisting the City in meeting its housing needs, as encouraged by Housing Element Goal H3. The Project would be consistent with, or otherwise would not conflict with, all applicable goals and policies of the General Plan Housing Element.

According to the Department of Finance, the City of Newport Beach has an average household size of 2.24 persons (DOF, 2015). The Project Applicant proposes to redevelop the site with 49 new condominium units in one building, which would result in a population increase of approximately 110 persons. Although the Project would result in an increase in the City’s population by approximately 110 persons, this increase represents only a 0.123% increase over the City’s estimated Department of Finance (DOF) 2015 population (DOF, 2015). Additionally, none of the improvements proposed as part of the Project would foster an indirect increase in the City’s population. The vicinity of the Project site is an urbanized area that already includes a variety of land uses, including office, retail (Fashion Island), restaurant, entertainment, and commercial land uses. The population that the Project would accommodate is not substantial and would not adversely affect the surrounding physical environment. As such, population growth impacts would be less than significant.

b) *Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

Finding: No Impact. Implementation of the Project would not displace any existing housing, necessitating the construction of replacement housing elsewhere.

There are no residences on-site under existing conditions. Accordingly, implementation of the Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, and no impact would occur.

c) *Would the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

Finding: No Impact. Implementation of the Project would not displace any existing housing, necessitating the construction of replacement housing elsewhere, and no impact would occur.

There are no persons living on-site under existing conditions. Accordingly, implementation of the Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere, and no impact would occur.

4.5.14 Public Services

a) *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the*



construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection?

Finding: Less-than-Significant Impact. The Project would be adequately served by the City's existing fire protection facilities, and the Project would not result in nor require the expansion or construction of any new fire protection facilities.

Under existing conditions, the Project site's existing car wash and ancillary gas station generates a negligible demand for fire protection services. Implementation of the Project could result in an increase in the site's existing demand for fire protection services (due to medical emergencies and fire protection needs associated with residential uses). Due to the limited scale of the Project being 49 condominium units in one building, the addition of approximately 110 persons on the Project site would not significantly impact response times because the Project site would be adequately served by existing Fire Department services. Additionally, the Project would replace an existing commercial use which generates an existing demand for fire protection services in the existing condition. Based on the most recent available information from 2015, the Newport Beach Fire Department's (NBFD's) average response times for priority incidents requiring full personal protective equipment was 6 minutes and 34 seconds. For priority incidents not requiring full personal protective equipment, the average response time was 4 minutes 54 seconds. (Newport Beach, 2016). According to the NBFD, there are no deficiencies in the level of fire protection service currently provided to the City, and no plans for additional fire stations. (Nova, 2015c)

The proposed building would be constructed in accordance with current fire codes, and would replace the older on-site building that was constructed in 1970. Older buildings prior to the enactment of current fire codes have fewer fire protection features than do buildings of a more modern construction. The nearest fire station to the Project site is Fire Station No. 3, located at 868 Santa Barbara Drive, approximately one roadway mile northwest of the Project site. Due to the Project's location approximately one mile from an existing fire station in Newport Center, the Project would be adequately served by existing fire services and no new or expanded facilities are warranted. The Project would be required to comply with City of Newport Beach Fire Department Project conditions of approval, including but not limited to the requirement to provide an exclusive off street staging area for emergency vehicles, the height and width of which would need to be sufficient to accommodate a fire engine and medic unit. The Project would provide a minimum width of emergency access area (20 feet) to accommodate ladder truck stabilizers (Nova, 2015b). Thus, the Project would comply with all required conditions of approval from the City's Fire Department. Accordingly, implementation of the Project would be adequately served by the City's existing fire protection facilities, and the Project would not result in nor require the expansion or construction of any new fire protection facilities. Therefore, a less-than-significant impact would occur.

b) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?

Finding: Less-than-Significant Impact. Implementation of the Project would not result in nor require the expansion or construction of any new police protection facilities.



Under existing conditions, the Project site's existing car wash and ancillary gas station generates a negligible demand for police protection services. Upon implementation of the Project, the existing car wash would be demolished and replaced with one condominium building. The applicant proposes to develop the site with 49 new condominium units, which would result in a population increase of approximately 110 persons (Newport Beach, 2006b, p. 4.10-3).

Implementation of the Project is anticipated to result in a slight increase in the site's existing demand for police protection services. Due to the limited scale of the Project being 49 condominium units on one building, the addition of approximately 110 persons on the Project site would not significantly impact response times because the Project site would be adequately served by existing police protection facilities. The Newport Beach Police Department's (NBPD's) goal response time for emergency calls is immediate and never over five minutes. For nonemergency calls, the goal response time is within 15 minutes or less when resources are available. In 2014, the average response time to a top priority call was 2 minutes, 55 seconds from the moment the call was received until an Officer arrived on scene. Thus, the NBPD is responding to all calls within the prescribed goal response time and adequately serving the City's needs. (Nova, 2015c) Additionally, the proposed residential building would replace a commercial land use at the Project site that generates an existing demand for police protection services in the existing condition. Considering the small increase to the City's resident population, the Project would not measurably alter the City's ratio of officers to residents. As noted in the General Plan EIR, the General Plan "...contains policies to ensure that adequate law enforcement is provided as the City experiences future development. For example, Policy LU 2.8 ensures that only land uses that can be adequately supported by the City's Public Services should be accommodated. Compliance with this policy would ensure that adequate service ratios are maintained." (Newport Beach, 2006b, p. 4.11-16). The nearest Police station to the Project site is the City's Police Department, located at 870 Santa Barbara Drive, approximately one roadway mile northwest of the Project site. Due to the Project's location approximately one mile from an existing Police station in Newport Center, the Project would be adequately served by existing police protection facilities and no new or expanded facilities are warranted. Based on the foregoing information, the Project would not result in substantial adverse physical environmental impacts and would not hinder the City's police protection performance objectives. Implementation of the Project would not result in nor require the expansion or construction of any new police protection facilities and as such, a less-than-significant impact would occur.

c) *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*

Finding: Less-than-Significant Impact. The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.

Under existing conditions, the Project site is occupied by a car wash and ancillary gas station, which does not generate any demand for school services. The Project would result in the construction of 49 condominium units on the site in one building, which would generate an increased demand for school services. Based on the student generation rates assumed in the General Plan EIR, the Project's 49



condominiums would generate approximately eleven new elementary school students, six middle school students, and six high school students¹ (Newport Beach, 2006b, p. 4.11-23).

The City of Newport Beach is served by the Newport-Mesa Unified School District (NMUSD), which operates Corona Del Mar High School (grades 7-12), located at 2010 Eastbluff Drive in Newport Beach, and Lincoln Elementary School (grades K-6), located at 3101 Pacific View Drive in Corona Del Mar. Based on the school district's school locator application, students from the Project would attend Corona Del Mar High School and Lincoln Elementary School (NMUSD, 2015). The most recent information from the California Department of Education shows that the current (2014-2015) school year enrollment at Corona Del Mar High School is 2,557 students and 620 students at Lincoln Elementary School (CA Dept of Education, 2014). Thus, the students who would be added to these schools from the Project are estimated to be fourteen students, an approximate 0.35% increase in student enrollment at Corona Del Mar High School and nine students, an approximate 2.3% increase in student enrollment at Lincoln Elementary School. Accordingly, the Project would result in a nominal increase in student enrollment.

The General Plan EIR notes that policies within the General Plan would assure the provision of appropriate school facilities as necessary to serve the City's growing population. The Project Applicant would be required to contribute school fees in accordance with Public Education Code Section 17072.10-18. The provision of school fees would assist the NMUSD in meeting the Project's incremental demand for school services. Although it is possible that the NMUSD may ultimately need to construct new school facilities in the region to serve the growing population within their service boundaries, such facility planning is conducted by the NMUSD and is not the responsibility of the Project. Furthermore, the Project would be required to contribute fees to the CNUSD in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation for Project-related impacts to school services, where projects are subject to compliance with CEQA. Therefore, mandatory payment of school impact fees would reduce the Project's impacts to school facilities to a level below significant, and no mitigation would be required.

Accordingly, and based on the foregoing analysis, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for schools. Therefore, impacts would be less than significant.

¹ The General Plan EIR assumes that the 14,215 dwelling unit increase associated with the General Plan Update would result in 6,230 new students, consisting of 3,115 elementary school students, 1,557 middle school students, and 1,558 high school students. This was calculated using Department of Finance population projections, and assuming that approximately 20 % of the potential increase in population would represent children attending grades K through 12. The number of elementary, middle, and high school students, respectively, was divided by the dwelling unit increase of 14,215 to obtain the following student generation ratios for each grade level: 0.219135 elementary students 0.109532 middle school students, and 0.109603 high school students per household. These student generation ratios were used to estimate the number of students that the proposed Project would generate.



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

Finding: Less-than-Significant Impact. The Project would result in less-than-significant impacts associated with the provision of any other new or physically altered government facilities, need for any other new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other types of public services.

Impacts to Public Libraries

Under existing conditions, the Project site's existing car wash and ancillary gas station does not generate a demand for library facilities.

Upon implementation of the Project, the car wash and ancillary gas station would be demolished and replaced with a condominium building accommodating approximately 110 persons. As such, the demand for library services within the City would be incrementally increased as a result of the Project's resident population increase. The General Plan Arts and Cultural Element does not establish any quantitative standards for determining the amount of physical library space needed to serve the City's population. Additionally, given changes in technology (i.e., the use of electronic media in lieu of hard copy media), the demand for physical library space based on population-based projections is speculative. The Newport Beach Central Library underwent an approximately 17,000-square-foot expansion in 2013 to service the City's population and the addition of approximately 110 persons to the City's population associated with the Project has no potential to directly or indirectly create the need to construct a new future library or physically expand an existing library facility. Library services receive funding from property tax, a portion of which from the Project's tax assessment would be dedicated to the City's Library Fund (Newport Beach, 2015a, Section 3.08.020).

Based on the above analysis, the Project would result in less-than-significant impacts associated with the provision of any other new or physically altered government facilities, need for any other new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other types of public services.

Impacts to Recreational Facilities

Impacts to recreational facilities are addressed under Section 4.5.15, Recreation, which concludes that the Project would result in a less-than-significant impact to the City's park facilities.

4.5.15 Recreation

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

Finding: Less-than-Significant Impact. Adequate parkland facilities would be accommodated within Service Area 9 (Newport Center) to meet the needs of existing and projected residents, including residents generated by the Project. Accordingly, the Project would



not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The General Plan Recreation Element and Figure R I I indicates the following for Service Area 9 (which includes the Project site):

Service Area 9—Newport Center. There is park surplus within this service area. The Back Bay View Park was completed in the summer of 2005, and a new passive park, Civic Center Park, is planned for development sometime after 2006.

The Project site has maintained its use as a car wash since the 1970s and is not identified by the General Plan for improvement with any recreational resources. Recreational needs within Service Area 9 occur in other off-site locations. In accordance with the Recreation Element Policy R 1.1, the Project Applicant would be required to contribute in-lieu fees pursuant to the City's Park Dedication Fee Ordinance and City Resolution No. 2007-30 (Newport Beach, 2007b). There are no other goals or policies of the General Plan Recreation Element (e.g., the site and surroundings) that are applicable to the Project; accordingly, the Project would be consistent with, or otherwise would not conflict with, all applicable policies of the General Plan Recreation Element.

Under existing conditions, the car wash with ancillary gas station does not generate a demand for recreational facilities. With implementation of the Project, the proposed 49 condominium units are estimated to increase the City's population by approximately 110 persons. Future residents of the Project site are likely to utilize Civic Center Park, located adjacent to Newport Beach City Hall and Library, which is the closest park area to the Project site (located approximately 0.25 mile northwest of the Project site). This 14-acre park was constructed in 2013 and has the following amenities (Newport Beach, 2015b):

- Civic Green: This is a two acre space that connects the library, City Hall, parking structure and park. This area is designed to be a gathering place for community events.
- A viewing platform
- Picnic areas
- Wetlands and bird blind
- 1.23 miles of walking trails

Additionally, future residents could also utilize Irvine Terrace Park, located approximately 0.40 mile southwest of the Project site on the opposite side of Pacific Coast Highway. Irvine Terrace Park has a soccer field, a basketball court, two tennis courts, a tot lot, a sidewalk, and grassy areas. The use of Civic Center Park and/or Irvine Terrace Park by the Project's estimated 110 residents would not result in substantial deterioration to these existing facilities due to the small increase in population associated with the proposed Project. Additionally, the proposed Project includes common and private open space areas as part of the Project design in order to help meet the recreation needs of the future residents. The proposed Project would include 13,392 square feet of common open space including a dog run and 14,217 square feet of private open space, which would further help to meet the leisure and recreational needs of future Project residents (Project Application Materials, 2015, p. A0.1).

As detailed in the City's General Plan EIR, the City of Newport Beach contains 12 service areas for parkland. The Project is located in Service Area 9 (Newport Beach, 2006b, Figure 4.12-1), which is one of the two service areas identified within the City as having a park surplus (Newport Beach, 2006b, page 4.12-1). Based on the City's Parkland Standard of five acres of parkland per 1,000 residents, the



Project’s estimated population increase of 110 persons would result in a demand for approximately 0.55 acre of parkland. Thus, with implementation of the Project, the total demand for recreational facilities within Service Area 9 (Newport Center) would increase compared to existing conditions. The Civic Center Park accounts for 14 additional acres of parkland within Service Area 9 that were constructed in 2013, after the General Plan was adopted in 2006. Accordingly, the Project would have a less-than-significant impact because it would not result in a substantial physical deterioration of existing recreational facilities in the City of Newport Beach.

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

Finding: Less-than-Significant Impact. The Project would not directly or indirectly result in the need for new or expanded recreational facilities off-site that could have an adverse physical effect on the environment.

As indicated under the discussion and analysis of Threshold a) of this section, Service Area 9 would be served by sufficient park facilities because there is an excess of parkland in the Project area. The Project would not directly or indirectly result in the need for new or expanded recreational facilities that could have an adverse physical effect on the environment. Accordingly, impacts would be less than significant.

4.5.16 Transportation/Traffic

a) *Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

Finding: Potentially Significant Impact. The Project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

The Project would include the removal of the existing car wash and the construction of 49 condominium units, which has the potential to increase traffic in the Project area, which may result in a potentially significant impact. Traffic impacts will be thoroughly evaluated in the EIR.

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

Finding: Potentially Significant Impact. The Project could conflict with the OCTA CMP’s level of service standards or travel demand measures.

The Orange County Transportation Authority (OCTA) Congestion Management Plan (CMP) is the applicable congestion management program for the City of Newport Beach. Pursuant to the CMP, an individual project would result in significant impacts to traffic if it causes the Level of Service (LOS) of any CMP Highway System intersections to degrade to below a LOS E, or if it generates sufficient traffic that contributes to a facility already operating below the threshold. The addition of the 49 units could increase vehicular traffic in the Project vicinity, which may result in a potentially significant impact. Traffic impacts will be thoroughly evaluated in the EIR.



c) *Would the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

Finding: No Impact. There are no components of the Project that would result in an increase in traffic levels or result in substantial safety risks.

The only airport within the Project vicinity is the John Wayne Airport (JWA), which is located approximately 3.6 miles north/northeast of the Project site. Although a portion of the Project site falls within the JWA notification area, the building height does not penetrate the 100:1 imaginary surface for notification nor does it penetrate the FAR Part 77 JWA obstruction imaginary surfaces and thus, the Project does not fall within the Airport Planning Area requiring Airport Land Use Commission review (OCALUC, 2008, Figure I and Appendix D). Accordingly, and based on the AELUP, the Project would not occur in a location that results in a substantial safety risk for future Project residents, the limited scale of the proposed Development would not result in a substantial increase in demand for air traffic. Therefore, no impacts associated with air traffic would occur.

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

Finding: Less Than Significant. The Project would not substantially increase hazards due to a design feature or incompatible uses. There may be the need for temporary lane closures for Anacapa Drive and Newport Center Drive and the installation of tie-backs along the Newport Center Drive and Anacapa Drive frontages, however these temporary improvements would be less than significant.

With the exception of the potential installation of utility tie-backs along the Project site's frontage, the Project does not involve any improvements to off-site roadways or intersections and complete street closures would not occur during the Project's construction phase. There may be the need to temporarily close a lane in Newport Center Drive and/or Anacapa Drive during construction of tie-backs. However due to the temporary nature of the lane closures, and the required implementation of mandatory traffic control measures during lane closures, less-than-significant impacts would occur. Similarly, the location of driveway access points on-site would comply with City roadway standards and the proposed driveways would provide for adequate sight distance. Two new curb cuts would be added, along Anacapa Drive, at the entrance and exit for the porte cohere. Access points will be reviewed by the City of Newport Beach Transportation Engineer regarding adequate site distance so that the Project would conform to City codes. Accordingly, the Project would not increase hazards due to a design feature and less than significant impacts associated with this issue would occur.

e) *Would the Project result in inadequate emergency access?*

Finding: No Impact. The Project would result in adequate emergency access. No impact would occur and mitigation is not required.

The Project Applicant proposes adequate emergency access to the site via compliance with various conditions of approval from the City Fire Department, including the provision of an exclusive off street staging area for emergency vehicles. The size of the area needs to accommodate the height and width of a fire engine and medic unit and should be located closely to the main entrance into the development. The primary guest/valet entrance driveway would accommodate the City's Fire Department need for emergency access at the front of the building. Additionally, the Project would not require the complete closure of any public or private streets or roadways during construction, therefore any construction



within public roadways would not impede use of roads for emergencies or access for emergency response vehicles because emergency vehicles would be able to access the Project site during construction should a lane be closed. Therefore, the Project would not result in inadequate emergency access, and no impact would occur.

f) *Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?*

Finding: No Impact. The Project would not conflict with adopted policies, plans, or programs regarding transit, bicycle, or pedestrian facilities.

The General Plan Circulation Element includes a number of goals and policies related to public transit, bicycle, and pedestrian facilities. These include the policies identified under General Plan Circulation Element Goal CE 4.1 (Public Transportation) and CE 5.1 (Alternative Transportation Modes). A brief discussion of Circulation Element Policies that are applicable to the Project is provided below.

Policy CE 4.1.4: *Land Use Densities Supporting Public Transit. Accommodate residential densities sufficient to support transit patronage, especially in mixed use areas such as the Airport Area.*

Project Consistency: The Project Applicant proposes to develop the site with 49 condominiums in one building on the 1.26-acre site, resulting in a density of approximately 39.2 dwelling units per acre. This level of density would support transit patronage within the Project area. Additionally, an OCTA bus stop is located adjacent to the Project site on Newport Center Drive and is served by OCTA Bus routes 1, 57, and 79. Additionally, approximately 0.6 mile from the Project site is the Newport Transportation Center, from which OCTA bus routes 1, 55, 57, 76, and 79 arrive. Accordingly, the Project would be consistent with Circulation Element Policy CE 4.1.4.

Policy CE 5.1.1: *Trail System. Promote construction of a comprehensive trail system as shown on Figure CE4.*

Project Consistency: According to Figure CE4 of the Circulation Element, the portion of Newport Center Drive that fronts the Project site is identified as a Class II On-road striped bicycle lane in the City's Bikeways Master Plan. The Project would not impact the existing Class II bike trail. Accordingly, the Project would not conflict with Policy CE 5.1.1.

Policy CE 5.1.2: *Pedestrian Connectivity. Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.*

Project Consistency: As occurs under existing conditions, the Project is served by existing sidewalks along Anacapa Drive and Newport Center Drive, which provide connections to sidewalks in the Project Vicinity. Accordingly, the Project would be consistent with Circulation Element Policy CE 5.1.2.



Policy CE 5.1.3: *Pedestrian Improvements in New Development Projects. Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.*

Project Consistency: The Project Applicant proposes a small pedestrian plaza/gathering space at the northeast corner of the Project site which would provide pedestrian access from the Project site to Anacapa Drive and Newport Center Drive. An existing 3-foot pedestrian access easement at the easterly edge of the subject property would continue to provide adequate pedestrian connectivity across the subject property. Accordingly, the Project would be consistent with Circulation Element Policy 5.1.3.

Policy CE 7.1.1: *Required Parking. Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.*

Project Consistency: Based on the City of Newport Beach off-street parking requirements for the Project land use, the Project is required to provide 98 covered parking spaces for residents and 25 parking spaces for guests. Within the proposed subterranean parking structure, the Project is proposing to provide 100 covered parking spaces for residents and 26 parking spaces for guests, satisfying the City's minimum parking requirement. Two of the 26 guest parking spaces would be located at the entry level south of the porte cochère. Accordingly, the Project would be consistent with Circulation Element Policy 7.1.1.

The remaining Circulation Element policies related to public transit, bicycle, and pedestrian facilities provide general direction to City staff and/or decision-makers, or are otherwise not applicable to the Project. There are no other adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Accordingly, the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, and no impact would occur.

4.5.17 Utilities and Service Systems

a) *Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Finding: Less-than-Significant Impact. The Project would demand less wastewater treatment capacity than is demanded by the site under existing conditions resulting in a less than significant impact.

The proposed Project would be served by an 8-inch sewer line that connects to an existing 15-inch sewer main beneath the Newport Center Drive right-of-way and a 6-inch lateral that connects to an 8-inch sewer main beneath the Anacapa Drive right-of-way. One 6-inch sanitary sewer lateral connection is planned within Anacapa Drive. The two existing 8-inch and 6-inch lines would remain to serve the Project. The composition of wastewater generated by the Project is assumed to be typical of other residential uses in the City, consisting of domestically generated wastewater with little to no hazardous materials or components present. As occurs under existing conditions, wastewater would be collected by the City's sewer system and conveyed to Orange County Sanitation District (OCSD) Treatment Plant No. 1 in Fountain Valley. Wastewater treatment demand generated by the Project would be expected to decrease compared to what is demanded by the car wash under existing conditions. As



shown on Table 4-2, *Existing and Proposed Wastewater Treatment Demand*, the Project would generate approximately 9,470 gallons per day (gpd) of wastewater, while the site's existing land use is estimated to generate approximately 11,156 gpd. As such, the Project would decrease demand on OCSD Treatment Plant No. 1 and would therefore not directly or indirectly cause OCSD to exceed wastewater treatment requirements.

Table 4-2 Existing and Proposed Wastewater Treatment Demand

Land Use	Intensity	OCSD Wastewater Flow Factor	Total Wastewater Generation
Existing Land Use			
Car Wash	1.26 acre site	2,262 gpd/acre ¹	11,156 gpd ²
Total Wastewater (Existing Land Use):			11,156 gpd
Proposed Land Use			
Condominiums	1.26 acre site	7,516 gpd/acre ³	9,470 gpd ⁴
Net Decrease in Sewer Generation with Project Implementation:			4,536 gpd

Source: T&B Planning, 2015; (C&V, 2015a)

Notes: gpd= gallons per day. d.u./acre= dwelling units per acre.

Numbers were rounded to provide a "worst case" analysis of wastewater treatment demand.

- Using the Orange County Sanitation District flow factors for office/commercial land uses (2,262 GPD/acre) it was estimated that the existing flow from the site is 2,850 GPD, however this calculated flow is much lower than the actual conditions because the existing car wash has a higher flow factor than the average office or commercial building.
- Existing wastewater generation for the car was estimated based on the car wash's water utility bills average over a six month period, with an assumption that 90% of water used would be discharged into the sewer.
- This is based on a wastewater flow estimate of 7,516 gallons per day/acre for high density residential (26-35 d.u./acre) land uses. The Project falls under the high density residential category for the purposes of estimating wastewater demand. The additional density proposed by the Project (39.2 du/acre) was not enough to increase the flow rate when rounded to a hundredth of a cfs. Therefore the difference was considered negligible.
- In the *Assessment for Sewer Capacity Availability* for the Project it is assumed that the approximately 9,470 gpd would be split evenly between the sanitary sewer systems on both Anacapa Drive and Newport Center Drive, resulting in approximately 4,735 gpd to each main (C&V, 2015a, p. 2).

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

Finding: Less-than-Significant Impact. The Project would not result in the construction or expansion of new water or wastewater treatment facilities. A less than significant impact would occur and mitigation is not required.

The *Assessment of Sewer Capacity Availability* report for the Project (*Technical Appendix D*) identifies that the Project is calculated to result in decreased demand on the local sanitary sewer system, when compared to existing conditions. (C&V, 2015a, p. 1) As such, the report identifies that the Project demand would not result in an adverse impact on any downstream facilities because the change in land



use at the Project site would reduce total sewer flows originating from the Project site. (C&V, 2015a, p. 2) C&V Engineering determined that the existing flow from the Project site is 11,156 gpd; it was assumed that the existing flow from the site is split evenly between the sanitary sewer facilities within both Anacapa Drive and Newport Center Drive resulting in a flow of 5,578 gpd to each main. To estimate the Project's wastewater generation, Orange County Sanitation District flow factors for high density residential (7,516 gpd/acre) were used. The proposed flow from the site is calculated to be approximately 9,470 gpd, resulting in 4,735 gpd of wastewater flow to each sewer main that would service the Project site. Given the decrease in wastewater flows that would result from implementation of the proposed Project, impacts associated with sewer capacity would be less than significant.

As described below, the Project would have a less-than-significant impact to wastewater treatment facilities. In 2014, Orange County Sanitation District Reclamation Plant No. 1, located in the City of Fountain Valley, treated an average of 96 million gallons per day (mgd) and Treatment Plant No. 2, located in the City of Huntington Beach, treated an average of 98 mgd during 2014. (OCSD, 2015, p. 1). Thus in 2014, the two treatment facilities treated an average total of 194 mgd. Reclamation Plant No. 1 and Treatment Plant No. 2 are constructed to together treat 372 mgd of primary treated wastewater and 332 million gallons per day of secondary treated wastewater (OCSD, 2012, pp. F-4). Accordingly, the two plants have a remaining excess capacity of 178 mgd for primary treated wastewater. The proposed Project would result in a decrease in the amount of wastewater generated at the Project site, which would result in a corresponding increase in the wastewater treatment capacity of these two plants. Accordingly, the Project would have a less-than-significant impact related to wastewater treatment capacity.

The City of Newport Beach would be the domestic water provider to the Project site. As detailed in the *Assessment of Water Availability* report (*Technical Appendix I*), the Project would utilize the existing 12-inch water main in Newport Center Drive for domestic water service. The proposed Project would utilize the existing 6-inch connection to the 12-inch water main within Newport Center Drive and proposes a new 2-inch irrigation service line and 8-inch fire service line connection to the existing 12-inch main located within Newport Center Drive (C&V, 2015b, p. 2).

Existing water demand from the on-site car wash and ancillary gas station was calculated from water bills from the car wash business over a six month period. Utilizing this assumption, C&V Engineering calculated that the existing car wash business generates 12,395 gpd of domestic water demand. (C&V, 2015b, p. 1) The proposed Project was calculated as generating a demand for 10,417 gpd of domestic water based on an assumption that 110% of the calculated effluent from the OCSD flow factors would make up the total water demand for the Project site. (C&V, 2015b, p. 2) Refer to Table 4-3, *Existing and Proposed Potable Water Demand* for a comparison of existing and proposed water demand.



Table 4-3 Existing and Proposed Potable Water Demand

Land Use	Intensity	Potable Water Demand Estimates	Total Potable Water Demand
Existing Land Use			
Car Wash	8,500 s.f. on a 1.26 acre site	12,395 gpd ¹	12,395 gpd
Total Water (Existing Land Use):			12,395 gpd
Proposed Land Use			
Condominiums	49 d.u. on a 1.26 acre site	9,470 gpd/acre x 110 % ¹	10,417 gpd
Net Decrease in Potable Water Demand with Project Implementation:			1,978 gpd

Notes:

gpd= gallons per day d.u.= dwelling units s.f.= square feet

¹ Source: (C&V, 2015b, p. 2)

As shown in Table 4-3, the Project is estimated to result in a decreased demand for domestic water when compared to the existing car wash that occurs on the Project site. All existing fire hydrants would remain in the Project vicinity and would not be relocated. As detailed in the water availability and sewer capacity availability studies (Appendices H and I), adequate supplies exist to service the proposed Project and the Project would not require or result in the construction or expansion of water treatment facilities. Impacts associated with this threshold would be less than significant.

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

Finding: Less-than-Significant Impact. The Project would install new storm water drainage infrastructure on the site that would connect to the existing municipal storm drain system. No storm water-related off-site facilities or expansion of existing off-site facilities would occur.

As part of the Project, storm water infrastructure would be constructed on-site, and would connect to the existing municipal storm drain system. As discussed previously in Section 4.5.9, Hydrology and Water Quality, an area drain would be installed along the north, east, and south perimeter of the site and tie into the existing 10-inch storm drain. Storm water flows would ultimately discharge to Lower Newport Bay. The Project would create a slight increase in the amount of impervious surfaces on the site (an increase from 80% to 85%), which would have a corresponding increase in the amount of stormwater runoff that would enter the municipal storm drain system. However, because this increase would be nominal in comparison to the existing stormwater flows, the Project would not substantially increase the volume or velocity of water discharged from the site. As such, the Project would not require or result in the construction or expansion of any off-site storm water drainage infrastructure.

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

Finding: Less-than-Significant Impact. The Project would demand less water than is demanded by the site under existing conditions and sufficient water supplies would be available from existing entitlements and resources.



As discussed above under Threshold b) of this section and as shown in Table 4-3, the Project would demand less water than is demanded by the site under existing conditions. The site's existing uses are considered in the City's Urban Water Management Plan (hereby incorporated by reference), which concludes that the City has entitlements to sufficient water supplies to serve its existing and projected demand. More specifically, The City of Newport Beach is capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035 (Malcolm Pirnie, Inc, 2011a, p. 2). As the Project would result in a reduced water demand compared to the existing car wash, the Project would not have a significant adverse impact on water supply sufficiency

On April 1, 2015, Governor Jerry Brown signed Executive Order B-29-15, which directs the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California through February 18, 2016 to reduce water usage by 25%. The SWRCB regulations identified Newport Beach as an urban water agency that would be required to reduce overall water usage by 28%. As mentioned above, the provisions of the Executive Order extend through February 18, 2016, and the Project is not expected to complete construction until 2018. Therefore, it cannot be determined if the water restrictions would be in place when the Project becomes operational. Furthermore, the SWRCB was sued over the legality of the mandated cutbacks. Regardless, the Project would be required to comply with water use reduction mandates that are in effect at the time of the Project's construction and operation. Currently, in response to the State's requirements, the Newport Beach City Council has implemented a Level Three Mandatory Water-Conservation Requirement. Because the Project would reduce the amount of potable water demand generated at the Project site, the proposed Project would not impede Newport Beach's ability to achieve their water reduction target. If recycled water infrastructure is added within the Newport Center Drive right-of-way in the future, the project will be required to connect the landscape irrigation system to this recycled water infrastructure.

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

Finding: Less-than-Significant Impact. The Project would generate less wastewater compared to the existing conditions, resulting in a reduction in demand for wastewater treatment capacity.

As discussed above under Threshold b) of this section, the Project would have a less than significant impact on the wastewater treatment capacity. Based on the most recent information, Reclamation Plant No. 1, located in the city of Fountain Valley and Treatment Plant No. 2, located in the City of Huntington Beach have a combined remaining excess capacity of 178 mgd for primary treated wastewater. Thus, the Project would not adversely affect the physical capacity of the existing wastewater infrastructure system that services the site. OCSD Treatment Plants 1 and 2 have adequate capacity considering existing and projected commitments and the reduction in wastewater volume that would be generated from the site.

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

Finding: Less-than-Significant Impact. The Project would be served by the Frank R. Bowerman Landfill, which has sufficient permitted capacity to accommodate the Project's solid waste disposal needs.



In order to construct the Project, the existing car wash and gas station building and associated site improvements located on the property would be demolished and cleared from the site. In total, approximately 8,500 square feet of building area for the existing car wash with ancillary gas station, parking lot, landscape, and hardscape areas would be removed to prepare the site for redevelopment. Demolition debris generated as part of the Project are estimated to be 80 tons of debris, 240 cubic yards of concrete, 51,600 cubic yards of soil, and 620 cubic yards of asphalt. A majority of the debris from Project is anticipated to go to the Frank R. Bowerman Sanitary Landfill located on Bee Canyon access Road in Irvine. Some demolition materials would also go to Dan Copp Crushing, located at 1120 N. Richfield Road in Anaheim (approximately 21 roadway miles from the Project site). Debris would be disposed of during the course of Project construction and demolition. However, for the purposes of a worst-case analysis, it is assumed that all construction and demolition debris would be disposed of at the Frank R. Bowerman Sanitary Landfill, which serves the City of Newport Beach. Based on the estimated amount of construction and demolition debris that would be generated by the Project, the Frank R. Bowerman Sanitary Landfill's permitted capacity of 11,500 tons per day (Calrecycle, 2015) can accommodate the projected amount of debris estimated to be generated by the Project during the demolition and construction phases, resulting in a less-than-significant impact to landfill capacity.

Based on the solid waste generation rates presented in General Plan EIR Table 4.14-14 for multi-family residential uses, the 49 units proposed on the site would result in the long-term generation of approximately 314.09 pounds per day of solid waste (at a rate of 6.41 pounds per unit per day). This amount of solid waste would result in a nominal increase in the amount of solid waste conveyed to the Frank R. Bowerman Sanitary Landfill that would be met by the landfill's permitted capacity. Therefore, with implementation of the Project, there would be a less than significant impact on the landfill's permitted capacity of 11,500 tons per day.

g) Would the Project comply with federal, state, and local statutes and regulation related to solid waste?

Finding: Less-than-Significant Impact. The Project would comply with all applicable statutes and regulations related to solid waste.

Public Resources Code Section 40000 et seq. requires that local jurisdictions divert at least 50% of all solid waste generated. The Project would be subject to the City's Recycling Service Fee pursuant to Municipal Code Chapter 2.30, which is intended to assist the City in meeting the 50% diversion objective. Commercial waste haulers within the City are subject to Municipal Code Section 12.63.120 (Recycling Requirement), which states, "No person providing commercial solid waste handling services or conducting a solid waste enterprise shall deposit fifty (50) percent or more of the solid waste collected by the person in the City at any landfill." Furthermore, the Project would be required to comply with Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), which mandates that all multi-unit projects with five or more dwelling units "...provide enclosed refuse and recyclable material storage areas with solid roofs." Accordingly, the Project would be fully compliant with all applicable Federal, State, and local statutes and regulations related to solid waste, resulting in a less-than-significant impact.



4.5.18 Mandatory Findings of Significance

- a) *Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?*
-

Finding: Potentially Significant Impact. The Project has the potential to impact nesting birds. Additionally, there is a remote possibility that archaeological resources, paleontological resources and human remains could be encountered during site grading activities

As indicated under the discussion of Biological Resources in Section 4.5.4, the Project could have potential impacts to nesting birds. Accordingly, there is a potentially significant impact to biological resources resulting from Project implementation. Additionally as indicated in the discussion and analysis of Cultural Resources in Section 4.5.5, there is a remote possibility that archaeological resources, paleontological resources and human remains could be encountered during site grading activities. Thus, the Project could have potentially significant impacts regarding biological and cultural resources. These issues will be further addressed in an EIR.

- b) *Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*
-

Finding: Potentially Significant Impact. The Project could result in impacts that are individually limited, but cumulatively considerable. Cumulative impacts of the Project will be analyzed in an EIR.

Potential cumulative impacts of the Project will be analyzed in an EIR.

- c) *Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*
-

Finding: Potentially Significant Impact. Due to the Project's potential to result in significant impacts, the Project could potentially have environmental effects which would cause substantial adverse effects on human being, either directly or indirectly.

This issue will be further addressed in the Project's EIR.



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