FINAL ENVIRONMENTAL IMPACT REPORT

INTRODUCTION

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code § 21000 *et seq.*) and CEQA Guidelines (Title 14, California Code of Regulations, § 15000 *et seq.*).

According to CEQA Guidelines § 15132, the FEIR shall consist of:

a. The Draft EIR (DEIR) or a revision of the draft;

b. Comments and recommendations received on the DEIR either verbatim or in summary;
c. A list of persons, organizations, and public agencies commenting on the DEIR;

d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and

e. Any other information added by the Lead Agency.

In accordance with the above listed requirements, this FEIR for the proposed 150 Newport Center project (hereafter, the "Project") and associated discretionary and administrative actions consists of the following:

1. Comment letters and responses to public comment; and

2. The circulated 150 Newport Center DEIR and Technical Appendices, SCH No. 2016011032 with additions shown as underline text and deletions shown as stricken text in Section F.3, below.

This FEIR document was prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the CEQA Lead Agency (City of Newport Beach).

RESPONSES TO COMMENTS

CEQA REQUIREMENTS

CEQA Guidelines § 15204(a) outlines parameters for submitting comments, and notes that the focus of review and comment of DEIRs should be:

> *…on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would*

> *provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible…CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or suggested by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

CEQA Guidelines § 15204(c) further advises that, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to CEQA Guidelines § 15064, an effect shall not be considered significant in the absence of substantial evidence;" CEQA Guidelines § 15204(d) also notes that, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." CEQA Guidelines § 15204(e) states that, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by [CEQA Guidelines § 15204]."

Pursuant to CEQA Guidelines § 15088(b), copies of the written responses shall be provided to commenting public agencies at least ten (10) days prior to certifying the FEIR. The responses shall be provided along with an electronic copy of this FEIR, as permitted by CEQA, and shall conform to the legal standards established for response to comments on DEIRs.

RESPONSES TO DEIR COMMENTS

CEQA Guidelines § 15088 requires the Lead Agency (City of Newport Beach) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and to provide written responses to any substantive comments received. This Section F.0, *Final Environmental Impact Report*, provides all comments received on the DEIR, the City's response to each comment, and a summary of revisions made to the DEIR as part of the FEIR in response to the various comment letters.

Comment letters were received during and after the public review period which began on May 13, 2016 and closed on June 27, 2015. Sixteen comment letters addressed environmental issues substantive to the adequacy of the Draft Environmental Impact Report for the proposed Project. A list of agencies, organizations, and persons that submitted substantive comments regarding the DEIR is presented in Table F-1, *Organizations, Persons, & Public Agencies that Commented on the DEIR*. A copy of each comment letter and a response to each substantive environmental point raised in those letters is provided on the following pages. No comments submitted to the City of Newport Beach on the DEIR have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines § 15088.5.

Table F-1 Organizations, Persons, & Public Agencies that Commented on the DEIR

COMMENT LETTER	COMMENTING ORGANIZATION, PERSON, OR PUBLIC AGENCY	DATE
A	State Clearinghouse	June 28, 2016
B	California Department of Transportation (CALTRANS)	June 8, 2016
C	Airport Land Use Commission for Orange County (ALUC)	June 27, 2016
D	Orange County Transportation Authority (OCTA)	June 27, 2016
E	City of Irvine	June 7, 2016
F	Gabrieleno Band of Mission Indians	May 25, 2016
G	Dennis Baker	June 15, 2016
H	Irvine Company	June 24, 2016
I	Dorothy Kraus	June 26, 2016
J	Carolyn Martin	June 27, 2016
K	Jim Mosher	June 27, 2016
L	Bob Rush	June 22, 2016
M	Sindi Schwartz	June 27, 2016
N	Susan Skinner	June 19, 2016
O	Stop Polluting Our Newport (SPON)	June 27, 2016
P	Debbie Stevens	June 27, 2016

COMMENT LETTERS

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

Edmund G. Brown Jr.
Governor

Ken Alex
Director

RECEIVED BY
COMMUNITY
JUN 30 2016
DEVELOPMENT
CITY OF NEWPORT BEACH

June 28, 2016

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

Subject: 150 Newport Center
SCH#: 2016011032

Dear Makana Nova:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 27, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

A-1

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

COMMENT LETTERS

Document Details Report
State Clearinghouse Data Base

SCH#	**2016011032**
Project Title	150 Newport Center
Lead Agency	Newport Beach, City of
Type	**EIR** Draft EIR
Description	The proposed project consists of the demolition of an 8,500 sq. ft. car wash, convenience market, and gas station to accommodate the development of a 7-story 49 unit residential condominium building with three levels of subterranean parking.

Lead Agency Contact

Name	Makana Nova		
Agency	City of Newport Beach		
Phone	949-644-3249	***Fax***	
email			
Address	100 Civic Center Drive		
City	Newport Beach	***State*** CA	***Zip*** 92660

Project Location

County	Orange				
City	Newport Beach				
Region					
Lat / Long	33° 40' 10" N / 117° 41' 2.5" W				
Cross Streets	Newport Center Drive and Anacapa Drive				
Parcel No.	442-231-12				
Township	6S	***Range*** 10W	***Section*** 36	***Base***	SB

Proximity to:

Highways	SR-1 and 73
Airports	
Railways	
Waterways	Newport Bay
Schools	Harbor View ES
Land Use	Car-wash with ancillary convenience market and gas station/OR (Office and Reg. Commercial)/CO-R (Reg. Comercial Office)
Project Issues	Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Noise; Toxic/Hazardous; Traffic/Circulation; Growth Inducing; Landuse; Cumulative Effects
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; State Water Resources Control Board, Division of Drinking Water, District 8; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission
Date Received	05/13/2016 ***Start of Review*** 05/13/2016 ***End of Review*** 06/27/2016

Note: Blanks in data fields result from insufficient information provided by lead agency.

A-1
(cont.)

State Clearinghouse – Comment Letter A

A-1:
The City of Newport Beach acknowledges this letter, which confirms the close of the public review period for the DEIR as June 27, 2016. The City further acknowledges that the Project has complied with the State Clearinghouse review requirements for draft environmental documents. Responses to comments from the California Department of Transportation (Caltrans) are numbered B-1 through B-3.

COMMENT LETTERS

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
3347 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612-8894
PHONE (949) 724-2086
FAX (949) 724-2592
TTY 711
www.dot.ca.gov

Serious drought.
Help save water!

June 8, 2016

File: IGR/CEQA
SCH#: 2016011032
Log #: 4616A
SR-1, SR-74

Ms. Makana Nova
City of Newport Beach
Community Development Dept.
100 Civic Center Drive
Newport Beach, CA 92660

Dear Ms. Nova:

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on Draft Environmental Impact Report (DEIR) for the proposed 150 Newport Center project. The proposed project consists of the demolition and removal of an existing 8,500-square-foot car wash, convenience market, and gas service station, associated site improvements and redevelopment of the property to accommodate the development of a seven-story 49-unit condominium building with three levels of subterranean parking. Landscaping, drive aisles, and associated parking would also occur on the property. Caltrans is a commenting agency on this project and has the following comments: B-1

- Any hauling of materials should not occur during A.M. and P.M. peak periods of travel on State facilities during demolition and/or construction of the proposed project. B-2 All vehicle loads should be covered so that materials do not blow over or onto the Caltrans Right-of-Way (R/W). B-3

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Leila Carver at (949) 756-7827. B-4

Sincerely,

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

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

California Department of Transportation (CALTRANS) – Comment Letter B

B-1:
The commenter accurately summarizes the proposed Project.

B-2:
In accordance with CEQA Guidelines §15126.4, an EIR shall describe feasible mitigation measures that would minimize significant adverse impacts of a project. Mitigation measures must be fully enforceable, have an essential nexus to a legitimate governmental interest, and be "roughly proportional" to the impacts of the project. (See § 15126.4, subds. (a)(4)(A)-(B), (a)(5).) With this basis, the commenter's suggestion to prohibit the hauling of construction related soil and materials during peak hours has not been added as a mitigation measure to the EIR. This comment does not identify any deficiencies in the EIR analysis that would necessitate a restriction on peak hour travel using State facilities during the Project's demolition and construction periods. As stated in EIR Subsection 3.4.4, the Project Applicant proposes to control haul traffic by using the former site of the Coyote Canyon Landfill located at 20661 Newport Coast Drive (approximately 2.5 miles from the Project site) as an off-site staging area for trucks during grading activities where trucks will queue prior to accessing the Project site. Use of the site will enable the applicant to manage construction related haul trucks in the most efficient manner possible, including during peak periods.

B-3:
All Project-related construction vehicles are required by law to comply with applicable provisions of the California Vehicle Code and California Code of Regulations regarding the hauling of materials, including provisions related to covering and tarping loads. CEQA lead agencies are not obligated to impose mitigation measures that are duplicative of mandatory regulatory requirements. Regarding Caltrans' recommendation to cover every load, which goes above and beyond the requirements of the California Vehicle Code, there is no essential nexus between the covering of loads that are not already required to be covered by the California Vehicle Code and the Project's significant environmental effects. Regardless, the City of Newport Beach will take Caltrans' recommendation to require the covering of all loads into consideration when issuing grading and building permits for the Project.

B-4:
The commenter's contact information is noted. Caltrans is included on the City's notification list for future public notices regarding the Project.

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

June 27, 2016

Makana Nova, Associate Planner
City of Newport Beach, Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

Subject: DEIR for 150 Newport Center Residential Project

Dear Ms. Nova:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed 150 Newport Center Project. As noted in the Notice of Preparation (NOP) comment letter submitted by the Airport Land Use Commission (ALUC) for Orange County on February 11, 2016, the proposed project is not located within the Airport Planning Area for John Wayne Airport (JWA). Therefore, the Airport Land Use Commission (ALUC) for Orange County has no comment on the NOP related to land use, noise or safety compatibility with the *Airport Environs Land Use Plan (AELUP) for JWA.*

C-1

Please note that the *AELUP for JWA* defines the airport planning area as all area within the 60 db CNEL Contour, within the Runway Protection Zones, Safety Zones, and all area that lies above or penetrates the 100:1 Imaginary Surface for Federal Aviation Administration (FAA) notification as defined in FAR Part 77.13. The DEIR Section 2.3.3 states that the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA. However, the entire project site is not within this notification area for JWA. The attached exhibits show the project site outside of the notification boundary.

C-2

Although the proposed development is located outside of the Airport Planning Area, please be aware that development proposals which include the construction or alteration of a structure more than 200 feet above ground level, require filing with the Federal Aviation Administration (FAA). Structures meeting this threshold must comply with procedures provided by Federal and State law, with the referral requirements of ALUC, and with all conditions of approval imposed or recommended by the FAA and ALUC including filing a Notice of Proposed Construction or Alteration (FAA Form 7460-1). We recommend you utilize the FAA notice criteria tool on the FAA website at https://oeaaa.faa.gov/oeaaa/external/portal.jsp to determine if a Notice of Proposed Construction or Alteration would be required for your project.

C-3

COMMENT LETTERS

The proposed project does not include the development of heliports or helistops. For your information, should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

C-4

Thank you again for the opportunity to comment on this DEIR. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com should you have any questions related to the ALUC for Orange County.

C-5

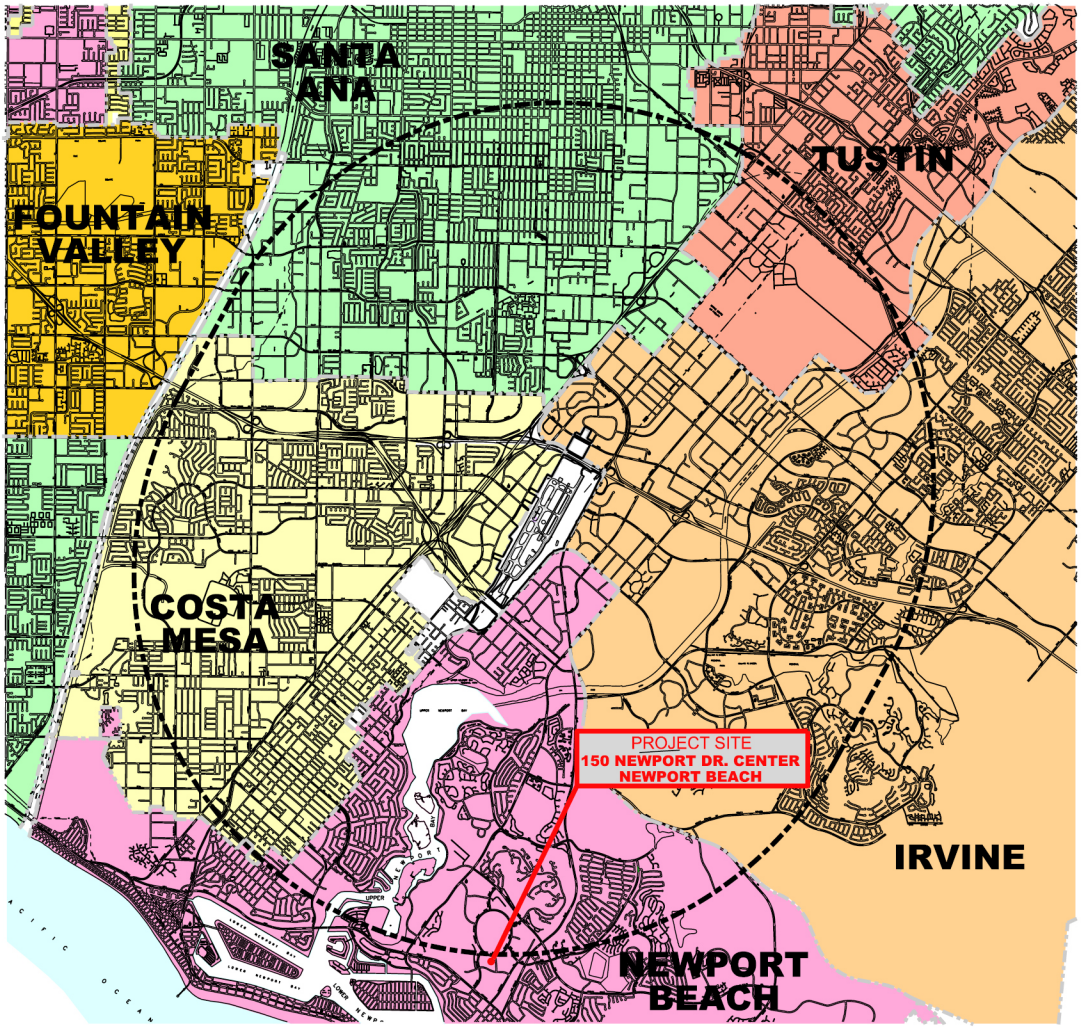
Sincerely,

Kari A. Rigoni
Executive Officer

Comment Letters

AELUP Notification Area for JWA

ATTACHMENT 3



Note: County Unincorporated areas are shown in white.

FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

LEGEND

- 20,000'Radius
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

0 1000 2000 3000 4000 5000 7500
500 Scale In Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni, Executive Officer Date

AELUP-2007/Jwanotf-150NewportDr_NewportBeach.dgn

Comment Letters

Airport Land Use Commission for Orange County (ALUC) – Comment Letter C

C-1:
The ALUC's February 11, 2016, comment letter on the NOP is part of EIR Technical Appendix A. It is acknowledged that the Project site is located outside the Airport Planning Area for John Wayne Airport (JWA).

C-2:
The Draft EIR Section 2.3.3 stated that a portion of the proposed Project is within the Part 77 Notification Area for JWA. The commenter provides information indicating that the entire Project site is outside of the Part 77 Notification Area, including exhibits that were attached to the ALUC comment letter. Accordingly, the Draft EIR has been revised to accurately describe that the Project site is outside of the Part 77 Notification Area, as indicated in the Errata Section of the Final EIR.

C-3:
The requirements noted in this comment, which are applicable to structures over 200 feet in height, are not applicable to the proposed Project. The Project proposes a building that would be 83-feet 6-inches tall at its highest point, including all rooftop appurtenances.

C-4:
The commenter provides additional information associated with requirements for projects that involve the development of heliports or helistops. The proposed Project does not include any components associated with heliports or helistops. Therefore, these requirements are not applicable to the proposed Project and no further response is required.

C-5:
The commenter's contact information is noted.

COMMENT LETTERS

OCTA

June 27, 2016

Ms. Makana Nova, AICP, Associate Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92658-9518

Subject: Notice of Completion and Availability of Draft Environmental Impact Report (SCH#2016011032) for the 150 Newport Center Residential Project

Dear Ms. Nova:

Thank you for providing the Orange County Transportation Authority (OCTA) an opportunity to review the above referenced document. The following comments are provided for your consideration:

- Effective June 12, 2016, OCTA's June Service Change was implemented along with the first phase of the 2016 Bus Service Plan. As a result, Route 76 no longer serves Newport Transportation Center and has been cut back to John Wayne Airport. Please remove references to Route 76 at the following locations in the document:
  - Table 4.7-2, Proposed Project General Plan Consistency (Circulation Element)
  - Page 4.9-2, Existing Mass Transit
- Please provide clarification regarding the bus stop locations served by OCTA routes 1, 57, and 79 which are mentioned on pages 4.7-12, 4.9-2 and 4.9-13. Clarify in document if all routes are served at one stop or multiple stop locations.

D-1

D-2

Thank you for the opportunity to provide input on this project. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

D-3

Sincerely,

Dan Phu
Environmental Programs Manager

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)

Orange County Transportation Authority (OCTA) – Comment Letter D

D-1:
In response to this comment regarding OCTA's service changes, references to OCTA Route 76 have been removed from EIR Table 4.7-2 and from the discussion on EIR Page 4.9-2. The revisions associated with these text changes are indicated in the Errata Section of the Final EIR.

D-2:
Information identifying the OCTA bus stops that are located in the immediate vicinity of the Project site, and the OCTA routes served by those stops, has been added to the EIR. The revisions associated with these text changes are indicated in the Errata Section of the Final EIR.

D-3:
The commenter's contact information is noted.

COMMENT LETTERS

CITY OF IRVINE 1971

Community Development cityofirvine.org
City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575 (949) 724-6000

June 7, 2016

Ms. Makana Nova
Associate Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: **Review of a Draft Environmental Impact Report (DEIR) for 150 Newport Center - Residential Condominium Project**

Dear Ms. Nova:

City of Irvine staff reviewed the information on the referenced project and has the following comment:

The Draft EIR states that the traffic impacts were evaluated pursuant to the City of Newport Beach's Traffic Phasing Ordinance (TPO), and since the project's 205 average daily trips (ADT) are less than the 300 ADT pursuant to the TPO, it is exempt from the provisions of the TPO.

E-1

Please clarify if the City of Newport Beach's TPO considers the proposed change in land uses from existing commercial to residential units will result in a change in directionality of traffic during morning and evening peak periods when there is the greatest volume of traffic on the street network. Further, given the directionality of traffic changes in both AM and PM, it may also be beneficial to conduct a traffic study to ensure the circulation system surrounding the project can support such changes during the peak periods of heavy traffic. Note that the City of Irvine's Traffic Impact Analysis Guidelines, adopted in August of 2004, requires a traffic study to be prepared for projects that result in significant increases in AM or PM peak hour trips. In this way, the City of Irvine ensures that the circulation system can support the additional traffic a development project might contribute during these peak periods.

E-2

COMMENT LETTERS

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

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

E-3

Sincerely,

David R. Law, AICP
Senior Planner

ec: Bill Jacobs, Principal Planner
Sun-Sun Murillo, Supervising Senior Transportation Analyst

City of Irvine – Comment Letter E

E-1:
Information is provided in the attachment to this response showing the anticipated AM Peak Hour and PM Peak Hour trips that would be generated by the proposed Project in comparison to those that are generated by the existing car wash use. As shown on the attachment, the proposed Project would result in a net reduction of 27 AM Peak Hour trips and 48 PM Peak Hour trips when compared to the existing car wash use (based on the Luxury Condo/Townhouse ITE trip generation rates). Because there would be a net reduction in both AM and PM Peak Hour trips with the implementation of the Project, the Project would not result in a change to the directionality of traffic that would adversely affect the roadway network.

E-2:
The City of Newport Beach acknowledges the requirement of the City of Irvine Traffic Impact Analysis Guidelines cited in this comment. The City of Irvine's guidelines do not apply to the proposed Project, which is located in the City of Newport Beach. Further, the comment does not define "significant increases in AM or PM peak trips." But, as shown on EIR Table 4.9-3, the proposed Project would result in a net reduction in vehicle trips generated at the site compared to existing conditions.

E-3:
The commenter's contact information is noted.

150 Newport Center Dr Condos

Comparison of High-Rise Residential Condominium VS. Luxury Condo/Townhouse Use

Trip Generation Rates (ITE 9th Edition)

Land Use	Rate Type	Size	Unit	AM Peak Hour			PM Peak Hour			Daily Total
				In	Out	Total	In	Out	Total	
Luxury Condo/Townhouse (1)	ITE 233		TSF	0.13	0.43	0.56	0.35	0.20	0.55	N/A
High-Rise Residential Condos	ITE 232		DU	0.06	0.28	0.34	0.24	0.14	0.38	4.18

(1) - No daily trips rates available for luxury condo/townhouse

Existing Use

Land Use	Rate Type	Size	Unit	AM Peak Hour			PM Peak Hour			Daily Total
				In	Out	Total	In	Out	Total	
Existing Carwash				30	24	54	33	42	75	819
Total				*30*	*24*	*54*	*33*	*42*	*75*	*819*

***Existing trip credits will be based on Trip Generation survey.*

Proposed Use - High Rise Residential Condo

Land Use	Rate Type	Size	Unit	AM Peak Hour			PM Peak Hour			Daily Total
				In	Out	Total	In	Out	Total	
Residential Condo	ITE 232	49	DU	3	14	17	12	7	19	205
Net Change				**-27**	**-10**	**-37**	**-21**	**-35**	**-56**	**-614**

Proposed Use - Luxury Condo/Townhouse

Land Use	Rate Type	Size	Unit	AM Peak Hour			PM Peak Hour			Daily Total
				In	Out	Total	In	Out	Total	
Luxury Condo/Townhouse (1)	ITE 233	49	DU	6	21	27	17	10	27	N/A
Net Change				**-24**	**-3**	**-27**	**-16**	**-32**	**-48**	**N/A**

Print Date: 07/08/2016

Land Use: 233
Luxury Condominium/Townhouse

Description

Luxury condominiums/townhouses are units in buildings with luxury facilities or services. **Both condominiums and townhouses are included in this land use.** Residential condominium/ townhouse (Land Use 230), low-rise residential condominium/townhouse (Land Use 231) and high-rise residential condominium/townhouse (Land Use 232) are related land uses.

Additional Data

The sites were surveyed in the 1980s and the 1990s in Indiana and New Jersey.

Source Numbers

260, 407

Luxury Condominium/Townhouse
(233)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

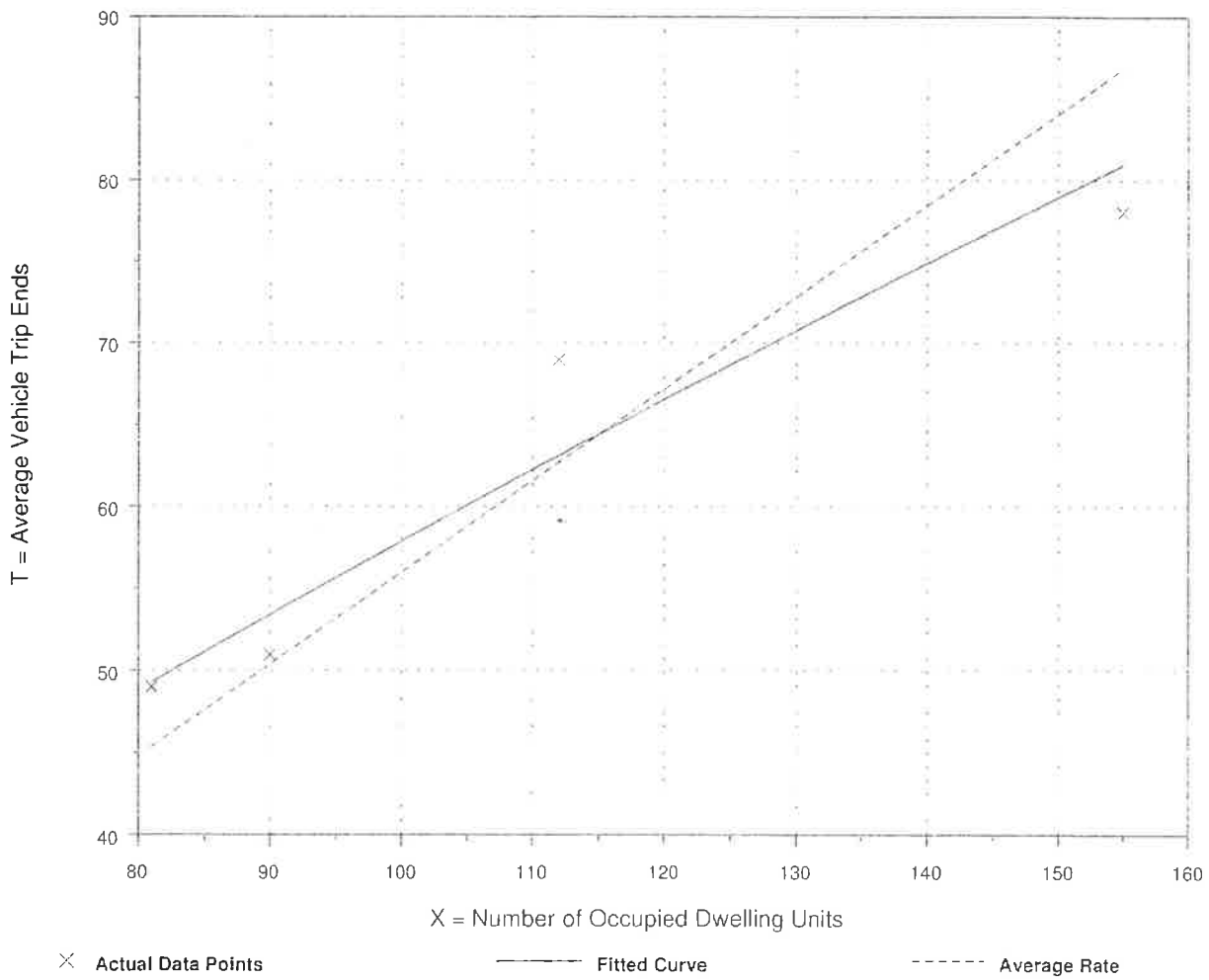
Number of Studies: 4
Avg. Num. of Occupied Dwelling Units: 110
Directional Distribution: 23% entering, 77% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.56	0.50 - 0.62	0.75

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: $Ln(T) = 0.76\ Ln(X) + 0.54$

$R^2 = 0.93$

Luxury Condominium/Townhouse
(233)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

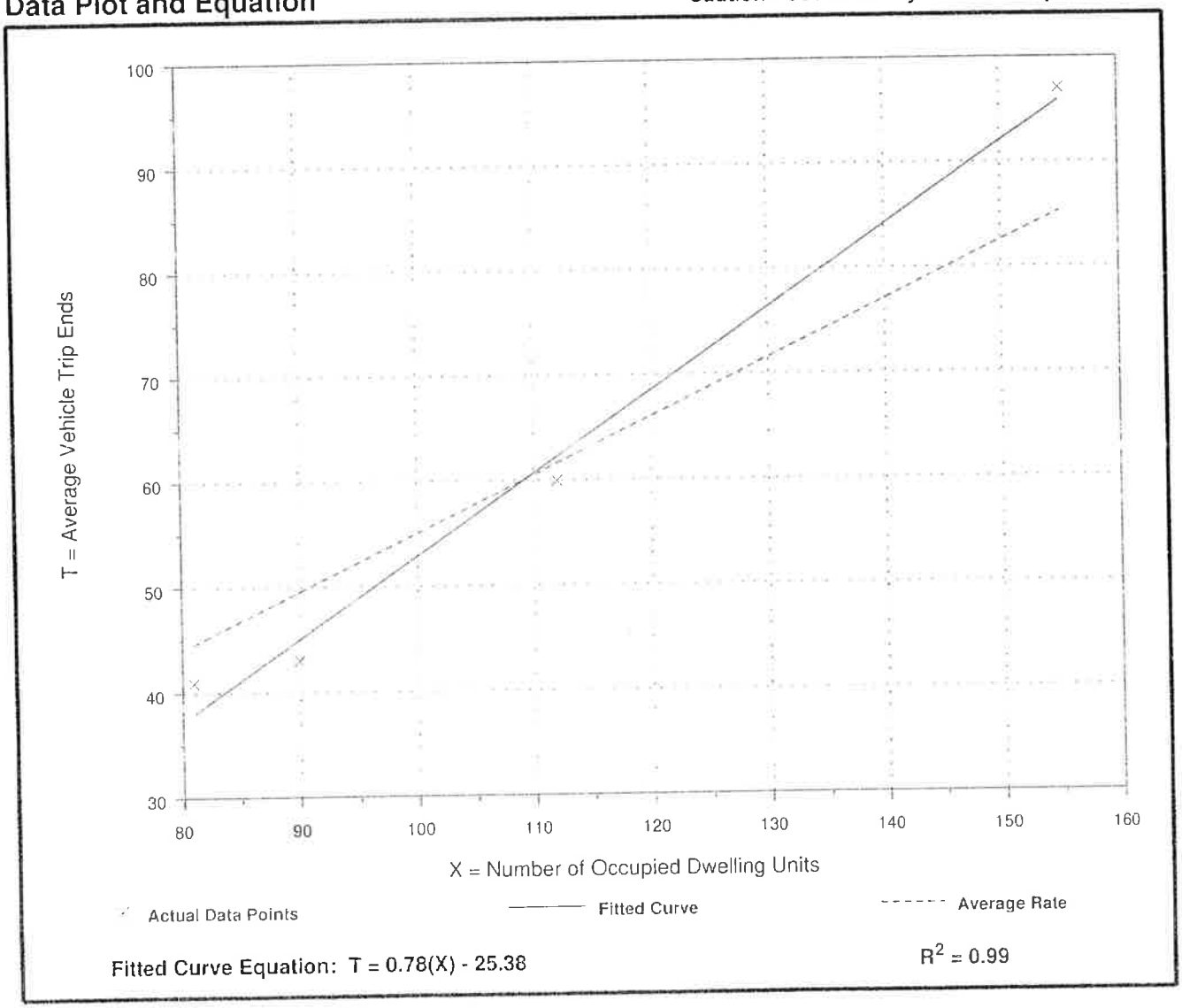
Number of Studies: 4
Avg. Num. of Occupied Dwelling Units: 110
Directional Distribution: 63% entering, 37% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.55	0.48 - 0.63	0.74

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: T = 0.78(X) - 25.38

R^2 = 0.99

Land Use: 232
High-Rise Residential Condominium/Townhouse

Description

High-rise residential condominiums/townhouses are units located in buildings that have three or more levels (floors). **Both condominiums and townhouses are included in this land use.** Residential condominium/townhouse (Land Use 230), low-rise residential condominium/ townhouse (Land Use 231) and luxury condominium/townhouse (Land Use 233) are related land uses.

Additional Data

The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed in the 1980s and the 1990s in the metropolitan areas of Richmond, Virginia; Washington, DC; Minneapolis, Minnesota; and Vancouver, Canada.

Source Numbers

168, 237, 305, 306, 390

High-Rise Residential Condominium/Townhouse
(232)

Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

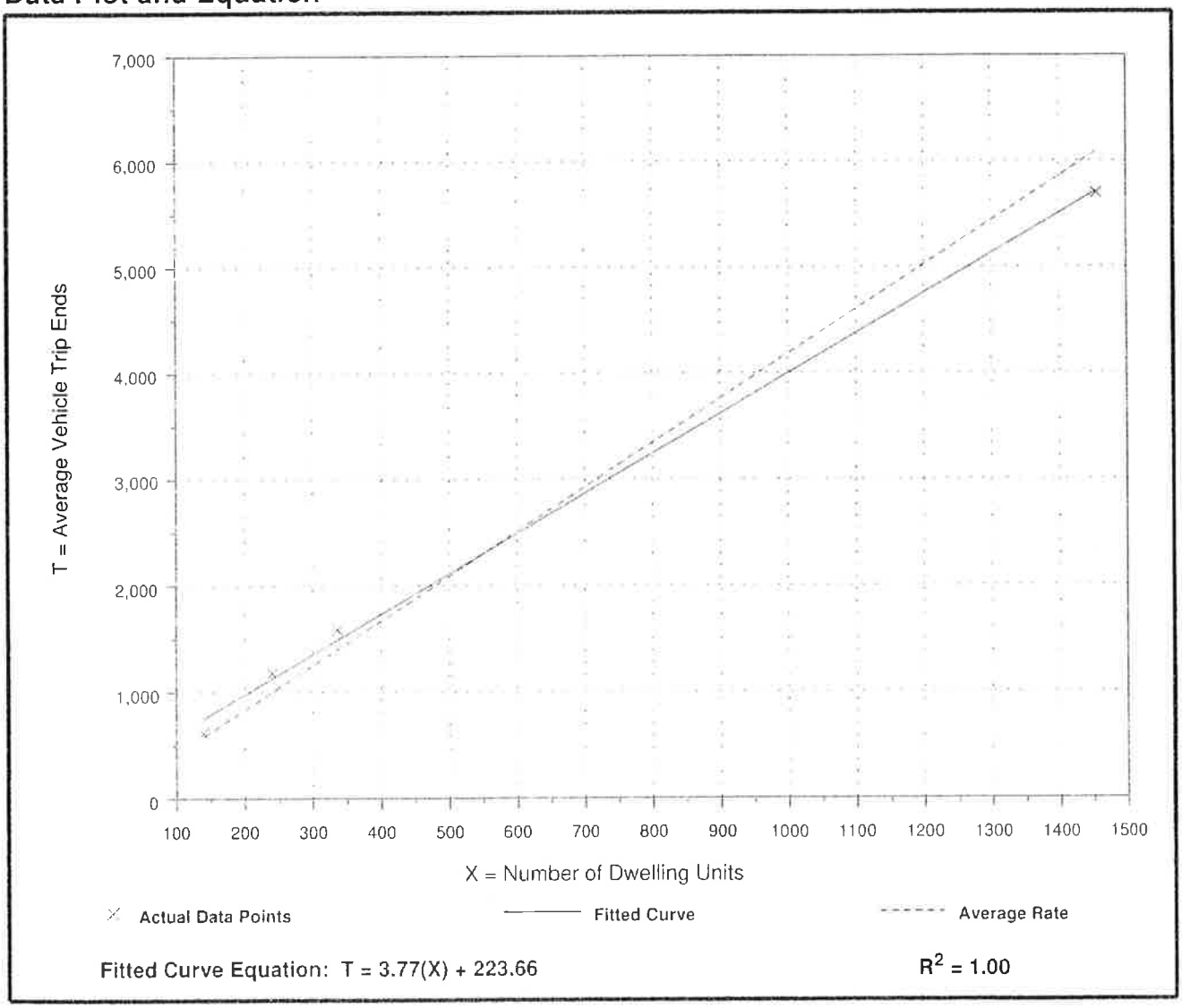
Number of Studies: 4
Avg. Number of Dwelling Units: 543
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.18	3.91 - 4.93	2.08

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: T = 3.77(X) + 223.66

R^2 = 1.00

High-Rise Residential Condominium/Townhouse
(232)

Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

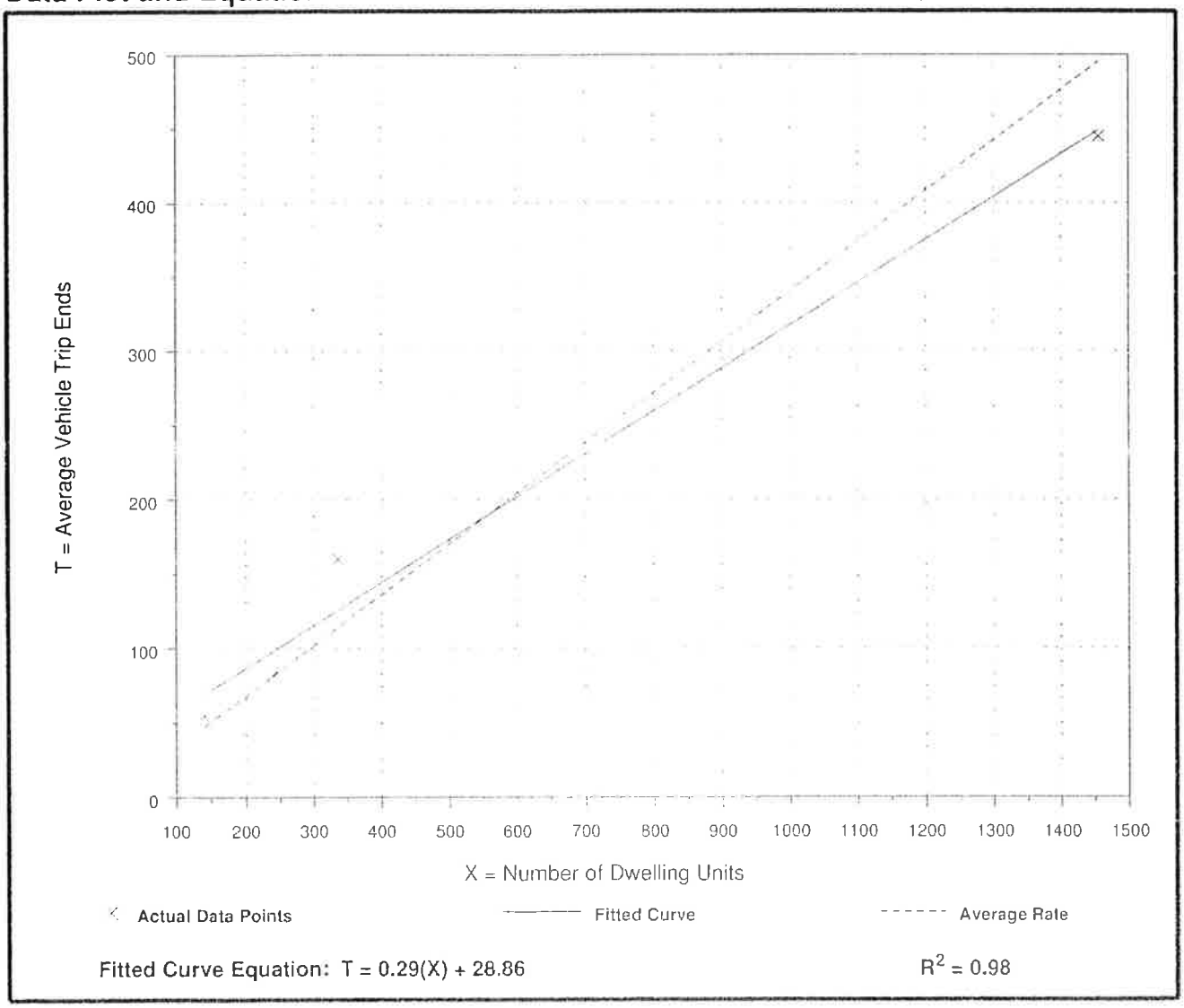
Number of Studies: 4
Avg. Number of Dwelling Units: 543
Directional Distribution: 19% entering, 81% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.34	0.31 - 0.48	0.59

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: T = 0.29(X) + 28.86

R^2 = 0.98

High-Rise Residential Condominium/Townhouse
(232)

Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

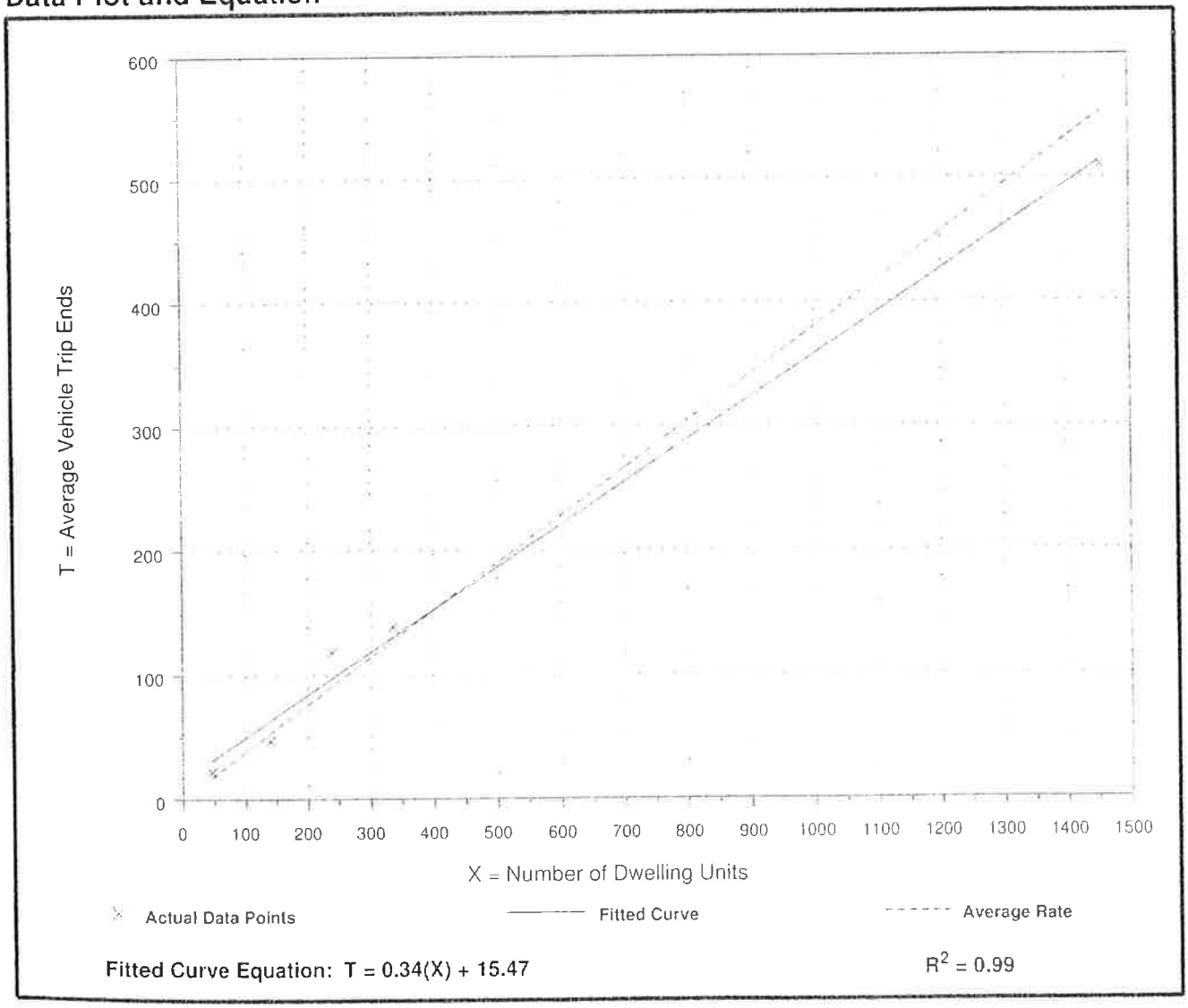
Number of Studies: 5
Avg. Number of Dwelling Units: 444
Directional Distribution: 62% entering, 38% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.38	0.34 - 0.49	0.62

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: $T = 0.34(X) + 15.47$

$R^2 = 0.99$

Comment Letters

GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The San Gabriel Band of Mission Indians
Recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Dear Makana Nova,
AICP, Associate Planner

150 Newport Center residential project

"The project locale lies in an area where the Ancestral & traditional territories of the Kizh(Kitc) Gabrieleño villages, such as ***Moyongna & Kenyaangna*** *adjoined and overlapped with each other, at least during the Late Prehistoric and Protohistoric Periods. The homeland of the Kizh (Kitc) Gabrieleños , probably the most influential Native American group in aboriginal southern California (Bean and Smith 1978a:538), was centered in the Los Angeles Basin, and reached as far east as the San Bernardino-Riverside area. The homeland of the Serranos was primarily the San Bernardino Mountains, including the slopes and lowlands on the north and south flanks. Whatever the linguistic affiliation, Native Americans in and around the project area exhibited similar organization and resource procurement strategies. Villages were based on clan or lineage groups. Their home/ base sites are marked by midden deposits, often with bedrock mortars. During their seasonal rounds to exploit plant resources, small groups would migrate within their traditional territory in search of specific plants and animals. Their gathering strategies often left behind signs of special use sites, usually grinding slicks on bedrock boulders, at the locations of the resources. Therefore in order to protect our resources we're requesting one of our experienced & certified Native American monitors to be on site during any & all ground disturbances (this includes but is not limited to pavement removal, pot-holing or auguring, boring, grading, excavation and trenching).*

In all cases, when the NAHC states there are "No" records of sacred sites" in the subject area; they always refer the contractors back to the Native American Tribes whose tribal territory the project area is in. This is due to the fact, that the NAHC is only aware of general information on each California NA Tribe they are "NOT " the "experts" on our Tribe. Our Elder Committee & Tribal Historians are the experts and is the reason why the NAHC will always refer contractors to the local tribes.

In addition, we are also often told that an area has been previously developed or disturbed and thus there are no concerns for cultural resources and thus minimal impacts would be expected. I have two major recent examples of how similar statements on other projects were proven very inadequate. An archaeological study claimed there would be no impacts to an area adjacent to the Plaza Church at Olvera Street, the original Spanish settlement of Los Angeles, now in downtown Los Angeles. In fact, this site was the Gabrieleno village of Yangna long before it became what it is now today. The new development wrongfully began their construction and they, in the process, dug up and desecrated 118 burials. The area that was dismissed as culturally sensitive was in fact the First Cemetery of Los Angeles where it had been well documented at the Huntington Library that 400 of our Tribe's ancestors were buried there along with the founding families of Los Angeles (Pico's, Sepulveda's, and Alvarado's to name a few). In addition, there was another inappropriate study for the development of a new sports complex at Fedde Middle School in the City of Hawaiian Gardens could commence. Again, a village and burial site were desecrated despite their mitigation measures. Thankfully, we were able to work alongside the school district to quickly and respectfully mitigate a mutually beneficial resolution.

F-1

Given all the above, the proper thing to do for your project would be for our Tribe to monitor ground disturbing construction work. Native American monitors and/or consultant can see that cultural resources are treated appropriately from the Native American point of view. Because we are the lineal descendants of the vast area of Los Angeles and Orange Counties, we hold sacred the ability to protect what little of our culture remains. We thank you for taking seriously your role and responsibility in assisting us in preserving our culture.

With respect,

Please contact our office regarding this project to coordinate a Native American Monitor to be present. Thank You

Andrew Salas, Chairman

Andrew Salas, Chairman
Albert Perez, treasurer I
Nadine Salas, Vice-Chairman
Martha Gonzalez Lemos, treasurer II
Christina Swindall Martinez, secretary
Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723 www.gabrielenoindians@yahoo.com gabrielenoindians@yahoo.com

Comment Letters

Cell (626) 926-4131

Addendum: clarification regarding some confusions regarding consultation under AB52:

AB52 clearly states that consultation must occur with tribes that claim traditional and cultural affiliation with a project site. Unfortunately, this statement has been left open to interpretation so much that neighboring tribes are claiming affiliation with projects well outside their traditional tribal territory. The territories of our surrounding Native American tribes such as the Luiseno, Chumash, and Cahuilla tribal entities. Each of our tribal territories has been well defined by historians, ethnographers, archaeologists, and ethnographers – a list of resources we can provide upon request. Often, each Tribe as well educates the public on their very own website as to the definition of their tribal boundaries. You may have received a consultation request from another Tribe. However we are responding because your project site lies within our Ancestral tribal territory, which, again, has been well documented. What does Ancestrally or Ancestral mean? The people who were in your family in past times, Of, belonging to, inherited from, or denoting an ancestor or ancestors http://www.thefreedictionary.com/ancestral. . If you have questions regarding the validity of the "traditional and cultural affiliation" of another Tribe, we urge you to contact the Native American Heritage Commission directly. Section 5 section 21080.3.1 (c) states "…the Native American Heritage Commission shall assist the lead agency in identifying the California Native American tribes that are traditionally and culturally affiliated with the project area." In addition, ***please see the map below.***

CC: NAHC

APPENDIX 1: Map 1-2; Bean and Smith 1978 map.

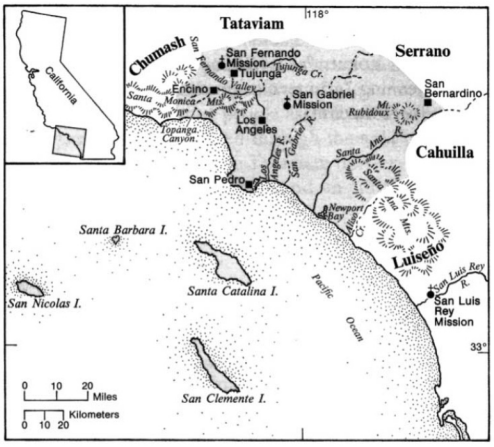


Fig. 1. Tribal territory.

The United States National Museum's Map of Gabrielino Territory:

Bean, Lowell John and Charles R. Smith
1978 Gabrielino IN *Handbook of North American Indians, California*, Vol. 8, edited by R.F. Heizer, Smithsonian Institution Press, Washington, D.C., pp. 538-549

Andrew Salas, Chairman
Nadine Salas, Vice-Chairman
Christina Swindall Martinez, secretary
Albert Perez, treasurer I
Martha Gonzalez Lemos, treasurer II
Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723
www.gabrielenoindians@yahoo.com
gabrielenoindians@yahoo.com

Gabrieleno Band of Mission Indians – Comment Letter F

F-1:
The City of Newport Beach acknowledges the information provided by the commenter indicating that the Project site is located within the ancestral and traditional territories of the Gabrieleno Band of Mission Indians-Kizh Nation. The potential for impacts to archeological resources was evaluated in EIR Subsection 4.4. Although the Project site is fully developed in the existing condition and has been disturbed by previous development activities, which would reduce the likelihood that archeological resources would be encountered during project construction, the EIR identifies a potentially significant direct impact to archeological resources in the event that significant resources are unearthed during the Project's construction process. Mitigation Measure MM 4.4-1 is included in the EIR which specifies the measures that would be taken if potential archaeological resources are discovered. The implementation of MM 4.4-1 would reduce the potential for impacts to less than significant. Accordingly, because the impacts to archeological resources are mitigated to a level that would be less than significant with the incorporation of MM 4.4-1, no additional mitigation including Native American monitoring of construction activates, would be required. A condition of approval has been added to the project as follows, "During construction activities, the project applicant shall allow representatives of cultural organizations, including Native American tribes (i.e., Gabrieleno Band of Mission Indians), to access the project site on a volunteer basis to monitor grading and excavation activities."

COMMENT LETTERS

Comments on EIR for 150 Newport Center Drive:

1. Regarding paragraph 3.5.3 PLANNED COMMUNITY DEVELOPMENT PLAN TEXT - Please explain how this project qualifies as a Planned Community District (PCD) considering **each** of the following inconsistencies with the Chapter 20.56 of NPB zoning code. Please include a rational for considering this project a planned community development considering the almost total disconnect from the description and intent of section 20.56 of the city code.
    a. 20.56.010
        i. Inconsistent with paragraph A - This project is not a "large-scale community".
        ii. Inconsistent with paragraph B - This "community" of condos does will not contain "diversification of uses".
    b. 20.56.020
        i. Inconsistent with paragraph A - Project at 1.25 acres is just 12.5% of minimum acreage of 10 acres required for a PCD
    c. 20.56.030
        i. Inconsistent with paragraph A-1a – The "Existing Use" as commercial (car wash) is not "incorporated as part of the approved development plan".
        ii. Inconsistent with paragraph A-1b – nor will it be "Allowed to continue"
        iii. Inconsistent with paragraph B-1 – This is "A use, other than a use existing at the time of establishment of a PC District, shall not be allowed in a PC District except in compliance with a valid PC development plan." This project fails to qualify for "a valid PC development plan" based on inconsistencies noted under section 20.56.010 and 20.56.020 above.
        iv. Inconsistent with paragraph B-2 – This is not a use authorized by the current zoning for the property.

G-1

2. Regarding paragraph 4.1.2 A and Table 4.7-2. Local Regulations Policy bullet point Policy NR 20.3
    a. Please explain how the introduction of a 75-foot structure between Newport Center. Drive (listed) and the coast will:
        i. "Protect and, where feasible, enhance significant scenic and visual resources …" as stated in Policy NR 2.1.
        ii. "Protect and enhance public view …" as stated in Policy NR 20.3.

G-2

    b. The View Simulation – View 2, page 4-1-16, illustrates this intrusion of the proposed building into the current view from Newport Center Drive. How is this consistent with stated General Plan Goal NR 20?

G-3

3. Regarding section 4.1 AESTHETICS, page 4.1-22 and Table 4.7-2 page 4.7-10>4.7-11. The building is compared to existing massive structures located on San Joaquin Hills Road and also on San Miguel Drive. These are NOT located in the immediate vicinity of the project. As stated in the EIR: "The General Plan Land Use Element includes Policy LU 6.14.14 (Development Scale) that encourages the concentration of the greatest building mass and height in Newport Center in the northeasterly section along San Joaquin Hills Road with a progressive scaling down of building mass and height toward the southwesterly edge along East Coast Highway." Please explain how a comparison of this project located in the south portion of Newport Center to buildings located in the east and northeast portion of Newport Center is consistent with LU 6.14.14 of the General Plan.

G-4

4. Regarding Table4.7-2, discussion of Policy LU 3.2 – "… the Project would replace a non-viable commercial use…" What documentation exists that confirms that the current use as a carwash is "a non-viable commercial use"?

G-5

5. Please explain the basis for the following statement in section 5.0, page 5-3: "The placement of a seven-story residential building on the Project site, in the southern portion of Newport Center where building heights are generally lower, would not reasonably or foreseeably cause the redevelopment of other properties or cause development on other properties with taller buildings than current Zoning designations allow." The opposite would seem likely. The 2006 GP does not set height limits for the area, however the height limits in the area, as a result of PC regulations and PC texts has been increased in the area. These increases have ranged from 32 feet to 50 feet, but this for commercial mixed use structures. In the reply please explain how the introduction of a precedent setting, spot zoned, 7 story residential structure (normal height limit 28 feet)

G-6

COMMENT LETTERS

"would not reasonably or foreseeably cause the redevelopment of other properties or cause development on other properties with taller buildings" since the profit motive would be very strong to replace existing commercial with high rise residential.

6. Regarding the following statement in section 5.0, page 5-4: "Furthermore, the Project's potential influence on other nearby properties to redevelop at greater intensities and/or *different uses than the City's General Plan*, Zoning Code, and Site Plane Ordinance allow is speculative beyond the rule of reason." Why is this considered "speculative beyond the rule of reason", since the replacement of commercial use with residential is exactly what this project is doing and indeed the profit incentive for replacing commercial with residential is currently very high?

G-6 (cont.)

G-7

Respectfully submitted, 6/15/2016
Dennis Baker
706½ Begonia Avenue
Corona del Mar
949.274.3226
Dennis.Baker@DiAndDen.net

Dennis Baker – Comment Letter G

G-1:
CEQA Guidelines Section 15125(d) specifies that any inconsistencies between a proposed project and "applicable general plans, specific plans and regional plans" must be discussed in an EIR. As directed by CEQA, discussion of the proposed Project's potential inconsistencies with the City's General Plan and applicable regional plans is contained in the EIR. An EIR is not required by the CEQA Statutes or Guidelines to discuss consistency or inconsistency with zoning regulations, such as those contained in the Newport Beach Municipal Code. The Project's proposed Zoning Code Amendment and Planned Community (PC) Development Plan Text are described in EIR Subsections 3.5.2 and 3.5.3, respectively, as part of the EIR Project Description, and evaluated throughout the EIR's environmental analyses. The City is obligated to consider the information contained in the Final EIR and the Project's Administrative Record during its deliberations concerning the proposed Project, but the purpose of an EIR is not to determine whether a PC zone is appropriate or inappropriate. This is policy decision that is beyond the parameters of CEQA.

G-2:
Policy NR 2.1 identified in the City of Newport Beach General Plan Natural Resources Element pertains to recycled water use. However, it is assumed in this response that the commenter is referencing Policy NR 20.1, which indicates the City's policy to "[p]rotect and, where feasible, enhance significant scenic and visual resources that include open space, mountain, canyons, ridges, ocean and harbor from public vantage points, as shown in Figure NR3". An evaluation of the Project's consistency with Policy NR 20.1, as well as the Project's consistency with General Plan Policy NR 20.3 "[p]rotect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future…." is contained in EIR Subsection 4.1, Aesthetics, under Impact Analysis Threshold (a). Analysis of these policies also is contained in Table 4.7-2 of EIR Subsection 4.7, Land Use and Planning.

Figure NR3, Coastal Views, of the General Plan Natural Resources Element 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. 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. The view corridor along Avocado Avenue identified in Figure NR3 occurs between San Joaquin Hills Road to East Coast Highway with views to the southwest toward the Pacific Ocean. The proposed Project's building would be screened from views from Avocado Avenue by intervening development and landscaping. The EIR's analyses of view corridors along MacArthur Boulevard from San Joaquin Hills Road to East Coast Highway identified in Figure NR3 determined that the proposed Project would not inhibit views of the Pacific Ocean because although the proposed Project would be constructed within the general direction of views of the Pacific Ocean, views of the lower floors of the building would be completely screened by intervening buildings and landscaping and views of the two uppermost floors would be only intermittently possible in the distance when looking due northwest. From this location, the Pacific Ocean is visible looking due south and slightly southwest, and not due northwest in the direction of

the Project site. Accordingly, the distant views of the proposed building due northwest would not substantially affect views of the Pacific Ocean along this view corridor. The impact to scenic views from this location would, therefore, be less than significant as concluded in the EIR.

G-3:

The commenter identifies that views of the proposed Project shown in View Simulation 2 (Figure 4.1-6 on page 4.1-16 of the EIR) show that the Project would be visible from Newport Center Drive and questions the consistency of the Project with General Plan Policy NR 20.3. As shown on Figure 4.1-4 of the DEIR, the segment of Newport Center Drive that is associated with a view corridor (identified in the General Plan as a "Coastal View Road") is the roadway segment that runs parallel to Anacapa Drive approximately 800 feet west of the Project site, as discussed on EIR page 4.1-11. The view of the Project site shown in View Simulation 2 does not depict views of the Project from the portion of Newport Center Drive that is identified as a Coastal View Road, and the Project would not be visible from the segment of Newport Center Drive that is designated as a Coastal View Road. Also refer to Response G-2, above.

G-4:

This comment quotes the City's General Plan Land Use Element Policy LU 6.14.4 (not 6.14.14 as indicated in the comment). General Plan Policy LU 6.14.4 does not address measured building heights, but speaks qualitatively to encouraging the placement of tall buildings in the northeastern portion of Newport Center and scaling down toward the southwest. Thus, the EIR appropriately disclosed a representative sample of building heights both in the northeastern portion of Newport Center, as well as in the southwestern portion in order to address Policy LU 6.14.4's qualitative concept of scaling down building height from the northeast to the southwest. Also refer to EIR Subsection 4.7, Land Use and Planning, Table 4.7-2, Proposed Project General Plan Consistency, in which representative building heights from both the northeastern and southwestern portions of Newport Center are disclosed. Attached to this response is an exhibit which shows existing building heights in the southerly half of Newport Center on an aerial photograph for context.

EIR Subsection 4.1, Aesthetics, analyzes the proposed Project's potential to degrade the visual character of the site and its surroundings (Subsection 4.1.4, Threshold c). The basis for determining significance under Threshold c) is presented in EIR Subsection 4.1.3, which states: "Regarding the determination of significance under Threshold c), if the character or quality of the Newport Center area, including both publicly- and privately-owned properties, would be degraded, the impact will be regarded as significant. The degradation of private views (as opposed to public scenic viewsheds) is not considered a significant adverse impact. See Mira Mar Mobile Community v. City of Oceanside (2004) 119 Cal.App.4th 477. In this context, "degrade" will mean the introduction of physical features that would have a demonstratively inconsistent character and/or would be constructed with inferior design characteristics than currently found in the Newport Center area, based on the independent judgment of the City of Newport Beach." Thus, a potential degradation in visual character was appropriately evaluated in the context of the Newport Center area and not only immediately surrounding private properties (EIR pp. 4.1-20 through 4.1-23).

The proposed Project, as would be viewed from both nearby and distant vantage points, would be within the same viewshed as other buildings within the Newport Center area including buildings immediately adjacent to the Project site and taller buildings that occur within the northern portions of Newport Center. The only vantage points from which the taller buildings would not be within the same viewshed as the proposed Project's building are points immediately northwest or northeast of the Project site, looking toward the south. Accordingly, the impact analysis presented in the DEIR properly evaluated the proposed Project within the context of the viewsheds in which the Project would be typically viewed. Moreover, the DEIR fully disclosed that the height of the proposed structure would be taller than the buildings that occur immediately adjacent to the Project site and concluded that the height difference would not result in significant adverse physical environmental impacts. The proposed Project's building would not have a substantial adverse effect on a scenic vista (DEIR Subsection 4.1, Threshold a.), would not be visible from a State scenic highway (DEIR Subsection 4.1, Threshold b.), would not substantially degrade the existing visual character or quality of the site and its surroundings (as explained above; DEIR Subsection 4.1, Threshold c.), and would not create a new source of substantial light or glare that would adversely affect views (DEIR Subsection 4.1, Threshold d.).

G-5:
The Project Applicant provided a letter to the City cited in the EIR as "(Soderling, 2016a [the amended letter is referenced as Soderling, 2016b])" which states that ongoing use of the site as a car wash is not viable. The Applicant's letter is provided as an attachment to this response for reference.

G-6:
CEQA requires that an EIR evaluate reasonably foreseeable growth-inducing impacts of a project, but not speculative effects. See Federation of Hillside & Canyon Ass'ns v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1265. The CEQA Guidelines provide two examples of growth-inducing impacts: 1) a project that would "…remove obstacles to population growth (a major expansion of a waste water treatment plant, might, for example, allow for more construction in service areas)"; and 2) "[i]ncreases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects" (Cal. Code Regs., tit. 14 § 15126.2, subd. (d)). In this case, the Project is not proposing to add infrastructure facilities with increased capacity to serve other projects (e.g., oversized sewer or water lines, etc.), nor would the proposed Project result in a significant increase in the City's population such that existing community service facilities would need to be upgraded or expanded (refer to the Initial Study [Appendix A of the DEIR) for an analysis of potential Project-related impacts to public services and facilities). Moreover, the CEQA Guidelines require that an EIR discuss "…the ways in which…" a project could foster growth, and under this standard an EIR is not required to provide a detailed analysis of a project's effects on growth; rather, a general analysis is sufficient." (Cal. Code Regs., tit. 14 § 15126.2, subd. (d); see also Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors (2001) 91 Cal.App.4th 342, 367-371.) Section 5.3 of the EIR provides sufficient analysis of growth-inducing impacts.

If the City approves the proposed Project, such approval would be based in part on the individual merits of the Project. The degree to which the proposed Project may or may not establish a precedent for future actions (including but not limited to potential future proposals by others to construct buildings in south Newport Center taller than current zoning designations allow) will be considered by the City in its discretionary decision-making processes on the Project's applications. Nonetheless, potentially setting a precedent is not the same as non-speculative growth inducement. Because discretionary actions would need to be taken by the City in order to approve any future project that would propose to construct a building taller than the property's zoning designation allows (as is currently under consideration for the proposed Project), the Project would not establish legal grounds that could be used as a standard for subsequent projects. No credible evidence has been supplied by the commenter to indicate that the Project would unquestionably induce the redevelopment of other parcels in south Newport Center in ways that would exceed Municipal Code building height limits. Furthermore, an EIR is not required to forecast and mitigate for development described as induced growth. "Neither CEQA itself, nor the cases that have interpreted it, require an EIR to anticipate and mitigate the effects of a particular project on growth in other areas." (Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors (2001) 91 Cal.App.4th 342, 371) Such issues are best left to the time that the resulting development is proposed. (Id. at p. 372 fn. 8.) When a project's growth-inducing impacts are speculative, the lead agency is required to consider CEQA Guidelines § 15145, which provides that, if an impact is too speculative for evaluation, the agency should note this conclusion and terminate discussion of the impact.

G-7:

Please see Responses G-5 and G-6, above. Project approval would be based in part on the merits of the proposed project. This is the case for the current proposal and all future proposed projects. The degree to which the proposed Project may or may not establish a precedent for future actions (including potential future proposals to replace commercial uses with residential uses in south Newport Center) will be considered by the City in its decision-making processes on the Project's applications. Nonetheless, potentially setting a precedent is not the same as non-speculative growth inducement. The Project is not proposing to add infrastructure facilities with increased capacity to serve other projects (e.g., oversized sewer or water lines, etc.), nor would the proposed Project result in a significant increase in the City's population such that existing community service facilities would need to be upgraded or expanded (refer to the Initial Study [Appendix A of the DEIR) for an analysis of potential Project-related impacts to public services and facilities). The "profit incentive" of possible future applicants, even if "currently very high," is speculative and no substantial evidence has been supplied by the commenter to indicate that the Project would unquestionably induce the redevelopment of other parcels in south Newport Center in ways that would replace commercial uses with residential uses. When a project's growth-inducing impacts are speculative, the lead agency is required to consider CEQA Guidelines § 15145, which provides that, if an impact is too speculative for evaluation, the agency should note this conclusion and terminate discussion of the impact. Such is the case with this comment.

Existing Building Heights in Newport Center

*data is based on building permit elevations

April 13, 2016

Ms. Makana Nova
Associate Planner, AICP
Planning Division, Community Development Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: 150 Newport Center Drive

Dear Ms. Nova:

We are the managing partners of Newport Center Anacapa Associates, LLC which owns the referenced property and through an affiliated company operates the car wash on site. The car wash is over 40 years old and due to technology changes is rapidly becoming functionally obsolete. The new "Tube Concepts" require significantly less labor, less water and frankly provide a better wash at a fraction of the cost. Several of the new washes have already replaced other formerly Beacon Bay locations.

We acquired the property with full knowledge that the car wash was no longer the best use for the property and that the business would no longer support the land value and purchase price. The new technology (completion) and increased labor cost has priced us out of the market. Our management company has been informed of our plans to close the wash and will be winding down on the site activity in the fourth quarter of this year.

While we are optimistic that our plans to build residential on the site will be met with favorable results, we will regardless of the outcome close the wash and fence the site until the new land use is resolved. Please don't hesitate to contact either of us should you have any questions.

Sincerely,

Ronald Soderling
Managing Member

Michael Lutton
Managing Member

cc: Tod Ridgeway

Addendum: The most significant component of the car wash is labor cost and with the change of the minimum wage to $15 per hour these cost now make car washes economically infeasible. A new car wash only employs 2 to 3 people as opposed to 25 on our site.

IRVINE COMPANY
Since 1864

June 24, 2016

RECEIVED BY
COMMUNITY
JUN 28 2016
DEVELOPMENT
CITY OF NEWPORT BEACH

City of Newport Beach
Attn: Makana Nova
100 Civic Center Drive
Newport Beach, CA 92660

Subject: 150 Newport Center Draft Environmental Impact Report (DEIR) Comments

Dear Ms. Nova:

Irvine Company offers the following comments on the 150 Newport Center DEIR that was released for public review from May 15 to June 27, 2016. Comments have previously been submitted by Irvine Company in response to the Mitigated Negative Declaration and the subsequent Notice of Preparation for the DEIR. Included herein are comments from previous correspondence in addition to our comments on the DEIR where the DEIR was either lacking in information or did not respond to the previous comments satisfactorily. H-1

Ingress/Egress

In response to previously identified concerns regarding an existing easement along the southern boundary of the Project site, the DEIR states: "The underlying property owner's authorization would be required for any site improvements to this area. Special land use restrictions (SLURs) exist between Irvine Company and the existing car wash that provide for an easement for ingress/egress along the southern boundary of the project site. The easement was established through a grant deed recorded in 1992. The easement restrictions would remain in effect should the proposed project be approved by the City of Newport Beach." This correctly states the need for authorization by Irvine Company for work within the easement. H-2

The DEIR notes that the existing median located immediately south of the site would be filled in and landscaped to direct traffic flow in and out of the southern garage entry/exit. The median is currently in two segments allowing left turn egress from the car wash. The Project proposes to fill in the open space between segments resulting in a continuous landscaped median. The median design should be evaluated to ensure that left turns out of the garage can be safely and efficiently executed by all vehicle types anticipated to utilize this exit without creating a hazard to pedestrians or oncoming traffic. As shown on Project exhibits, the angle of the median would not support a left turn motion out of the garage for larger vehicles. Property owner authorization for the re-configured median south of the Project site should be required prior to the issuance of building permits as a condition of approval for the Project. H-3

550 Newport Center Drive, Newport Beach, CA 92660 949.720.2000

Pedestrian Access

The DEIR grading plan and the Title Constraints Exhibit show an existing 18-foot-wide reservation for pedestrian use along the southern boundary access roadway. The easement is also shown on the Vesting Tentative Tract Map with a note that the easement is to be removed, although there is no additional detail in the DEIR. The Project proposes to eliminate the reservation and proposes a 5-foot sidewalk along its southerly boundary. While it could be appropriate to reduce the width of the reservation to match the width of the proposed sidewalk, it is not appropriate to completely remove this reservation, as this existing means of pedestrian access to Gateway Plaza should continue to be provided. The Conceptual Design Exhibits indicate that a pedestrian walkway has been provided along the southern access roadway, and we offer this comment to ensure that adequate pedestrian access remains part of the Project.

H-4

Moving Vans

The DEIR and the appendices are internally inconsistent in their descriptions of moving van access. The DEIR identifies a plan showing that moving trucks and delivery vehicles will temporarily park to load/unload at the guest access point along Anacapa Drive. The Planned Community Development Plan (PCDP) also states on page 3 that moving van access and general delivery will occur at the main building entry off Anacapa Drive. However, we note that Appendix G2 – Site Circulation Plan dated September 1, 2015 contains text as follows: "The move-in/out trucks are expected to temporarily park on the north side of the two-way drive aisle on the south side of the complex (see Figure 9). Adequate width shall be provided to allow vehicles to by-pass the move-in/out trucks." The referenced Figure 9 clearly shows the circulation plan for moving trucks with the trucks stopping at the resident garage access on the southern boundary of the site, which is inconsistent with the text in the DEIR.

In addition, the Preliminary Construction Management Plan dated March 25, 2016 notes on page 5 that level B-1 on the southern boundary allows for tenant access, *moving van access,* and general delivery. CEQA requires that facts presented for environmental analysis be consistent and precise to adequately inform the public about the project. This inconsistency between the DEIR and the Circulation and Construction Management Plans must be resolved to ensure that moving vans and general delivery trucks are not allowed to load or unload on the southern boundary of the site thereby eliminating the possibility of a hazardous and unsafe condition with regard to traffic and pedestrian movement. It should also be noted that larger moving-related vehicles are not likely to be able to make the U-turn shown on Figure 9.

H-5

An important related issue is: While the DEIR contains references to both moving vans and trash trucks parking partially on the sidewalk along the southerly edge of the Project, how much of that sidewalk is realistically available for this use? The Conceptual Design Exhibit shows a width of 7.3 feet from the southerly curb of the adjacent private drive to a wall with a hedge and a 5-foot sidewalk proposed adjacent to the access drive. Furthermore, the Architectural Rendering

(Figure 3-5) indicates that multiple street lighting fixtures will be located within the 7.3-foot-wide area between Anacapa and the Project's access drive. In addition, the Tentative Map and the Conceptual Utility Plan propose that a "modular wetland unit for storm water treatment" will be located within the sidewalk for the first 25 to 30 feet easterly of the Project access drive, which could reduce the area where moving vans and trash trucks could park partially on the sidewalk. The concern is that there may be minimal ability for larger moving vehicles to park partially on the sidewalk, therefore negatively affecting the ability to utilize the sidewalk for pedestrian movement as well as negatively impacting the safety and efficient use of the adjacent Block 100 access.

H-5 (cont.)

Trash Trucks

As noted in the DEIR, trash trucks would park along a rolled curb area on the drive aisle along the southern portion of the building. The trucks would move partially outside of the paved driveway area to avoid impeding vehicular access at the driveway. The trash bins will be brought by a scout truck from the storage area to the residential access drive for pick-up. While the DEIR states that a rolled curb will be installed along the southerly access road to assist trash truck movement partially off the roadway, no text or graphic depiction shows the length of the rolled curb or whether the entire curb will be rolled. Furthermore, as discussed in the previous comment, several factors could limit the area where overlapping parking on the sidewalk could occur. It is important that this issue receive further study to assure that the existing vehicular and pedestrian access will not be significantly affected. In addition, as depicted on Figure 9 of the Site Circulation Plan, it appears that trucks would be required to make a wide U-turn to exit to Anacapa, potentially obstructing traffic entering and exiting Block 100 from that access roadway and creating an unsafe condition. It is important that this issue receive further study to assure that the existing vehicular and pedestrian access will not be significantly affected. In addition, as depicted on Figure 9 of the Site Circulation Plan, it appears that trucks would be required to make a wide U-turn to exit to Anacapa, potentially obstructing traffic entering and exiting Block 100 from that access roadway and creating an unsafe condition. A turning radius exhibit or analysis should be provided to demonstrate that a trash truck can safely make a U-turn.

H-6

The DEIR does not include measurements identifying the street width or any substantive information that would support the conclusion that there is adequate width for cars to pass when a trash truck is parked at the proposed trash pick-up location. During the recent Planning Commission Study Session for the Project, staff indicated that Public Works analyzed the proposed plan and stated there was adequate width to allow vehicles to pass by the trucks. The PCDP states on page 11 that trash pick-up and staging shall not block vehicular access through the southerly access drive. However, given the lack of specific information, we cannot concur with either the applicant or the City that there is adequate room for safe vehicular passage alongside parked trash trucks.

There is no condition of approval or mitigation measure proposed to ensure adequate room for vehicle passage. Design criteria must be identified, including precise distances and widths. As noted, the PCDP contains the requirement that vehicular access shall not be blocked. The DEIR does not provide any information containing dimensioned plans demonstrating that adequate width will be provided. We request that mitigation or a condition of approval be included in the DEIR to address provision of adequate passing room for typical sized vehicles using this roadway to access Gateway Plaza.

Most importantly, and as noted in previous correspondence to the City, we reiterate that the easement associated with the southern access roadway is for ingress/egress only and not for trash truck parking or trash pick-up. The applicant should not be permitted to rely on another landowner's property to provide an integral service for the applicant's Project. The Project should be redesigned to keep all truck traffic, including trash trucks, moving vans, and delivery trucks, within the boundary of the applicant's property in order that the Project's use of the Block 100 access drive can be limited to ingress and egress in conformance with the conditions established in the existing easement. Failure to properly accommodate truck traffic within the property demonstrates the unsuitable size and design of the proposed Project.

H-6 (cont.)

Project Drainage

As indicated in Note #31 on the Conceptual Utility Plan, drainage from the Project is proposed to connect to an existing private catch basin located outside the Project boundary. Because the subject catch basin is located on Irvine Company property and because information regarding potential changes in the flow characteristics are not included, the Project should be conditioned to provide the proposed drainage plans to the Irvine Company for review and approval prior to construction of the subject connection to the catch basin.

H-7

Construction Staging and Traffic

The DEIR states that construction is estimated to commence in the first quarter of 2017 and last for approximately 21 months. We request further information regarding the following elements of the Construction Management Plan and traffic impacts on Newport Center Drive and Anacapa Drive.

- Lane Closures – The timing of land closures is unclear. The DEIR indicates that temporary street and sidewalk closures will occur "from time to time" and for short durations of less than two weeks. Please describe how often the closures could occur along Anacapa and the southern access roadway. Would the length of the closure be daily for two weeks or in smaller segments of days for a cumulative total of "less than two weeks?"
- Very little detail is provided about potential lane closures on Newport Center Drive. It is imperative that closures of more than one lane in either direction should not be allowed at

H-8

any time and that no lane closures would be allowed during the holiday season. A specific mitigation measure or condition of approval should identify the dates during which closures are prohibited.

- Newport Center Drive and Anacapa Drive will experience temporary lane closures in order to implement utility connections as noted in the DEIR Project Description. Mitigation should be included that requires the Traffic Control Plan to ensure that closures on Newport Center Drive are conducted during off-peak hours with adequate advance notice posted for tenants and visitors to Newport Center.
- A mitigation measure or a condition of approval should be included to prohibit closure of the existing access drive from Anacapa at any time, as this is an important point of access for much of Block 100.
- With respect to vehicle queuing during construction, the Construction Management Plan identifies the need for queuing of cement trucks. The DEIR should include a mitigation measure or a condition of approval that prohibits blocking or entering any private property, including driveways, as a result of the queuing of any vehicles during construction.
- Off-Site Parking – It is not clear whether the Tennis Club has enough excess parking to accommodate the 50 spaces proposed. The DEIR must analyze whether such capacity exists. The Memorandum of Understanding is in draft form and not signed. Is there a contingency plan if the Tennis Club does not have adequate parking for its own operation and the construction parking? Parking in spaces within Newport Center/Fashion Island must be strictly reserved for tenants and visitors and prohibited for construction personnel.
- Construction Safety – The Construction Management Plan includes Exhibit B-1, which shows the extent of the construction crane swing radius. The DEIR does not analyze the operation of the crane as a potential safety hazard. The document fails to acknowledge that the crane swing radius extends over Irvine Company property including the internal roadway and areas where vehicles would be parked. In addition, the crane swing radius is also shown to occur over the entire width of Anacapa as well as a portion of private property to the east. Due to the potential safety issues for pedestrians and private vehicles that could result from operation of the crane in this manner, a condition of approval should be included that precludes any crane swing over any portion of Anacapa as well as adjacent private property to the east and private property to the west of the Project site.

Lighting

There is an inconsistency in the way the streetlights are depicted in the DEIR and the attachments. The Conceptual Design Exhibits (A0.0, A2.2 and A4.2) show the lights are located on the upper sidewalk of the southerly building frontage. However, sheet A4.3 and Figure 3-7 (DEIR - page 3-28) depict the lights as located on the lower level leading to the parking garage entrance. In both views, the lights would be located on the curb side of the walkways. No

H-8 (cont.)

H-9

H-10

H-11

H-12

information in the DEIR discloses whether the sidewalk width will be reduced or if the light placement would be outside the pedestrian pathway. These inconsistencies should be resolved.

H-12 (cont.)

Consistency With City Standards and Piecemealing

The Project proposes adoption of a Planned Community (PC) text for the purpose of increasing the height limit from 32 feet to 83.5 feet. The City's Zoning Code limits building height in Block 100 to 32 feet (37 feet with a sloped roof), or up to 50 feet (55 feet with a sloped roof) with the adoption of a PC or other discretionary approval. The PC text would exceed the 50-foot height limit expressed in the Zoning Code by more than 30 feet.

The 150 Newport Center Project site represents 1.26 acres of the overall 13-acre block. The four corners of Block 100 are conventionally zoned OR-C (Office Regional Commercial), while the interior of the block is part of the larger North Newport Center PC. The City's Zoning Code requires that a PC district have a minimum 10-acre site; as stated within the DEIR, it will be necessary for the City Council to waive the minimum acreage requirement in adopting a PC for the 1.26-acre Project. The entire block should be considered in determining the height increase that is a foreseeable consequence of the proposed Project.

The Project site is located at the highest elevation within Block 100 at 170 feet above mean sea level (AMSL). The remainder of the block slopes downward and away from Newport Center Drive towards Civic Center Drive with elevations of 120 to 140 feet AMSL at the southerly corners. The building height of 83.5 feet will be prominent in this location, where the surrounding land uses consist of single- and double-story buildings. Irvine Company anticipates that property owners in the remaining 11.74 acres of Block 100 will request the application of a consistent height limit for the entire Block. Rather than piecemeal the height increases, an increase in the height limit for the remaining properties should be processed concurrent with the 150 Newport Center Project.

H-13

The growth inducement from the 150 Newport Center Project is incontrovertible, and a height increase for the remaining properties is the logical next-step. No further visual impacts will be associated with an increased height limit for the remainder of the block, because the ground elevation for these other properties is lower than the Project site. The analysis contained with the DEIR can be relied upon to increase the height for the entire block.

As indicated above, the height limit for *all* properties within Block 100 should be increased commensurate with that proposed for 150 Newport Center. This height increase should be processed concurrent with 150 Newport Center given that this is a direct inducement resulting from the proposed Project. Without the proposed Project, the greatest height limit would be 50 to 55 feet with discretionary approval.

Airport Land Use Commission (ALUC)/Airport Environs Land Use Plan (AELUP)

The Project Description at page ES-4 lists the actions required for approval of the Project including a General Plan Amendment, a Zoning Code Amendment and a Planned Community Development Plan. With regard to applicability of ALUC and AELUP policies, page 4.6-14 of the DEIR states that "… the northerly one-third of the Project site is located within the AELUP Part 77 Notification Area for JWA." However, DEIR analysis of consistency with the requirements of ALUC and the AELUP concludes that the Project does not require submittal to ALUC for review (DEIR pages 4.6-8 and 4.6-14). Following are sections from the AELUP outlining the types of projects that require ALUC review (underlining added).

The AELUP, on page 2, Section 1.3 - Authority - states that:

> "Section 21676(b) of the Public Utilities Code requires that prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission."

Page 27, Section 4.3 - Amendments to General Plans and Specific Plans (Zoning) states:

> "Within the AELUP planning areas … any amendment to a General Plan or Specific Plan (including conventional zoning and Planned Communities) must be submitted to the Commission for a determination prior to its adoption by the local agency."

Section 4.4 - Zoning Ordinance and Building Regulations states:

> "Within the AELUP planning areas …. any proposed changes to a zoning ordinance or building regulation must be submitted to the Commission for a determination prior to its adoption by the local agency."

It appears the City is basing its conclusion that the Project does not require ALUC submittal on building height alone without additional consideration of the requirements noted above for submittal when General Plan and zoning amendments are proposed. Any property located within the AELUP Part 77 Notification Area that requires a General Plan Amendment and/or zoning amendments must be referred to the ALUC prior to final City approval. This is separate from height notification as discussed in the DEIR. This Project requires referral to the ALUC prior to City Council action. The DEIR should provide additional analysis based on Sections 1.3, 4.3 and 4.4 of the AELUP.

H-14

Conclusion

The inconsistencies related to moving van loading/unloading, functional street width available with moving vans and/or trash trucks parked, lane closures during construction, and light pole locations must be resolved in order to present a more accurate depiction of potential impacts

H-15

related to safety and circulation. Additional information related to conclusions about construction personnel parking availability, potential safety issues regarding cranes, and ALUC review is required to allow the public a more complete understanding of impacts where the DEIR has concluded "no impact" or "less than significant impacts." We conclude that the DEIR lacks adequate detail and must include more thorough and consistent information.

Thank you for the opportunity to review the DEIR and provide these comments and observations.

H-15 (cont.)

Sincerely,

Dan Miller
Senior Vice President
Entitlement and Public Affairs

Irvine Company – Comment Letter H

H-1:
The commenter accurately identifies the public review period for the DEIR, and the City of Newport Beach acknowledges that the commenter had previously provided comments on the Mitigated Negative Declaration (MND) and the Initial Study for the proposed Project. The prior comment letters are part of the Project's Administrative Record.

H-2:
Comments are noted acknowledging the accuracy of information presented in the DEIR. Please note that the City intends to apply a condition of approval on the Project that would require the authorization of the underlying property owner for any site improvements proposed within the southern ingress/egress easement.

H-3:
Refer to Response H-2. The City's Public Works Department reviewed the proposed median improvements as part of its evaluation of the Project plans and determined that adequate ingress and egress movements can be made from the Project's proposed parking garage. The median would end at the garage entry/exit allowing for proper vehicle movement from the Project's parking structure in a manner that would not result in hazards to vehicular and non-vehicular traffic. Please note that the City intends to apply a condition of approval on the Project that would require the authorization of the underlying property owner for any site improvements proposed within the southern ingress/egress easement.

H-4:
The commenter inaccurately characterizes the proposed modification to the pedestrian access easement within the Project site by concluding that the pedestrian access easement would be removed. The Project's proposed Tentative Tract Map indicates that the 18-foot wide easement along the southern edge of the Project site would be reduced to a 5-foot width and would be maintained as a pedestrian access easement. Furthermore, the City intends to impose a condition of approval on the Project to require provision of the 5-woot wide pedestrian easement within the southern portion of the Project site.

H-5:
Moving vehicle access to the Project site would occur at the main building entry off Anacapa Drive and trash pick-up would occur at the south driveway off of Anacapa Drive. The Site Circulation Plan provided in Appendix G2 of the DEIR is a draft. The Project Applicant prepared and submitted a Final Site Circulation Plan, which will include updates to indicate that moving vehicles will access the building at the main building entry. The specific placement of each lighting fixture will be determined as part of construction drawings prepared in association with a building permit application. The lighting plan is required to be reviewed by City staff to ensure compliance with applicable City codes and standards related to exterior lighting. The City intends to impose a

condition of approval on the Project that would require that the 5-foot pedestrian access easement remain clear of permanent structures.

H-6:
Following the completion of the DEIR, the Project Applicant has prepared and submitted a revised Site Circulation Plan, which will included updates to indicate that trash pick-up would occur at the south driveway. While a rolled curb would be provided at the south driveway, the rolled curb is not necessary to provide adequate access for trash trucks and other vehicles to move freely through the access driveway during trash pick-up activities. The updated Site Circulation Plan is provided in the Errata section of the Final EIR. The City's Public Works Department reviewed the Project site's circulation plan and determined that the design would be adequate to allow for trash vehicles to access the building at the southern access driveway without resulting in a conflict with through-traffic because the driveway provides a 24-foot wide access way for each direction of travel, which accommodates simultaneous trash pickup activities and vehicle through movements. Trash trucks are typically 10-foot in width, leaving ample space for vehicles to pass. The ingress/egress easement covers all of Block 100 (Parcel A); thus, a U-turn movement is not necessary for trash trucks to exit the Project site. Trash trucks would be able to utilize the site circulation access ways to exit onto Civic Center Drive. The City of Newport Beach has reviewed the southerly access easement and determined that trash pick-up activities are within the realm of ingress/egress. The City intends to impose conditions of approval on the Project that would ensure that adequate vehicular access is maintained along the southerly access drive, as well as to require authorization of the underlying property owner for any site improvements proposed within the southerly ingress/egress easement. The use of the easement involves a civil matter between the property owners and no additional analysis of the potential for physical environmental impacts associated with the proposed Project are warranted in the EIR. The storm water treatment structure identified on Sheet 2.0 of the project plans occurs below grade and will not obstruct access along the 5-foot pedestrian easement.

H-7:
The City of Newport Beach acknowledges the comments regarding the improvements that would affect the private catch basin located outside the Project site boundary and within the commenter's property. The comment does not address the adequacy of the analysis provided in the DEIR; regardless, the City will consider this comment when preparing conditions of approval for the Project.

H-8:
The specific dates on which temporary lane closures will occur are unknown and will be determined by the Project's contractor based on the construction schedule. Accordingly, the DEIR discloses the potential for temporary lane closures with as much specificity as is available at this time. No lane closures are proposed at the southerly access drive. The Preliminary Construction Management Plan (Appendix M of the DEIR [Page 9]) describes the lane closures along Anacapa Drive. Lane closures would potentially be required along Anacapa Drive and Newport Center Drive for the installation of temporary tie-backs during Project construction. Exhibit B-4 of the Preliminary Construction Management Plan identifies the location of traffic cones that would be required where lane closures

would occur along Anacapa Drive in order to accommodate temporary boom pump placement during construction. Closures would be intermittent, and would not occur for durations greater than two weeks at a time, subject to the discretion of the City of Newport Beach Public Works Department depending on the specific construction activities that would occur. Page 14 of the Preliminary Construction Management Plan identifies that lane closures would be limited to off-peak travel periods. Each lane closure would be subject to the review and approval of the City's Public Works Department prior to approval of any Temporary Street and Sidewalk Closure Permit. The analysis of potential lane closures presented in the DEIR is based on reasonable assumptions predicated on facts presented in the Preliminary Construction Management Plan. No additional analysis is required.

H-9:
The City intends to impose a condition of approval on the Project that would require that access to/from the southerly driveway along Anacapa Drive be maintained throughout the construction period. Exhibits B-3 and B-5 of the Preliminary Construction Management Plan indicate that all vehicle queuing would occur on-site within private property during construction.

H-10:
The proposed Project would be conditioned to require compliance with the Construction Management Plan. Finally, while the DEIR identified that the Tennis Club is a potential location for construction worker parking, the off-site employee parking location and agreement would be required to be finalized prior to issuance of the building permits.

H-11:
The proposed Project would utilize a crane during construction of the building. However, the Preliminary Construction Management Plan has been revised to demonstrate that the swing radius of the crane would not extend over offsite properties. The revised Preliminary Construction Management Plan has been included in the Errata section.

H-12:
The specific placement of each lighting fixture will be determined as part of construction drawings prepared in association with a building permit application. The lighting plan is required to be reviewed by City staff to ensure compliance with applicable City codes and standards related to exterior lighting. The Project Applicant has determined that it would relocate the bio-filtration unit that was located within the 5-foot pedestrian access, as identified in the letter attached on the following pages. The City intends to impose a condition of approval on the Project that would require that the 5-foot pedestrian access easement remain clear of permanent structures.

H-13:
The evaluation of environmental impacts in the DEIR is appropriately limited to analyze only the reasonably foreseeable and potentially significant adverse impacts of the Project that is proposed. The analysis does not reflect improper "piecemealing" because no other property owners in Block 100 have submitted an application to the City requesting a building height increase, the need for which would be, hypothetically, triggered by the proposed Project. Stated otherwise, there is no

causation between the commenter's concern and the Project. Please see also Response G-6 and G-7 for further discussion regarding speculation on growth inducement.

A Planned Community Development Plan is not subject to the 50-foot height limitation in accordance with Section 20.30.060 (Height Limits and Exceptions) Subsection C of the Zoning Code. The Project's EIR cannot be used as the CEQA compliance document for the approval of a height limit increase across the entirety of Block 100. The EIR's Project Description is finite and limited to the boundaries of the Project site, and includes no evaluation of a building height increase on other properties. The remainder of Block 100 is approximately 932% larger than the Project site and it cannot be presumed that just because the remainder of Block 100 sits at a lower elevation than the Project site than the conclusions reached by the Project's EIR would be the same as those that would be reached if the entirety of Block 100 was subjected to the same level of analysis. Please also see Response G-6 and G-7. No substantial evidence has been supplied to the City to indicate that growth inducement on other properties in Block 100 is anything but speculative.

H-14:
Please see Response to Comment C-2, which indicates that the entirety of the Project site is outside of the AELUP Part 77 Notification Area for JWA. Because the Project site is located outside of the AELUP Part 77 Notification Area for JWA, the Project does not require referral to the Airport Land Use Commission (ALUC) prior to approval.

H-15:
The responses to each individual comment is provided are Responses to Comments H-1 through H-14, above. The commenter's contact information is acknowledged.

FUSCOE ENGINEERING

Irvine
San Diego
Ontario
Los Angeles
El Centro
San Ramon

August 2, 2016

Ms. Makana Nova
CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, CA 92660

RE: **150 Newport Center Biofiltration BMP**

Dear Makana:

This letter is to help clarify our intent for stormwater quality on the proposed 150 Newport Center project. It has come to our attention that the proposed modular wetland unit at the south side of the project site is in conflict with a proposed 5' sidewalk. Our intent is to relocate the modular wetland unit, or other equivalent biofiltration BMP, to another location on the project site to be determined during the final design. The proposed design will be consistent with the current approved Preliminary WQMP and Countywide Model WQMP Technical Guidance Document.

Please let me know if there are any specific questions you have about this approach.

Best regards,

FUSCOE ENGINEERING, INC.

O. Slasor

Oriana Slasor, P.E.
Principal

June 26, 2016

Re: 150 Newport Center Drive PA2014-213, Environmental Impact Report

City of Newport Beach, Community Development
100 Civic Center Drive
Newport Beach, CA 92660
Attn: Ms. Nova Makana, Project Planner

Dear Nova,

Please see my comments below in response to the 150 Newport Center Drive dEIR.

Project Objectives, Page ES-3:

- The Applicant appears to have started with the end product (i.e., the proposed project) then backed into the Project Objectives.

Please explain CEQA requirements and methodology for developing Project Objectives for a dEIR.

- A. Redevelop an underutilized property in Newport Center.

  Please provide fact-based data to substantiate this statement that the property is underutilized.

- E. Respond to the demand for luxury, multi-family, high-rise residential development in the City of Newport Beach.

  Please provide fact-based data to substantiate this statement that the project is in response to the demand for "....luxury, multi-family, high-rise residential development in the City of Newport Beach." What/who is making this demand?

- F. Add for-sale, owner-occupied housing units in Newport Center to diversify the mix of uses and the range of available residential housing unit types.

  Please provide demographic and/or other data to substantiate that meeting this objective will "diversify the mix of uses and range of available residential housing unit types in Newport Center."

- G. Introduce a luxury, multi-family residential development in Newport Center than can attract households in the surrounding area that are seeking to downsize from a single family home, thereby making those single-family homes available for resale.

I-1

1

Is this an assumption or a statement of fact? Please provide an explanation based on facts and data for this project objective i.e., provide historical data to prove out the assumption that single family homes will be available for resale because people who live there will want to downsize to 150 Newport Center condos.

- I. Maintain high-quality architectural design in Newport Center by adding a building that has a recognizable architectural style and that complements the architectural styles that exist in the surrounding Newport Center community.

  Please provide fact-based information to support this objective. Please identify addresses of properties in the "surrounding Newport Center community" that would be complemented by this "high-quality architectural design".

- J. Implement a residential development that provides on-site amenities for its residents.

  Please provide a list of what on-site amenities need to be included in a Planned Community Development Plan (PCD.

- K. Redevelop a property that uses outdated operational technologies with a new use that is designed to be energy efficient and avoid the wasteful use of energy and water.

  Please provide facts, data, and analysis that support this claim that the property uses outdated operational technologies.

I-1 (cont.)

Table ES-1 Mitigation Monitoring and Reporting Program and, 4.1.5 Aesthics, Cumulative Impact Analysis

- 4.1 Aesthetics, "Threshold a. The Project site does not comprise all or part of a scenic vista. Based on the visual simulations that were prepared, the Project would not result in obstruction of coastal views from any public right-of-ways or Coastal View Roads as defined in the Newport Beach General Plan (Newport Beach, 2006a). The Project would result in less-than-significant impacts."

  The visual simulations are misleading and incomplete. Visual simulations need to be included that show all the buildings in the 100 block at 83' because this precedent setting project, if approved, could usher in same land uses, PCD's and height exceptions.

I-2

- 4.7 Land Use Planning, "Threshold b: Although the Project would change the land use designation of the Project site from commercial to residential, the land use change would not result in any significant and unavoidable impacts to the environment. Thus, the Project would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

  What is the basis for concluding that the "Project would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an

I-3

environmental effect." Please also provide the source or author of this threshold, or the regulatory basis for such a threshold?

I-3 (cont.)

Table 1-1 Summary of NOP Comments

Regarding "Commenter – The Irvine Company, 2) As indicated on the Conceptual Grading Plan (Figure 3-2 of the Initial Study), there is an existing 18-foot wide reservation for pedestrian use that would be removed with the proposed Project. It does not seem appropriate to completely remove this reservation because the existing pedestrian access to Gateway Plaza should continue to be provided."

Please provide where in the dEIR this Irvine Company concern is addressed. Will this existing18-foot wide pedestrian access be retained?

I-4

4.1.3, Aesthetics, Basis for Determining Significance, Threshold c. Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?

Starting with paragraph 5, Page 4.1-21, which reads "The proposed Planned Community (PC) Development Plan includes architectural design standards as follows (Newport Beach, 2016a, p. 4):

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

Compliance with these design standards would be ensured through the City's review of the Site Development Review application and future review of building permits. Compliance with the requirements of the PC-text would ensure that the development of the site would occur in a manner that would not substantially degrade the existing visual character or quality of the Project site and its surroundings."

The parcel of land is zoned commercial with 32' height limit. To say that the proposed project "would ensure that the development of the site would occur in a manner that would not substantially degrade the existing visual character or quality of the Project site and its surroundings" is incomprehensible. This project is out of character for 'its surroundings" by virtue of the fact that this parcel is zoned commercial per the voter approved 2006 General Plan. To claim that an 83' high building structure will not degrade the existing visual character of the surrounding areas is illogical and disingenuous.

I-5

Section 4.2 Air Quality, 4.2.5 Construction Impacts: *Haul truck trips and architectural coating are presented as sources of emissions during construction. There is no mention of the other construction equipment to be utilized which will create emissions as listed Appendix M Preliminary Construction Plan, pdf page 7, 2.5 Construction Equipment. (See below).*

2.5 Construction Equipment

Anticipated construction equipment to be utilized for the various stages of the project is as follows. Note: A more detailed list and scope will be provided upon the receipt of entitlements for the project.

Site Work: • Street Improvements • Demolition • Caisson Placement • Grading • Lagging	Compressor Mixer and pumper Dozer (Electrical) Drill Rig Trucks Excavator Delivery Trucks Loader	Concrete Conveyer Dump Flatbed Ram Hoe
Parking Structure: • Concrete Placement • Site Drainage	Back Hoe Mixer and Pumper	Concrete
• Shotcrete	Crane Delivery Trucks Drill Rig	Flatbed
Superstructure: • Precast Wall System • Mechanical, Electrical, Plumbing, Wall/Door and Large Tree installation	Compressors Delivery Trucks Masonry Saws Cutter Crane Hammers Shot Pin Applicators power/hand tools	Flatbed Metal Stud Plasma Roto Small stationary
Interior: • Interior Finishes • Hardscape installation • Softscape installation • Passenger Elevators Installation	Compressors Delivery Trucks Masonry Saws Skill Saws handheld power tools Small Cement Mixer	Flatbed Roto Hammers Small

Please provide a revised air quality and noise impacts analysis to include all pieces of equipment used during construction as listed here.

I-6

Section 6.0 Project Alternatives

General comment: Please explain or supply facts/references from CEQA law or other sources that justify the use of economic feasibility as a factor in assessing Project Alternatives.

I-7

4

6.2.1 Car Wash Redevelopment Alternative, Page 6-4

"Furthermore, the Project Applicant indicated that the financial cost of redeveloping the Project site with a modern car wash, including the installation of new car wash technology, would render use of the site as a new car wash uncompetitive in the economic market, particularly given that the car wash and gas stations located at Jamboree Road and San Joaquin Hills Road have been recently renovated and compete for the same market share. (Soderling, 2016a) and (Soderling, 2016b) As such, redevelopment of the site with a new car wash is economically unrealistic."

What is the basis for this alternative being economically unrealistic? A cost breakdown of redeveloping the existing car wash is not provided. Please provide one to substantiate discarding this project alternative as "unrealistic". Furthermore, the car wash at Jamboree and San Joaquin Hills Road is a self-drive-through type of car wash. The claim that a redeveloped car wash would be competing for same market share has no basis when comparing a full-service car wash to a self-drive-through car wash. Is there a market study analysis available to substantiate this claim? If so, please provide it. If not, please explain the basis for this conclusion.

I-7 (cont.)

Page 6-19: No Project/Office Redevelopment Alternative

"In regards to the Project objectives, the No Project/Office Redevelopment Alternative would develop the property with a professional office building and in doing so would redevelop an underutilized property in Newport Center; however, the office building developed under this alternative would not meet the Project's objectives to provide luxury, multi-family, high-rise residential development in the City of Newport Beach that is within walking distance to other uses. The No Project/Office Redevelopment Alternative would only meet four of the Project's 11 objectives (Objectives A, C, I, and K). Specifically, the No Project/Office Redevelopment Alternative while making efficient use of existing infrastructure by repurposing a property with a higher and better use than currently occurs on the property, would not be financially feasible (Soderling, 2016b) and would not meet the Project objectives related to providing residential development in Newport Center. (Underlined for emphasis)."

What federal or state regulation mandates that more residential development than what is specified in the voter approved Newport Beach 2006 General Plan is needed in Newport Center?

I-8

The draft EIR for the 150 Newport Center project fails to properly disclose, analyze, and mitigate all of the Project's significant adverse environmental effects and the effects of the poor precedents its approval would establish. I respectfully request that these deficiencies be corrected and that a revised draft EIR be recirculated.

I-9

Thank you.

Sincerely,

Dorothy Kraus
10 Wild Goose Court
Newport Beach, CA 92663

5

Dorothy Kraus – Comment Letter I

I-1:
Pursuant to CEQA Guidelines §15124(b), the DEIR's Project Description includes a list of the objectives sought by the City as lead agency, which are repeated in this comment. A Lead Agency has broad discretion to formulate project objectives. Further, CEQA does not restrict a Lead Agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives. CEQA does not require the Lead Agency to provide empirical evidence to justify the list of objectives, which are based on the fundamental purpose of the Project.

The Project's fundamental purpose is to redevelop an underutilized property in the Newport Center area with multi-family, for-sale luxury high-rise (three + stories) residential units located within walking distance to employment, shopping, entertainment, and recreation. Regarding existing underutilization of the Project site, the Project Applicant provided a letter to the City cited in the EIR as "(Soderling, 2016a)" which states that ongoing use of the site as a car wash will not support the land value and purchase price for the property, and that new technology needs and labor costs will make a new car wash operation uncompetitive from a price standpoint with nearby car washes. In evaluating the Applicant's letter, the City applied a "prudent person" standard; meaning, that the Applicant's statements about the economic infeasibility associated with selling or leasing the property to a car wash operation is so great compared to the developing the project site with residential units, that a reasonably prudent person or property owner would not continue using the site as a car wash. Thus, continued use of the site as a car wash was determined by the City to not have a reasonable chance of success operating on the site in the future and, therefore, the site is considered to be underutilized. Further, the car wash is a one-story structure that does not maximize the development potential of the property even under the site's existing zoning designation.

I-2:
Refer to Responses G-4, G-6, H-12, H-13, and L-4, including Exhibit A that supplements Response G-4. Given these responses, the visual simulations were appropriately prepared showing the Project in relation to existing development in the surrounding area.

I-3:
The evaluation of Threshold b) contained in DEIR Subsection 4.7, Land Use and Planning (starting on page 4.7-5) is based on the thresholds contained in Appendix G of the California Environmental Quality Act (CEQA) Guidelines, codified at Title 14 California Code of Regulations section 15000 et seq. Refer to CEQA Guidelines Appendix G, Checklist Question X b) "Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?" Also refer to Response G-1.

I-4:
Please refer to Response H-4.

I-5:

Impacts associated with the visual character or quality of the Project site and surrounding areas are evaluated on pages 4.1-20 through 4.1-23 of the DEIR. The commenter disagrees with the conclusions in this analysis based on the Project's requirement for a zone change and based on the opinions of the commenter. The impacts to visual resources associated with the conversion of the site from a car wash to a residential building are fully disclosed in the DEIR, and no substantial evidence was provided by the commenter to indicate that the analysis was deficient. The conversion of the Project site from a one-story car wash operation to a seven-story residential building would change the character of the Project site as described in the DEIR, but as concluded in the DEIR, this change in character is not regarded as a significant adverse impact on the environment given the surrounding existing conditions and the urban nature of the area. The draft Planned Community Text language assumes the requested General Plan and Zoning Code amendments are approved to implement the project. The text establishes standards to enforce the project as intended, if approved. The draft Planned Community Text language assumes the requested General Plan and Zoning Code amendments are approved to implement the project. The text establishes standards to enforce the project as intended, if approved. Also refer to Responses G-2, G-3, and G-4.

I-6:

As noted on page 21 of the Air Quality Impact Analysis (Appendix C of the DEIR), construction-source emissions would result from the various construction activities, such as demolition, site preparation, and building construction. The construction equipment proposed to be used for the Project's construction activity and that is analyzed throughout the DEIR is listed in DEIR Table 3-2. At the time the analysis was conducted, an estimated construction equipment list was utilized, which represents a conservative estimate of air emissions and noise levels. As noted on page 21 of the Air Quality Impact Analysis, "associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA guidelines. Site specific construction fleet may vary due to specific project needs at the time of construction." Similarly, the list of construction equipment from DEIR Appendix M notes that "a more detailed list and scope will be provided upon the receipt of entitlements for the project." As such, construction-related sources of emissions have been accounted for based on a reasonable set of assumptions identified in DEIR Table 3-2 and used in the Air Quality Impact Analysis. Furthermore, the analysis assumes that 7 pieces of construction equipment will be operating simultaneously for up to 6 hours, which is a conservative assumption given that equipment does not operate continually and is turned on and off throughout the course of a typical work day. Also, refer to DEIR Section 3.4.5.

I-7:

Refer to Response G-5 and the letter attached to Response G-5 cited in the DEIR as "(Soderling, 2016a)" for the evidence that the City of Newport Beach relied upon in determining that the existing car wash is a non-viable commercial use of the Project site. An EIR need not consider alternatives that are infeasible, as specified by Public Resources Code, § 15126.6(a). The term "feasible" is defined in § 21061.1 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Italics added.) CEQA Guidelines § 15364 also adds the term "legal" to the list of factors.

I-8:
This comment does not address the adequacy of the assessment of the environmental impacts of the Project provided in the EIR. No federal or State regulation mandates more residential development than what is specified in the City of Newport Beach General Plan. Also refer to Response I-1.

I-9:
The responses to each of the commenter's specific comments are provided in Responses I-1 through I-8, above. The DEIR does not need to be recirculated based on §15088.5 of the CEQA Guidelines. As summarized in the responses provided herein, there were no public comments or changes to the text or analysis of the DEIR that resulted in the identification of any new significant environmental effect requiring mitigation. In addition, based on all comments received on the DEIR, only minor, non-substantive revisions that merely clarify or amplify information presented in the DEIR were required (as described in the Errata included in the Final EIR). The DEIR circulated for public review was fundamentally and basically adequate, and all conclusions presented in the DEIR are supported by evidence provided within the DEIR and/or the administrative record for the proposed Project. Based on the foregoing, recirculation of the EIR is not warranted according to the guidance set forth in §15088.5 of the State CEQA Guidelines.

June 27, 2016

Via E-Mail – mnova@newportbeachca.gov

City of Newport Beach
Attn: Makana Nova, AICP, Associate Planner
Attn: Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

SUBJECT: DEIR Adequacy Comments – 150 Newport Center Project

Dear Ms. Nova and Planning Commission Members:

Thank you for this opportunity to review and comment on the adequacy of the DEIR prepared and circulated for the 150 Newport Center Project.

1. **Draft EIR Section 3.5.2 Zoning Code Amendment No. CA2015-008** is **inadequate** as it does not discuss the inability of the proposed project, 49 multi-family units within an 83.6 foot high structure, to comply with all of the "Required Findings" necessary to increase the height of a structure above the base height, prior to adoption of a Planned Community District (PCD), in accordance with Municipal Code Section 20.30.060(C)(3). It is important that compliance of the proposal with applicable Municipal Code Sections be evaluated in the DEIR, as the Municipal Code is an important tool that implements the goals and policies of the General Plan. The proposed project clearly does not comply with all of the following findings to approve a PCD, as outlined below.

According to **Municipal Code Section 20.30.060(C)(3)** – ***"The review authority may adopt a Planned Community District, adopt a specific plan, or approve a planned development permit or site development review to allow an increase in the height of a structure above the base height only after first making all of the following findings in addition to the findings required for the discretionary permit application:***

a. The project applicant is providing additional project amenities beyond those that are otherwise required. Examples of project amenities include, but are not limited to:

i. Additional landscaped open space (The applicant has failed to demonstrate how the proposed height increase will result in additional landscaping and open space on the 1.26 acre site. The proposed project covers most of the lot with the building and drives, while also seeking relief from the proposed RM (Multiple Residential) setback standard.)

J-1

ii. Increased setback and open areas (The applicant proposes to decrease the RM setback and has not demonstrated that additional open areas will be created by increasing the building height, which is more than double the base height.)

iii. Enhancement and protection of public views; and (Not only does the project not enhance public views, by increasing the height to 83.5 feet, the project could impact existing public views and would certainly set a precedent that would incrementally impact future public views and aesthetics, as well as significantly change the pattern of development in Newport Center/Fashion Island that is envisioned in the General Plan.)

b. The architectural design of the project provides visual interest through the use of light and shadow, recessed planes, vertical elements, and varied roof planes.

c. The increased height will not result in undesirable or abrupt scale changes or relationships being created between the proposed structure(s) and existing adjacent developments or public spaces. Where appropriate, the proposed structure(s) provides a gradual transition to taller or shorter structures on abutting properties; and (As proposed, the project represents an abrupt scale change from a single story building to a 7-story, 83.5 foot high structure between the project site and existing adjacent low-scale buildings. Additionally, the project does not provide a gradual transition to taller or shorter buildings on abutting properties as required by this finding.)

d. The structure will have no more floor area than could have been achieved without the approval of the height increase." (The proposed RM (Multiple Residential) Zoning District would allow a building height of 32 feet for a flat roof and 37 feet for a slope roof. The purpose of the proposed project height of 83.5 feet, is to capture views by increasing the floor area, which is inconsistent with this finding.)

The proposed project is **inconsistent** with the PCD standards because all of the required findings to be granted a waiver from the base height cannot be made and the DEIR must discuss this inadequacy.

J-1 (cont.)

2. **Table 4.7-2 Policy LU 3.2 Growth and Change.** The proposed project is **inconsistent** with Policy LU 3.2 and the DEIR project consistency discussion must be revised to reflect this inadequacy. This General Plan Policy states ***"Enhance existing neighborhoods, districts and corridors, allowing for reuse and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship, and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. . . ."*** The applicant proposes a change in use from Regional Commercial Office (CO-R) to RM (Multiple Residential) because it claims the existing car wash has "outdated technology." This area of Newport Center is no economically

J-2

underperforming. Removal of the existing car wash would still allow for the development of a low-scale commercial use that would comply with the vision set forth in the General Plan and would not require a General Plan Amendment, Zone Change and Planned Community District. On June 10, 2016, an article in the Newport Independent titled "Tenants Face Challenges in Tight Commercial Real Estate Market" describes a current shortage of office space and notes that "vacancy rates continue to drop and rental rates are now increasing at a fairly rapid pace." The redevelopment of the site with another commercial use or low-scale office building would not require a General Plan Amendment, Zone Change, or Planned Community District approval and, therefore, the current consistency discussion for Policy LU 3.2 is **inadequate** and must describe the proposed project as **inconsistent** with the General Plan.

J-2 (cont.)

3. **Table 4.7-2 Policy LU 5.1.1 Compatible but Diverse Development.** The proposed project is **inconsistent** with this General Plan policy as the entire area surrounding it is commercially zoned and developed, and includes restaurant/entertainment uses that operate late into the evening/early morning. In evaluating the compatibility of introducing a new residential land use into this particular commercially zoned area, the City must consider existing adjacent and nearby uses and the impacts those could have on future residents. Immediately to the east of the project site, across Anacapa Drive, is Muldoon's, a long-time restaurant that has a use permit to conduct live amplified entertainment on an open patio in the evening. Immediately to the north of the site are two newer restaurants, Red O and Fig and Olive. Red O also provides evening entertainment. These businesses, which are open late into the evening, create increased noise not only from music, but also from traffic and patrons as they exit the buildings and drive away throughout the evening. Moreover, many of the residents of the proposed project will be seniors, which are sensitive receptors. Should the City approve the proposed rezone to allow residential development at the subject site, it would be creating an incompatible and unnecessary environmental impact between existing and new land uses that could compromise the viability of successful uses in the commercial zoning districts of this area in Newport Center/Fashion Island. Therefore, the existing discussion is **inadequate** as the proposed residential use, subject to a General Plan Amendment, Zoning Amendment, and Planned Community District, must be evaluated for compatibility with the intent of the land use plan for Newport Center/Fashion Island, and the DEIR must be revised to discuss and mitigate the projects impacts on land use with regard to these potential conflicts.

J-3

4. **DEIR 6.0 Alternatives Discussion H. Noise** (page 6-32) – As noted in #3 above, the environmental impact of "Noise" has been inadequately analyzed and discussed with regard to the proposed location of a 7-story residential building adjacent to the existing, restaurant/entertainment uses of Muldoon's, across Anacapa Drive, and Red O and Fig and Olive, across Newport Center Drive. Alternatives Discussion H must be amended to discuss and mitigate the projects impacts on land use with regard to these potential noise impacts.

J-4

5. **Table 4.7-2 Proposed Project Consistency – Policy LU 6.14.4 Development Scale**. The inability of the proposed project to comply with the mandatory findings to increase the base

J-5

building height, as discussed in #1, above, should also be discussed in the Project Consistency Table for Policy LU 6.14.4. Not only is the height and scale of the project in conflict with the Property Development standards outlined in the Municipal Code related to height and scale, it is **inconsistent** with General Plan Policy LU 6.14.4. The proposed project site is located in the southwesterly quadrant of the Newport Center/Fashion Island area. **Policy LU 6.14.4** states ***"Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along Pacific Coast Highway."*** Therefore, any new development should maintain the height set forth in the development standards. The Project Consistency Discussion for Policy LU 6.14.4 currently includes a comparison of heights up to 315 feet, which is misleading because those buildings are located in the 500 and 600 blocks within the northeasterly section of Newport Center. The DEIR discussion inaccurately infers that heights of up to 315 feet are compatible with **all areas** of Newport Center and, therefore, must be changed.

J-5 (cont.)

Additionally, the DEIR must be amended to include a discussion as to how the proposed General Plan and Zoning Amendments to change the existing commercial zoning to multi-family residential zoning, increase the height above the base and decrease the setbacks for a 1.26 acre parcel, does not constitute "**spot zoning**." The General Plan, as the "constitution" for governing the direction of future land use in the City is, at best, being ignored. Residents, developers and decision-makers rely on the General Plan to guide physical development in a reasonable and planned context. It is imperative that the requested exception from the existing laws of the City be analyzed in the DEIR.

The discussion within **Table 4.7-2** is **inadequate** as the proposed project is **inconsistent** with the General Plan and Zoning Code. Additionally, the DEIR consistency discussion misrepresents that building heights in the northeasterly section of Newport Center as somehow justifying the proposed 83.5 foot height as consistent with Policy LU 6.14.4 and, therefore, must be amended to present only existing building heights immediately surrounding the project site. Moreover, the previously noted concern of "spot zoning" of this 1.26 acre parcel and its associated precedent-setting effects must be analyzed and discussed in the project DEIR.

Based on the inadequate discussions and mitigation of potentially significant environmental impacts, as noted above, the DEIR for the proposed project must be revised and recirculated for public review and input, in compliance with CEQA.

J-6

Sincerely,

Carolyn Martin
3420 E. Third Avenue
Corona del Mar, CA 92625

Carolyn Martin – Comment Letter J

J-1:
The required findings associated with the approval of the height increase will be provided as part of the staff report and draft resolution associated with the public hearing(s) for the proposed Project. The findings are not required as part of the DEIR, and the DEIR's Project Description provides a sufficient level of detail to adequately inform the public of the nature of the Project to form the basis of the assessment of physical environmental impacts. Please also refer to Response G-1.

J-2:
An analysis of the Project's consistency with General Plan Policy LU 3.2 is provided on pages 4.7-9 through 4.7-10 of the DEIR. Refer to Responses G-4, G-5 (including the attachment) and I-1 regarding evidence that the existing car wash is a non-viable commercial use of the Project site. Accordingly, as evidence is provided that the Project site contains an underperforming/non-viable commercial use, the analysis provided in the DEIR related to the Project's consistency with General Plan Policy LU 3.2 is adequate. Additionally, economic feasibility analyses were also prepared for the development of the Project site with a 25-unit two-story apartment building, an 8,500 s.f. office building, and a 8,500 s.f. restaurant use. Each of these analyses, which provide evidence that these uses would be economically infeasible at the Project site, are included as attachments to this response would be economically infeasible.

J-3:
This comment implies that noise from adjacent restaurants has the potential to impact the project; however, CEQA requires than an EIR address the potential impacts of a proposed project on the environment, and not the reverse (impacts of the environment on the project) unless the project would potentially impact the environment by exacerbating an existing environmental hazard. See California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369. Noise from commercial restaurants is not considered significant or an environmental hazard.

An analysis of the Project's consistency with General Plan Policy LU 5.1.1 is provided on page 4.7-10 of the EIR. The proposed Planned Community Development Plan would establish property development regulations through a Zoning Code Amendment that is intended to ensure that the Project would result in compatible and high quality development that is integrated with the larger overall character of Newport Center, thus ensuring consistency with the General Plan and Zoning Code. The proposed land use change is responsive to an underserved market need for residential development in the Newport Center area. Commercial and residential land uses are often developed in close proximity with one another and can operate compatibly with appropriate design and operational conditions. As with all properties throughout the City of Newport Beach, the nearby non-residential uses are subject to the City's noise regulations which would ensure that noise from these uses would not result in impacts to residents of the proposed Project. Similarly, the proposed Project's building would be required to be constructed to meet the applicable noise standards specified in the City of Newport Beach Municipal Code Chapter 10.26, Community Noise Control.

Therefore, the determination in the DEIR that the proposed residential land use would be a compatible but diverse development for the Newport Center area is appropriate.

J-4:
Please refer to Response J-3, above. Given that response, an expansion of the noise analysis and Alternatives analysis to discuss noise impacts associated with existing commercial uses is not warranted.

J-5:
Please see Response G-4 regarding the Project's consistency with General Plan Land Use Policy 6.14.4. Typically, "spot zoning" occurs when a small parcel is subject to more or less restrictive zoning than the surrounding properties, and as a result, there is irrational discrimination. See Foothill Communities Coalition v. County of Orange (2014) 222 CA4th 1302 and Avenida San Juan Partnership v. City of San Clemente (2011) 201 Cal.App.4th 1256. As indicated by the Court of Appeal in Foothill Communities: "First, spot zoning may occur whether a small parcel of property is subject to more or less restrictive zoning than the surrounding properties. Second, to determine whether impermissible spot zoning has occurred, a court is required to conduct a two-part analysis. After determining that spot zoning has actually occurred, the court must determine whether the record shows the spot zoning is in the public interest." In summary and with regard to the proposed Project and the DEIR, the Newport Center area is an established mixed-use area. The introduction of residential uses on the Project site would be consistent with many of the City's General Plan Policies as indicated in DEIR Table 4.7-2. The DEIR thoroughly analyzes the Project's proposed Zoning Code Amendment No. CA2014-008, from "OR (Office Regional Commercial)" to "PC (Planned Community District)" and the physical condition that would result from this proposed action (i.e,, the construction and operation of a seven-story residential building adjacent to retail commercial, restaurant, and office uses). The proposed Project is viewed by the City as furtherance of the mixed-use nature of Newport Center and the surrounding area and as such does not constitute impermissible "spot zoning." As noted in the EIR, residential uses are already located in close proximity to the Project site, including the Granville community (a private gated residential community located approximately 0.15-mile west of the Project site); Meridian (a 79-unit condominium Project located at 1001 Santa Barbara Drive, approximately 0.5 mile northwest of the Project site); The Colony Apartment Homes (an apartment complex located approximately 0.6-mile northwest of the Project site); and the San Joaquin Plaza Apartments (a 524-apartment complex located approximately 0.6-mile northwest of the Project site). Please see Response G-6 regarding the precedent-setting effects referenced by the commenter.

J-6:
Responses to the commenter's specific comments regarding the adequacy of the analysis in the DEIR are provided in Responses J-1 through J-2. The EIR does not need to be recirculated based on §15088.5 of the CEQA Guidelines as explained in Response I-9.

July 9, 2016

Makana Nova, Associate Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: 150 Newport Center
Feasibility analysis of a 25 unit apartment complex
Each unit would be approximately 3,000 square feet.

Dear Makana:

Please accept this letter as an analysis of the economic feasibility of a two story, 75,000 square foot apartment complex at the above referenced site. As background, I am a Senior Vice President at Marcus & Millichap in Newport Beach and have been involved in the sale, repositioning, acquisition, development services and management of apartment projects in and around Newport Beach. It is my understanding this project would require a change to the general plan and a zone change.

A quick analysis of the proforma for 150 Newport Center is as follows:

Land Cost	$11,750,000
Land carry-$ 7 Mil at 9% for 30 months	1,575,000
Construction Cost @ $250/sf on 75,000 sf	18,750,000
Arch & Eng (5%)	1,125,000
A&D Loan Int - $20 Mil @ 7%	1,400,000
City Fees	625,000
Contingency	200,000

Total Cost $35,425,000

Annual Net Income $540,000 ($3,250 Avg Mthly Rent x 25u = $81,250 x 12 Mths = $975k Gross Inc - 40% Exp = $585k NOI)

Rent Survey:
The Colony at 5100 Colony Plaza, Newport Beach CA 92660

2 bed / 2 bath: staring at $3,950
2 bed / 2 bath with den: $4,630
No 3 bed / 2 bath option
The Bays at 1 Baywood Dr, Newport Beach CA 92660
2 bed / 2 bath: starting at $2,365
3 bed / 2 bath: starting at $2,780
3 bed / 2 bath townhomes: starting at $3,410
Fairway Apartments at 48 ½ Pine Valley Ln, Newport Beach CA 92660
2 bed / 2 bath $3,417-$4,267
3 bed / 2 bath $4,633-$4,787
Park Newport at 1 Park Newport, Newport Beach CA 92660
2 bed / 2 bath: $2,365-$3,225
2 bed / 2.5 bath: $2,820-$3,635
3 bed / 2.5 bath: $3,580-$4,420

Value at 5% Cap Rate	$11,700,000
Loss of value	(23,725,000)

Based upon the above economics, a 75,000 square foot apartment complex at 150 Newport Center would be economically infeasible. In the meantime if you should have any questions, please do not hesitate to call.

Very truly yours:

Mark Bridge
Property Real Estate Services

PRES
Professional Real Estate Services

July 9, 2016

Makana Nova, Associate Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: 150 Newport Center
Feasibility analysis of a 8,500 sf Office

Dear Makana:

Please accept this letter as an analysis of the economic feasibility of a single story, 8,500 square foot office building at the above referenced site. As background, I am the President of PRES properties in Newport Beach and have been involved in the sale, acquisition, development services and management of numerous office, retail, and hospitality projects in and around Newport Beach over the last 25 years.

A quick office analysis of the proforma for 150 Newport Center is as follows:

Land Cost	$11,750,000
Land carry-$ 7 mil at 9% for 30 months	1,575,000
Construction cost @ $250/sf	2,125,000
Arch & Eng (5%)	106,250
Commissions	102,000
A&D loan int.-$4 mil @ 7%	208,000
City fees-$22 psf	187,000
Contingency	200,000

Total cost	$14,128,250
Annual Income-$48.00 psf NNN	$408,000
Value at 4.5% cap rate	$9,066,000
Loss of value	($5,062,250)

Based upon the above economics, a spec 8,500 square foot building at 150 Newport Center in Newport Beach would be economically infeasible. In the meantime, if you should have any questions, please do not hesitate to call.

Very truly yours:

Brad Schroth, President
Professional Real Estate Services

The PRES Companies
19782 MacArthur Boulevard, Suite 100, Irvine, CA 92612
Phone: (949) 261-7737 | Fax: (949) 442-1925
wwww.prescompanies.com

REAL ESTATE ADVISORS

July 9, 2016

Makana Nova, Associate Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: 150 Newport Center
Feasibility analysis for an 8,500 square foot restaurant

Dear Ms. Nova:

Please accept this letter as an analysis of the economic feasibility of a one story, 8,500 square foot restaurant at the above referenced site. As background, I am the Co-Owner/Managing Partner of CCP Real Estate Advisors in Newport Beach and for the past 18 years have been involved in the sale, leasing, development services and management of restaurant properties in and around Newport Beach.
A quick analysis of the proforma for 150 Newport Center is as follows:

Land Cost	$11,750,000
Land carry-$ 7 mil. at 9% for 30 months	$1,575,000
Construction cost @ $225/sf on 8,500 sf	$1,912,000
Tenant Improvements @ $150 psf	$1,275,000
Arch & Eng (6%)	$205,000
A&D loan int.-$4 mil @ 7%	$280,000
Commission	$204,000
City fees @ 15 psf	$127,000
Contingency	$200,000
Total cost	$17,528,000
Annual Net Income-@	$680,000
Value at 5% cap rate	$13,600,000
Loss of value	(3,928,000)

Based upon the above economics, an 8,500 square foot restaurant at 150 Newport Center would be economically infeasible. Should you have any questions, please do not hesitate to call.

Very truly yours:

CCP Real Estate Advisors
Ian M. Furar – Managing Partner

140 Newport Center Dr | Suite # 120 | Newport Beach, CA | 92660
phone: 949.717.7711 | fax: 949.717.0011

June 27, 2016

Comments on 150 Newport Center (the "Project") DEIR

These comments on May 12, 2016 Draft Environmental Impact Report (SCH No. 2016011032), submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229).

K-1

1. The DEIR begins by characterizing the Project site as "*an underutilized property*" (DEIR Section ES 2.2, page ES-2). I can find no facts supporting that contention. My impression is that operating as a car wash the Project site contains a bustling business providing a well utilized and much appreciated service.

K-2

2. The Project is also being proposed to add residential development to an area not identified as suitable for that in the General Plan. In particular, in 2006, faced with what were expected to be large and continuing state-mandated Regional Housing Need Allocation requirements, Newport Beach voters agreed to amend the City's General Plan to include, among other things, a potential to add up to 450 new dwelling units to Newport Center over the next 20 years, and identified the parcels carrying an MU-H3 land use designation as the suitable locations for them.

   a. Ten years into the 2006 General Plan, and facing no RHNA mandate of which I am aware, the City Council has already allowed, without voter approval, adding 79 more dwelling units to Newport Center than the maximum contemplated in the 2006 Plan.

   b. I see no reason whatsoever to grant a deviation from the 2006 Plan, especially to add housing to an area where it was not planned to be.

   c. I also continue to wonder if the City gets credit for housing added in years when there is no RHNA requirement. If not, it would seem future environmental impacts from adding housing would be reduced if the sites suitable for residential expansion were saved until they could be used to fulfill a state-mandated need.

K-3

3. As has been pointed out by other commenters, the proposed Project appears to be inconsistent with Newport Beach General Plan Policy LU 6.14.4, governing the scale of buildings in Newport Center (tapering down from massive high rise concentrated in the northeast corner). That contention is bolstered by the following substantial evidence: In 2013-2014, the Council-appointed Land Use Element Amendment Advisory Committee considered amending Policy LU 6.14.4 in a way that would have allowed the same applicant to pursue an 85 foot tall (?) hotel project (or a later applicant something similar) on the 150 Newport Center Drive parcel, but rejected the idea. See, for example, the language proposed in Item 3 in the LUEAAC agenda packet from January 7, 2014 (handwritten page 37). My recollection (the surviving minutes of the meetings are extremely sketchy but were supposed to be accompanied by preservation of the audio recordings) is that that enabling language (as well as other alternative policy statements that were considered) was rejected by the Committee, and it was definitely *not* included in the final proposed General Plan changes of City Council Resolution 2014-67 (itself adopted by the Council, but never effective because of rejection by the voters of ballot Measure Y in November 2014). The

K-4

previous discussion by a Council-appointed committee of the need to amend Policy LU 6.14.4 to permit a similar project on the 150 Newport Center Drive site seems to me to be substantial evidence that the DEIR has reached an erroneous conclusion on page 4.7-10 when it finds that the current Project is consistent with Policy LU 6.14.4. And given the previous rejection by a City committee tasked with reviewing the Land Use Element of the changes necessary to Policy LU 6.14.4 to make such a project consistent, wouldn't the amendment necessary to approve this Project be a very significant change in City policy direction?

K-4 (cont.)

4. Whether the Project is consistent with General Plan Policy LU 6.14.4, or not, and despite prior precedents in Newport Beach, I believe the height proposed for the structures is inconsistent with the citywide Planning and Zoning Code, and would require either a major amendment to that Code, or a variance from it (and any peculiar circumstances about the property justifying a variance are difficult to see). It appears that by obtaining a "PC" designation the developer expects to be able to increase the normal RM heights of NBMC Section 20.30.060 ("Height Limits and Exceptions") to 75 to 84 feet.

    a. A close reading of Subsection 20.30.060.C ("Increase in Height Limit") indicates that even *with* the declaration of a Planned Community *and with* the mandatory additional findings of Subsection 20.30.060.C.3, the *maximum* increase permissible for flat-roofed multiple family residential structures is to 32 feet.

        i. It must further be noted that among the many compulsory findings necessary to increase flat-roofed multiple family residential structures above 28 feet, is one that "*The structure will have no more floor area than could have been achieved without the approval of the height increase*" (Subsection 20.30.060.C.3.d).

            1. That finding can clearly not be made here, where a 7 floor structure completely filling the lot is proposed on a parcel where only 2 or 3 floors could be built without the height increase.

        ii. It might be noted that most of the other required findings for a height increase cannot be made: the increased height is *not* being used to protect public views, it is *not* being used to enhance visual interest, it *will* create abrupt changes in height relative to adjacent developments, and even if setbacks *are* larger than might have been allowed for a less tall building, the structure still gives the appearance of great bulk filling the lot to its limits.

K-5

5. As mentioned in the previous point, a key requirement for success of the Project seems to be that various citywide zoning standards can be waived though conversion of the site into a "Planned Community District" by approval of a Planned Community Development Plan (DEIR pages ES-4 & 3-16). It is true that in recent City planners appear to have increasing used the PCD mechanism as a justification for spot zoning parcels on the reasoning that the spot-zoned parcel will complement neighboring uses in such a way that the totality of

K-6

unrelated parcels can be regarded as a "planned community." But that reasoning is wholly at odds with the way PCDs are described in both the General Plan (GP pages 13-7 and 14-61) and the City's Planning and Zoning Code (NBMC Chapter 20.56). Under those policies, key features of a PCD are that it integrate a *variety* of uses within a *distinct* boundary, subject to *shared* rules and ideally (at least initially) under a single ownership. The only future Planned Community definitely anticipated in the 2006 General Plan is Banning Ranch (GP page 3-74), with a possibility of use of the PCD designation for "residential villages in the Airport Area" (GP page 13-8). However desirable planners may feel it is, a residential tower walkably *adjacent* to *existing* retail and commercial uses subject to *separate* planning is simply not, in and of itself, a PCD. Among other things, there is no clear district boundary and no required future coordination of planning with the existing nearby uses. The only integration of uses *within* the proposed 1.26 acre 150 Newport Center PCD parcel that I can find in the proposed PC text is of an "urban lifestyle" with a single "building" (DEIR, Appendix A, page 3). Again, it is not a PCD and the parcel is too small to be suitable for one.

K-6 (cont.)

6. Page 4.7-3: Readers might hope they could look to the DEIR for clear and accurate statements about the current status of the Project site and its surroundings. Since a General Plan Amendment is being sought (DEIR pages ES-4 & 3-15), the current General Plan status of the Project site would seem crucial, but instead of explaining that, this page refers to an apparently non-existent "Figure 2-2, *General Plan Land Use Designation designation*." I am unable to find such a figure in the List of Figures (DEIR page viii) or in the DEIR. Where is it? I am likewise unable to find the "Figure 2-3, *Existing Zoning Designation*" referred to in "Section 3. City of Newport Beach Zoning Ordinance," nor does that section make clear how the "*maximum development limit of 199,095 square feet of allowable building space in an area (block) that includes the Project site*" affects the Project (that is, does it include the proposed 163,260 residential square footage, which by itself is close to the maximum square footage allowed for the entire block?).

K-7

7. Page 4.7-8, Item 2, paragraph 2, line 5: Should "*newanomaly*" be "*new anomaly*"?

K-8

8. Page 4.7-20, Item 4: Impermissibly dismisses the need for the DEIR to consider whether the Project would need approval by the electorate pursuant to Charter Section 423. The need for such a vote would affect both the timetable of the Project, and its feasibility compared to the alternatives. Analysis is additionally needed because this is a matter of intense controversy regarding the consistency of this Project, and another (the so-called "Museum House"), with City land use policy, as evidenced by comments made by multiple speakers at numerous public meetings. Moreover, at the heart of the controversy is a previous land use change in another part of Newport Center which many in the community now believe required a General Plan amendment, but for which an EIR ("*Addendum No. 2 to the City of Newport Beach General Plan 2006 Update Final Program Environmental Impact Report (EIR)* SCH No. 2006011119," June 15, 2012) prepared by the same outside CEQA consulting firm (T&B Planning, Inc.) lead by the same primary CEQA consultant (Tracy Zinn) failed to detect that need (*Addendum No. 2,* page 1-2, 2-2). At least to me, this seriously

K-9

undermines the trust the public and decision makers should have in the current land use analysis. The matter in question involved the transfer and "conversion" of 79 voter-approved, but unbuilt, hotel rooms into an entitlement for 79 dwellings units without formally amending the General Plan to reflect the change, and in consequence, it is now said, without ever counting them toward the cumulative Charter Section 423 development limits, on the basis that it was traffic neutral. This was clearly an erroneous conclusion for a variety of reasons, including that the concept of "conversions" does not exist in the General Plan (except to a very limited extent within the Fashion Island circle in Policy LU 6.14.1), and even if it did, the Charter requires tracking non-voter-approved residential and non-residential additions to the Plan, *as well as* traffic, separately, with no tradeoffs between them. It also conflicts with codes explicitly requiring residential transfers to be unit by unit (without conversions from non-residential), such as NBMC 20.46.030.C. When added to the 79 dwelling units added to the General Plan without voter approval in the last ten years, it certainly appears that approval of the 49 additional units proposed in this Project will require a Charter Section 423 vote.

K-9 (cont.)

9. Page 6-5: The statement rejecting alternative locations because "*the Project Applicant … cannot reasonably obtain ownership control over, any other parcels of land in the nearby area under the jurisdiction of the City of Newport Beach that could accommodate the Project,*" seems arbitrary and without foundation. Just as most of the public may not have known the 1.26 acre car wash parcel was available for sale, how do decision makers know there is no other parcel of similar size in a more suitable location that could be purchased? Since numerous exceptions are being requested to land use policies, it would seem essentially any location could be considered.

K-10

10. Page 6-9, line 6: What is "**(SB 375, 2016)**"? Is this a reference to California SB 375 (Chapter 728, Statutes of 2008), or to some newer legislation? I am unable to find this otherwise identified or explained in the DEIR.

K-11

11. I agree with, and incorporate by reference, the comments on the DEIR dated June 22, 2016, from Robert L. Rush/Committee of Concerned Citizens, distributed as "Item No. 4c Additional Materials Received" at the June 23, 2016, Planning Commission study session on the subject property, with these exceptions and additions:

K-12

    a. The abruptness of height change that would be created by approval of the proposed project is even greater than that stated by Rush on page 5. Although an increase in maximum allowable height to 50 feet was approved by the City Council as part of the incorporation of The Irvine Company's portion of Block 100 into the North Newport Center Planned Community through the adoption of Ordinance 2009-28, I believe no construction has occurred to that new standard. To the best of my knowledge, all existing structures in all of Block 100 were built to the same 32 foot maximum height standard that currently applies to the Project property, and I believe most are even less tall than that.

K-13

b. The presentation by the applicants at the June 23, 2016, Planning Commission study session (captured on video at https://www.youtube.com/watch?v=eEKigVxWTGM), repeatedly emphasized that the Project was intended for very high income buyers, seemingly confirming the contention by Rush on page 8 that the appropriate traffic standard is "luxury condominium." K-14

c. The 1992 land use Declaration cited by Rush on page 18 would seem to me to provide substantial evidence the adjacent land owner (The Irvine Company) felt, in conveying the subject property to new owners, that the value of their remaining property was enhanced by restricting the subject property to low-rise, low-mass auto-related uses. If TIC allows the proposed Project to proceed, that would seem to me substantial evidence that TIC has changed its assumptions and would expect the City to provide similar accommodation for high-density, high-mass, high-rise construction on their portion of Block 100. To me, that supports a conclusion that a reasonably foreseeable cumulative effect of the approval of the present Project would be the development of a wall of buildings along the south side of Newport Center Drive East, much as a substantial stretch of Mariners' Mile has become walled in by the Balboa Bay Club development. That is clearly a highly significant detrimental environmental impact. K-15

12. As indicated by public testimony at the June 23, 2016, Planning Commission study session, the DEIR fails to adequately assess the neighborhood incompatibilities that Project approval would create through the impact of existing nearby uses on the potential residents of the Project as new "sensitive receptors," in particular, existing late-night activity at Muldoon's Irish Pub and existing parking lot uses in Design Plaza, including early morning trash pickup/deliveries and late-night theater-related activity. K-16

13. At the June 23, 2016, Planning Commission study session, the Commissioners asked serious questions about the staging and routes of the construction traffic, to which the preparers of the DEIR did not seem to have answers. K-17

Jim Mosher – Comment Letter K

K-1:
The City of Newport Beach acknowledges the commenter's contact information.

K-2:
Please see Responses G-5 and I-1.

K-3:
Please see Response G-4 regarding the Project's consistency with General Plan Land Use Policy 6.14.4. The Project Applicant's request to change the land use from commercial to residential use would require General Plan and Zoning Code amendments. Those amendments would need to be adopted based on legislative policy decisions made by recommendation of the Planning Commission, and adoption by the City Council. The DEIR fully evaluated the physical environmental impacts that would be associated with any decision made by the Planning Commission and City Council if these legislative bodies ultimately determine that the requested land use change would be appropriate for Project site, given that the residential land use was not previously anticipated or considered at this location during the 2006 General Plan update. While the proposed residential dwelling units are not contributing to a RHNA requirement as the City has already met the dwelling unit requirement identified by RHNA, there is a demonstrated market demand for additional residential development in the Newport Center area. The units would only contribute to a RHNA requirement if they were to be constructed in the next RHNA cycle (2021 or after).

K-4:
Please see Response G-4 regarding the Project's consistency with General Plan Land Use Policy 6.14.4. Also, each proposed project is evaluated individually, based on its own merits.

K-5:
Height limits established as part of an adopted planned community are not subject to the height limits identified in Subsection 20.30.060 (Height Limits and Exceptions of the Zoning Code). However, the applicable findings in compliance with subsection (C)(3) (Required Findings) are also applicable with a discretionary action such as the adoption of a Planned Community District. Please see Response J-1 regarding the required findings.

K-6:
Please refer to Responses G-1, J-1, and J-5.

K-7:
The DEIR inadvertently included references to Figure 2-2 and Figure 2-3 on Page 4.7-3. The references to these figures have been stricken from DEIR pages ES-4 and 3-15, which is indicated in the Errata section of the Final EIR. The existing planning context for the proposed Project, including existing Newport Beach General Plan and Zoning designations were disclosed in DEIR Subsections 2.3.1 and 2.3.2 on Page 2-2.

K-8:
The text on Page 4.7-8 within the second paragraph of subsection 2 (City of Newport Beach General Plan) has been revised to correct the typographical error indicated by the commenter. The revised text, which indicates that a "new anomaly" would be required is identified in the Errata section of the Final EIR.

K-9:
City Charter Section 423 and Council Policy A-18 are not applicable to the analysis of the physical environmental impacts of the Project in accordance with the California Environmental Quality Act. A detailed discussion of the provisions of City Charter Section 423 and Council Policy A-18 is provided in the Planning Commission Staff Report, dated July 21, 2016. The DEIR (pages 4.7-3 to 4.7-23) adequately discusses whether or not the proposed project conflicts with Section 423. This is all that CEQA requires (See CEQA Guidelines, § 15125(d) and Appendix G). The project does not conflict with section 423 because, as required by City Council Policy A-18, the analysis of whether approval by the electorate is necessary is performed by the planning department in staff reports for the Planning Commission and City Council separate from the EIR process. The proposed project does not interfere with the Section 423 process and the DEIR acknowledges that this process will be required. The DEIR does not need to analyze whether voter approval is required. Also refer to Response O-16.

K-10:
CEQA requires that an EIR identify a range of potentially feasible alternatives that, if adopted, would avoid or substantially lessen the significant adverse impacts of a project, but does not mandate that it discuss alternative off-site locations for a project. The CEQA Guidelines §15126.6(a) states that an EIR must include a reasonable range of alternatives to the project or to the location of the project (emphasis added). An EIR need not consider alternatives that are infeasible (See CEQA Guidelines §15126.6(f)(3). Off-site alternatives may therefore be excluded from analysis as infeasible when such sites are not owned or could not reasonably be obtained or controlled by the Project Applicant (CEQA Guidelines §15126.6(f)(1)). The Project Applicant has indicated that it does not own any other properties in Newport Center. Also, there is no evidence to support a reasonable assumption that the Project Applicant could reasonably obtain or control another site in Newport Center that could serve as an alternative location for the proposed Project.

K-11:
The reference to "SB 375" indicated on Page 6-9 of the DEIR refers to the Sustainable Communities and Climate Protection Act of 2008, Senate Bill No. 375, Chapter 728, Statutes of 2008. The text on Page 6-9 has been revised to indicate the correct reference year.

K-12:
The comments provided by Mr. Robert L. Rush are addressed in Responses L-1 through L-18.

K-13:
Please see Responses G-4 and J-5, including Exhibit A that accompanies Response G-4.

K-14:
The ITE trip generation rate for High-Rise Condominium/Townhouse (ITE Code 232) was used to determine the daily traffic volume for the proposed Project. The Luxury Condo (ITE Code 233) does not identify an average daily trip generation rate and is considered a related land use of the High-Rise Condominium/Townhouse land use. The average daily trip generation was required to be calculated in order to determine whether a TPO study is required, or to determine if the Project is exempt from a TPO study. Accordingly, the High Rise Condo rate was used for consistency purposes to calculate the peak hour trips.

It should be noted that with both the High Rise Condo rate and the Luxury Condo rate, there would be a net negative peak hour trip generation for the Project with the elimination of the existing car wash trips that currently travel to and from the site. For informational purposes, the calculations are provided below that show the projected reductions in AM peak hour and PM peak hour trips using both the High Rise Condo and Luxury Condo trip generation rates when compared to the existing car wash use.

Trip Generation Comparison		
	AM Peak Hour (Trips)	PM Peak Hour (Trips)
High Rise Residential Condo ITE Code (232)		
Trips Generated Based on High Rise Condo (232) Generation Factors	17	19
Trips Generated by Existing Car Wash (based on physical traffic counts)	54	75
Net Reduction under Proposed Project	***-37***	***-56***
Luxury Condo/Townhouse ITE Code (233)		
Trips Generated Based on Luxury Condo (233) Generation Factors	27	27
Trips Generated by Existing Car Wash (based on physical traffic counts)	54	75
Net Reduction under Proposed Project	***-27***	***-48***

K-15:
Please see Response G-6. Refer to Response L-19 regarding The Declaration of Land Use Restrictions. This is a civil matter between two private property owners and expires after a term of 25 years on February 20, 2017.

K-16:
Please see Response J-3.

K-17:
The demolition hauling routes and construction materials delivery routes are described in Section 3.4.7 of the DEIR, and the potential impacts associated with construction traffic are disclosed in

Section 4.9 of the DEIR. Additional information related to construction materials delivery routes, see the Construction Management Plan included in Appendix M of the DEIR (as updated by the report included in the Errata section).

June 22, 2016

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

Re: **Newport Center Villas Study Session**

Dear Ms. Nova,

We, a group of concerned Newport Beach residents, originally commented on the Mitigated Negative Declaration published by the City of Newport Beach on behalf of the Newport Center Villas on September 9, 2015 in a letter to this Commission dated September 25, 2015. We incorporate those comments by reference. There are many specific problems and insufficiencies with this project, few of which have been dealt with by this study. L-1

The environmental impact report prepared for the 150 Newport Center project ("EIR") fails to appropriately and adequately analyze that project's significant environmental impacts. Its many serious flaws cannot be resolved without recirculation.

The California Environmental Quality Act ("CEQA") requires thorough analysis of a project's potentially significant environmental impacts and, if scrupulously followed, will provide the public with meaningful information about an agency's consideration of a project. *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392. To promote its public disclosure requirements, CEQA must be interpreted to afford the fullest possible protection to the environment within the reasonable scope of statutory language. *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.

CEQA contains an array of procedural and informational disclosure *requirements* – not *suggestions*. If an EIR fails to meet CEQA's standards, the lead agency responsible for its preparation (here, the City of Newport Beach) has prejudicially abused its discretion and any approval of that document constitutes a violation of law. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 426 [an abuse of discretion is established if the agency has not proceeded in a manner required by law or if its factual determinations are not supported by substantial evidence]. L-2

As discussed in this letter, the EIR fails to comply with the requirements of CEQA in the following key ways:

- **The EIR omits crucial analysis, including examination mandated by the EIR's own thresholds of significance.**

- **Discussion and analysis of reasonably foreseeable significant environmental impacts is absent from the EIR.**

- **The project would result in significant environmental impacts that are not identified in the EIR.**

Because the EIR must be revised to include the new significant impacts identified in this letter, it must be recirculated under California Code of Regulations, Title 14 Chapter 3 ("CEQA Guidelines") Section 15088.5. *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 217 [CEQA mandates recirculation when significant new information is added to an EIR after public comment has finished]. Otherwise, the EIR is fundamentally flawed and its certification would constitute a prejudicial abuse of discretion by the City.

L-2 (cont.)

In addition to the identified non-compliance with CEQA, any approval of the proposed project would also constitute improper spot zoning because it would create a small (1.26 acre) residential island surrounded by zoning that expressly prohibits residential uses.

L-3

I. The EIR Relies on a Misleading Baseline That Is Not Supported By Substantial Evidence

The determination of whether a project's environmental impacts are likely to be significant requires that a lead agency "use some measure of the environment's state absent the project, a measure sometimes referred to as the 'baseline' for environmental analysis." Communities for a Better Environment v. South Coast Air Quality Management Dist. (2010) 48 Cal.4th 310, 315. The utilization of a proper environmental baseline is essential to the meaningful assessment of the project's impacts. Id. at 320. A lead agency may normally use the environmental setting at the time that environmental analysis is commenced as the baseline physical conditions against which a project's impacts are measured. CEQA Guidelines § 15125. However, the baseline conditions cannot be arbitrarily selected, and instead should be "realistically" measured. Neighbors for Smart Rail v. Exposition Metro Line Construction Authority (2013) 57 Cal.4th 439, 449. Furthermore, the lead agency's selection of the baseline conditions must be supported by substantial evidence. Id. In fact, the California Supreme Court has held that the use of an environmental baseline that is misleading or without informational value to the public or decisionmakers constitutes an abuse of discretion in violation of CEQA. *Id.*

L-4

The EIR is legally inadequate due to its use reliance on a baseline that is unrealistic, misleading, and not supported by substantial evidence. Specifically, the EIR uses a baseline that assumes the continued operation of the existing car wash, which was presumably intended to reflect the physical conditions at the commencement of EIR preparation. However, this baseline fails to properly account for the fact that the existing car wash "will close in late 2016 ***regardless if the proposed Project goes forward***." EIR at ES-6, 6-1, 6-7, 6-12 (emphasis added). Given the acknowledged cessation of car wash operations in the immediate future, it is improper and misleading to analyze the project's impacts against a baseline that assumes

continued operation. Instead, the EIR's baseline must reflect the absence of car wash operations.

The EIR's reliance upon a misleading baseline obfuscates the analysis of the project's impacts and project alternatives and is not supported by substantial evidence. As indicated above, the car wash will cease operations in 2016 ***regardless of whether the project is developed***. EIR at ES-6, 6-1, 6-7, 6-12. However, because construction of the project will not be complete, and project operations will not commence, until 2019 (EIR at 4.2-16), the measure of the "environment's state absent the project" should properly account for the closure of the car wash. *Communities for a Better Environment, supra,* 48 Cal.4th at 315. The EIR's impact analyses for the following areas unrealistically and misleadingly evaluates the project's net operational impacts ***above and beyond*** the existing car wash:

- **Aesthetics**: The project's impacts resulting from new sources of substantial light or glare are evaluated in comparison to the operating car wash. EIR at 4.1-24. In reality, the car wash will be shuttered in late 2016 and will emit no light.
- **Air Quality**: The project's air quality impacts, which are directly tied to vehicle emissions, are only evaluated in comparison to the operating car wash and its vehicle trips. EIR at 4.2-10, 4.2-16, 4.2-19, 4.2-23. The appropriate comparison should assume zero emissions from the car wash, which will close in late 2016.
- **Hazards and Hazardous Materials**: The project's impacts on the implementation of, or physical interference with, an adopted emergency response plan or emergency evacuation plan are based on a comparison to traffic generated by the exiting car wash. EIR at 4.6-15. Again, given the impending closure of the car wash, zero traffic should be assumed from the existing car wash.
- **Noise**: The project's noise impacts are analyzed in comparison to the existing car wash operations and vehicle traffic related to the same. EIR at 4.8-8, 4.8-9, 4.8-11, 4.8-12, 4.8-14. Neither assumption is accurate. The EIR's operational and vehicle noise should both be revised to reflect a closed car wash.
- **Transportation and Traffic**: The EIR's traffic analysis only evaluates the project's net increase above the assumed trips generated by the car wash, thereby taking credit for 819 daily trips. EIR at 4.9-5, 4.9-7, 4.9-8, 4.9-9, 4.9-10, 4.9-15, 4.9-16. This is inaccurate, as a closed car wash generates no trips – much less 819 trips.
- **Utilities and Service Systems**: The project's impacts on domestic water and wastewater are evaluated by comparing the proposed project's demands to those of the carwash. This false comparison underestimates wastewater generation and domestic water usage by 9,470 gallons per day (gpd) and 10,417 gpd, respectively. EIR at 5-16. All of the car wash's existing domestic and wastewater generation figures must be revised to reflect a closed car wash.

In short, although the EIR unambiguously states that the existing car wash will cease operations ***regardless*** of whether the proposed project proceeds, the EIR assumes its continued

L-4
(cont.)

operation and only evaluates the project's ***net*** impacts. This methodology deceives the public about the project's impacts because the project is essentially given "credit" for eliminating operational features of the car wash (e.g., emissions, noise and traffic impacts from vehicle trips to and from the car wash, water usage from the car wash, etc.) ***that will cease even in the absence of the project***. This is fundamentally misleading to decisionmakers and the public because it results in the understatement of – or failure to identify – significant project impacts as well as applicable mitigation measures. Moreover, this grossly distorts the EIR's alternatives analysis, which is based on mitigating impacts that the EIR fails to identify. Accordingly, the EIR's failure to support the selection of this baseline with substantial evidence constitutes an abuse of discretion and renders the entire EIR legally deficient. Wholesale revisions to the EIR's baseline assumptions are required in a recirculated EIR.

L-4 (cont.)

In fact, there is substantial evidence that cessation of the car wash operations at the project site will not wholly eliminate car washing by the customers of the existing facility, but will instead only shift such car washing activity to other commercial or residential locations. Thus, there is no basis for the EIR's assumed reductions in the impact areas discussed above. Moreover, the EIR fails to evaluate the impacts of this reasonably foreseeable shift of car washing to other locations, which could have significant adverse environmental impacts. The reasonably foreseeable potential impacts resulting from the redistribution of these activities must be analyzed in the EIR.

L-5

II. The EIR's Conclusions Regarding Aesthetic Impacts Are Not Supported by Substantial Evidence

a. *The Height of the Project Would Degrade the Existing Environment*

The EIR's aesthetics analysis is fundamentally flawed because, despite overwhelming substantial evidence to the contrary, it unreasonably concludes that the project will not degrade the existing environment. This conclusion is based largely on the assertion that the project's height will be consistent with other nearby high-rise developments. However, to reach this conclusion, ***the EIR mistakenly compares the proposed 83-foot tall project to developments outside the immediate vicinity of the project***, and fails to acknowledge that the project's height is fundamentally inconsistent with existing development standards surrounding the project site.

To assess the project's potential to degrade the existing environment, the EIR analyzes whether the project's 83-foot height would be consistent with the height of existing buildings and height limits within Newport Center. EIR at 4.1-22 [acknowledging that, although the project would be taller than existing buildings on immediately adjacent properties, the project would be comparable with heights elsewhere in Newport Center]. This analysis artificially minimizes the impact of the project's height, which should be judged relative to the height of other projects in the immediate vicinity ***only***. The height of "the existing office towers 21 stories (300 feet) in height located along San Joaquin Hills Road," for example, is irrelevant to the project. EIR at

L-6

4.1-22. That building, the tallest in Newport Center, is approximately 2,000 feet northeast of the project site and has no bearing on the project's aesthetic impact. EIR at 4.1-22.

There is no reasonable basis for expanding the existing environment to include high-rise buildings outside the project's vicinity, especially when applicable development standards prohibit similarly sized projects in the area surrounding the project site. *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1027 [significant impacts should be measured in light of the context in which it occurs and aesthetic impacts should be analyzed to determine whether a project "***would degrade the existing visual character or quality of the site or its surroundings***"] (emphasis added).

The inappropriateness of the EIR's methodology is exacerbated by the project's inconsistency with the General Plan. ***General Plan Policy LU 6.14.14 states that development of Newport Center should concentrate the greatest building mass and height in the northeasterly section along San Joaquin Hills Road and progressively scale down building mass and height toward East Coast Highway.*** The project site is located in the southeasterly portion of Newport Center where the General Plan requires "scale[d] down building mass and height."

The project site is bordered to the west and south by Planned Community 56 (North Newport Center), which governs a large portion of Newport Center. The development standards in Planned Community 56 implement Policy LU 6.14.14 by restricting the height of structures ***immediately adjacent*** to the project site and by allowing for greater heights in areas in the northeaster section of Newport Center (Blocks 400, 500, and 600). However, the designated blocks with greater building heights (i.e., similar to the proposed project) are located more than 1,000 feet from the project site and do not represent the development standard applicable to the project site or its surrounding areas.[1]

L-6
(cont.)

The development standards applicable to the area surrounding the project site limit heights to 50 and 32 feet, depending upon the zoning designation. ***Block 100, which borders the project site to the south and west, imposes a 50 foot height maximum***. See Planned Community 56 at 15. Similarly, the property to the east across Anacapa Drive to San Miguel Drive (approximately 900 - 1,000 feet from the project site), mandates a 32 foot height maximum. Newport Beach Municipal Code § 20.20.030. Thus, the existing building heights and height limitations governing not just the "immediately adjacent" properties, as represented by the EIR, but properties extending significant distances in various directions are limited to approximately 32 – 50 feet, depending on zoning designation.

It is against these height limits that the project should be judged, as they best represent the aesthetic characteristics and quality of the site and its surroundings. The height of "the

[1] Moreover, it is erroneous to analyze the impacts of the proposed project with reference to the larger buildings located more than 1,000 feet away because the project site is largely obscured from the areas of Newport Center that have high-rise buildings. Thus, the project site area is visually distinct from the areas of Newport Center that are designated for greater building heights.

existing office towers 21 stories (300 feet) in height located along San Joaquin Hills Road," for example, is irrelevant to the project. EIR at 4.1-22. Because the project would introduce a buildings substantially inconsistent with existing building heights, it would be "demonstratively inconsistent" with the character of the surrounding area.[2] EIR at 4.1-11.

L-6 (cont.)

b. *The Project Would Have a Significant Adverse Impact on Scenic Views*

The EIR includes a limited number of carefully-selected images of viewpoints at various public vistas in the surrounding area that do not adequately demonstrate the project's impact. For instance, View 3 (Figure 4.1-7) appears strategically positioned to misrepresent the expansive ocean views looking south along Newport Center Drive (near the intersection between Newport Center Drive and San Miguel Drive). The view from the intersection of Newport Center Drive and San Miguel Drive provides a more accurate representation of how the project would severely impact ocean views from Newport Center Drive. Attached Exhibit A shows the southerly views of the ocean from near that intersection. As evidenced by that exhibit, the ocean is highly visible along Newport Center Drive and San Miguel Drive, and thus constitutes a scenic viewpoint.

The Natural Resources Element of the General Plan states that the "City of Newport Beach is located in a unique and dynamic physical setting and enjoys … spectacular ocean views to the southwest, including those of the open waters of the ocean and the bay…." General Plan at 10-16. Because the project would introduce a building that would significantly obscure a view of the "open waters" of the Pacific Ocean, it would have a significant impact on a scenic vista. General Plan at 10-16; *Ocean View Estates Homeowner's Ass'n v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400 ["Any substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA"]. That impact must be discussed and, to the extent such discussion is omitted, the EIR's conclusions regarding impacts to scenic vistas is without substantial evidence. *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 934 [substantial evidence must support a lead agency's conclusions].

L-7

The EIR also concludes that impacts to View 3 would be less than significant partially because the proposed building "is not out of scale with existing commercial buildings" located near the project site. As discussed in detail above, this is factually incorrect. The existing buildings near the project site are substantially smaller (32 – 50 feet) than the proposed project (83 feet). Furthermore, the conclusion that the proposed building would be only partially visible from View 3 is based largely on the positioning of the view along the northern side of Newport Center Drive. The building would have a much greater impact, and would be

[2] The EIR's flawed aesthetics analysis carries over to the No Project/Office Development Alternative. In the discussion of that alternative's aesthetic impacts, the EIR notes that "[a]lthough arguments could be made for whether a one- or two-story building or the proposed Project's seven-story building would be more in keeping with the existing visual character and quality of the site and area," neither the project nor the alternative would result in significant impacts. There is simply no justification for the conclusions that a one- or two-story building and a seven-story building have the same level of consistency with a surrounding environment comprised of buildings primarily in the 20-40 foot range.

significantly more imposing, when viewed from the other side of the Newport Center Drive/San Miguel Drive intersection.

L-7 (cont.)

c. *The EIR's Analysis of Glare Impacts is Devoid of Meaningful Information and Substantial Evidence*

The EIR concludes that the project would not result in any significant impacts associated with glare because the building would not include components that would generate substantial amounts of reflective surfaces. EIR at 4.1-26. This conclusion, however, is curious given the that the project's elevations (EIR Figures 3-5 and 3-6) show that the building's exterior will be comprised largely of glass. The EIR attempts to dispense with this fact by stating that the windows "would not be mirrored and would have similar low-potential glare characteristics as do other" windows in the surrounding area. This factually-devoid analysis does not comply with CEQA. *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390 [CEQA does not demand exhaustive analysis or perfection, but does require a factual analysis and a good faith effort at disclosure]. Simply put, the introduction of a substantial number of glass windows up to seven stories high will introduce a significant source of glare in the project area. This impact must be analyzed, both for possible safety and aesthetic impacts.

L-8

III. The EIR's Analysis of Traffic Impacts Fails to Comply With CEQA

a. *EIR Materially Underestimates Traffic Generation and Lacks Substantial Evidence to Support its Trip Generation Assumptions*

Like the MND, the EIR analyzes traffic impacts using an erroneous designation and trip generation rates from the Institution of Transportation Engineers ("ITE"). To calculate project vehicular trips, the EIR utilizes the High-Rise Residential Condominium designation, which it states was applied based on "review of land use categories and ***trip generation rates***" of the ITE Trip Generation Handbook. Appendix G1 at 2 (emphasis added). This designation was applied without explanation.

We can only guess that the High-Rise Residential Condominium designation was applied to the project because it would exceed three stories, since the EIR is devoid of a coherent explanation as to why that is an appropriate designation.[3] EIR at 3-2. That designation is convenient because it has the lowest trip generation rate of any potentially-applicable condominium category.[4]

L-9

[3] The ITE Trip Generation Handbook defines High-Rise Condominium/Townhouse as "high-rise residential condominiums/ townhouses are units located in buildings that have three or more levels (floors)."

[4] For example, the Residential Condominium/Townhouse designation has a trip generation rate of approximately 5.81 trips per dwelling unit, while the Luxury Condominium/Townhouse designation would generate peak hour trips almost double the High-Rise Condominium designation.

The High-Rise Residential Condominium designation does not accurately represent the project, which would include (1) 10 residential townhomes ranging from 3,581 to 5,371 square feet, (2) 35 residential flats ranging from 1,645 to 3,608 square feet, (3) four penthouse units ranging from 2,285 to 3,608 square feet, and (4) various amenities available for resident use, including a club room and appointed kitchen for catering, a fitness room, and a swimming pool. EIR at 3-5. Because these attributes and unit sizes are typically associated with luxury condominiums, the ITE Luxury Condominium designation better represents the project.[5]

Moreover, the project objectives explicitly describe the project as consisting of luxury condominiums. Section 3.2, Statement of Objectives, provides that the underlying purpose of the project is to "redevelop an underutilized property in the Newport Center area with multi-family, for-sale ***luxury*** high-rise (three + stories) residential units…." EIR at 3-2 (emphasis added). The project objectives also state that the project is intended to (1) "[r]espond to the demand for ***luxury***, multi-family" housing, and (2) "[i]ntroduce a ***luxury***, multi-family residential development in Newport Center…." *Id.* (emphasis added).

The EIR's lack of substantial evidence explaining why the High-Rise Condominium designation is appropriate for the project is itself a violation of CEQA. *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1259 [substantial evidence must support the agency's conclusions]. CEQA defines substantial evidence as "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." CEQA Guidelines § 15384(b). Here, there are no facts that support application of the High-Rise Condominium designation. Furthermore, as discussed above, there is substantial evidence that the Luxury Condominium designation is more appropriate for the project.

L-9 (cont.)

The table below identifies the trip generation rates for High-Rise Condominiums and Luxury Condominiums, respectively:

	High-Rise Condominium	Luxury Condominium
AM Peak Hour	0.34	0.65
PM Peak Hour	0.38	0.65

The table above demonstrates that the Luxury Condominium designation would generate approximately twice the number of trips as the High-Rise Condominium designation. Because there is substantial evidence supporting the application of the Luxury Condominium designation, the EIR's analysis must be revised to appropriately assess the traffic impacts associated with the project.

b. *EIR's Conclusions About Construction Traffic Are Based on Inconsistent Information*

L-10

[5] The ITE Trip Generation Handbook defines Luxury Condominium/Townhouse as "units in buildings with luxury facilities or services."

The construction traffic analysis notes that the project would require the export of demolition and earth material, which would generate approximately 24-26 round trip haul trips per day. EIR at 4.9-7. These trips, the EIR concludes, would not result in a significant traffic impact. ***However, this analysis greatly underestimates the number of truck trips associated with grading of the project site, and contradicts the EIR's prior statements on the topic***. As noted in the Project Description, project grading would excavate 51,600 cubic yards of cut during a one-month period, generating approximately 2,580 haul trips during grading (172 round trips per day). EIR at 3-9. ***172 round trips is substantially greater than the 24-26 assumed in the construction analysis*** and, because truck trips have a larger impact on traffic than do standard vehicular trips, the impact of these truck trips must be analyzed.

L-10 (cont.)

Moreover, the EIR concludes that there would be no significant construction traffic impact because the number of construction trips generated by the project would be less than those associated with car wash's existing operations. As discussed above, this conclusion is based upon a fundamentally inadequate baseline and must be re-evaluated. The appropriate baseline for existing operations is zero given the pending closure of the car wash.

IV. The Noise Analysis Omits Required Information and Analysis

a. *EIR Fails to Identify and Address Noise Impacts on Nearby Sensitive Receptors*

The EIR's noise impacts analysis falls short because it fails to identify nearby sensitive receptors. It concludes that there is only one sensitive receptor that could be impacted by the project – the Newport Center Women's Health Center, located approximately 100 meters south of the project site. EIR at 4.8-4. This assertion, however, fails to account for the broader definition of sensitive receptors used in the EIR, which requires characterization of additional nearby uses, particularly three restaurants with outdoor seating, as sensitive receptors.

The EIR specifies that sensitive land uses are generally those "where people reside or ***where the presence of noise could adversely affect the use of land***." EIR at 4.8-4 (emphasis added). Consistent with this definition, the EIR notes that "[s]ensitive land uses include ***but are not limited to*** uses such as schools, hospitals, residences, libraries, and recreation areas." *Id.* (emphasis added). Thus, in determining whether a given land use should be considered sensitive, the EIR provides that the pertinent question is whether the presence of noise could adversely affect the use. *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 986 [a lead agency is entitled to define the scope of analysis and methodology so long as it is supported by substantial evidence]. Here, the EIR has defined what uses should be considered "sensitive" and must apply that definition appropriately.

L-11

Red O, Fig & Olive, and Muldoon's Irish Pub are all restaurants located directly across either Anacapa Drive or Newport Center Drive from the project site. Unlike most restaurants (which are generally are not considered sensitive receptors), all three restaurants have significant ***outdoor*** dining areas. These outdoor dining areas are sensitive receptors because the presence of noise—particularly during construction activities—could adversely affect their

use. See EIR at 4.8-4. The existence of these outdoor dining areas also undermines the assumption in the construction noise impact analysis that surrounding uses are primarily ***indoor*** uses. EIR at 4.8-12 ["...due to the commercial character of surrounding properties, persons on adjacent properties would spend a majority of their time indoors with windows closed and not be exposed to loud construction noise"].

In addition to failing to properly account for impacts at nearby sensitive receptors, the EIR also fails to appropriately analyze construction noise impacts, instead generally asserting that there would not be any significant impacts because (1) construction-related noise would only occur for approximately eight hours a day, and (2) the surrounding uses are predominantly commercial. As discussed above, the latter assumption is wrong and there ***are*** nearby sensitive receptors. Moreover, the EIR makes this conclusion without any meaningful analysis of actual noise impacts despite the acknowledgement that construction equipment could produce periodic noise levels nearing 90 dBA at adjacent property lines. EIR at 4.8-12. Such analysis fails to adequately address noise threshold (d), which asks whether the project would result in a substantial temporary or periodic increase in ambient noise. To properly assess the impact under this threshold, the ambient noise must (obviously) first be quantified. The EIR fails to undertake this fundamental analysis, instead providing a general ***qualitative*** discussion of noise in EIR Section 4.8.2.[6] This failure undermines CEQA's informational disclosure requirements, and constitutes a failure to proceed as required by law. *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390 [when assessing the legal sufficiency of an environmental document, a court focuses on adequacy, completeness, and a good faith effort at disclosure].

The EIR apparently tries to alleviate the need to quantify ambient noise (despite the EIR's stated thresholds) by stating that under threshold (d) the project would only have a significant short-term impact if construction operations would generate noise levels experienced by persons at off-site locations of 90 dBA or greater for more than eight hours. According to the EIR, this is an appropriate standard because only such exposure can affect human health.[7] EIR at 4.8-8. In so doing, the EIR fundamentally misapplies the threshold: the question is not whether construction noise would result in hearing loss, but whether there would be a temporary or periodic increase in ambient levels above existing levels without the project.[8] *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342 [a lead agency cannot apply a threshold of significance in a way that forecloses the consideration of substantial evidence showing there may be a significant impact]. To comply with the mandates of CEQA, a standard that more accurately represents potential noise impacts – for example, whether the ambient noise would be increased by 3 dBA (which represents a doubling of noise) – should be applied to assess whether noise would have an adverse impact on nearby uses.

L-11 (cont.)

[6] The assessment of operational noise impacts also suffers from this fundamental flaw.
[7] See also EIR at 4.8-12, concluding that grading and excavation activities would not result in a significant impact because "construction-related noise would not occur for a period long enough or loud enough to cause hearing damage to receivers at off-site properties."

[8] A requirement to quantify noise generated by the project is also inherently required by this threshold.

b. *EIR Lacks Analysis of Ambient Noise as Required by CEQA and Applied Thresholds*

Finally, the EIR fails to provide any meaningful analysis of the noise created by the project's operation or analyze whether such noise would result in a significant impact. For example, under noise threshold (a), the EIR lists the applicable noise standards, but then concludes the project would not result in any exceedence of these standards because the project would represent an overall decrease in the amount of stationary noise that would be generated at the project site. EIR at 4.8-10. This conclusion is unsupported and without any meaningful, factual analysis, and does not represent a good faith attempt at full disclosure.[9] *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1259 [a lead agency's conclusions must be supported by substantial evidence]; *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390.

L-12

V. EIR's Land Use Conclusions Are Not Supported by Substantial Evidence

With respect to consistency with the General Plan, the EIR's conclusion that the project would be consistent with the General Plan is not supported by substantial evidence and fails to satisfy the standard for General Plan consistency outlined by case law. A project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238. However, general consistencies with plan policies cannot overcome specific, mandatory and fundamental inconsistencies with plan policies. *Id.* at 239; *Spring Valley Lake Assn. v. City of Victorville* (2016) (D069442) (Ordered Published on June 15, 2016) [a "project's consistency with a general plan's broader policies cannot overcome a project's inconsistency with a general plan's more specific, mandatory and fundamental policies"].

Of particular importance, the EIR states that the project would be consistent with General Plan Policy LU 6.14.4, which presents the general height and massing vision for Newport Center. Policy LU 6.14.4 provides, in its entirety:

L-13

> *Development Scale*. Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway.

[9] As further evidence of the EIR's failure to comply with CEQA, Section 4.8.7 concludes that, under Thresholds a) and d), there would be a "potentially significant impact." This is an inappropriate conclusion in an EIR, which is supposed to contain information sufficient to make a determination whether or not a project would have a significant impact or not.

Policy LU 6.14.4 is, without a doubt, a "specific, mandatory and fundamental" policy of the General Plan, as it unequivocally identifies the development vision of Newport Center. *Spring Valley Lake Assn., supra,* D069442 [a project's noncompliance with a policy that ***required*** new projects to generate on-site to the maximum extent feasible was a specific, mandatory, and fundamental policy]. As with the policy in *Spring Valley Lake Assn.*, Policy LU 6.14.4 requires ("by concentrating the greatest mass and height") height to be scaled down within Newport Center. Thus, any inconsistency with Policy LU 6.14.4 requires a finding of overall general plan inconsistency.

Like the (flawed) aesthetics analysis, the EIR concludes that the project is consistent with Policy LU 6.14.4 largely based on the heights of buildings located over 1,000 feet away in the northeastern section of Newport Center. EIR at 4.7-11. ***This analysis is inappropriate because it fails to account for the explicit direction of Policy LU 6.14.4, namely concentrating the greatest building mass along San Joaquin Road and progressively scaling down height toward East Coast Highway***. The General Plan also reinforces the general policy of scaled development in Newport Center, stating that "[h]igh-rise office and hotel buildings to the north of [Newport] Center form a visual background for lower rise buildings and uses to the south and west." General Plan at 3-94. The EIR's analysis actually highlights the *inconsistency*.

For example, the EIR first states that the height of the proposed project would be less than the existing office towers located along San Joaquin Road. EIR at 4.7-11. The EIR is correct in this regard, but the analysis fails thereafter as it then notes that the project would be consistent with other buildings located closer to the project site, such as 260 Newport Center Drive, that extend to approximately 74 feet in height. This statement is also true, but it cannot be relied upon to support a conclusion of consistency with Policy LU 6.14.4 because a comparison with 260 Newport Center Drive, an anomaly within the southwestern portion of Newport Center, is inappropriate. The existence of a wrong, does not make adding another wrong a right. The project would still be inconsistent with Policy LU 6.14.4 because it would tower over nearby uses and would no longer progressively scale down development toward East Coast Highway. It would, in fact, do just the opposite.

> The EIR concludes that it the project would be consistent with Policy LU 6.14.4 because even if the project was constructed "the greatest building mass and height would remain concentrated in the northeasterly section of Newport Center along San Joaquin Road." This argument is a red-herring and illogical, and does not constitute substantial evidence. Applying this rationale, the City could reasonably conclude that a single building with a maximum height of 200 feet (which is shorter than the buildings concentrated in the northeasterly section of Newport Center) could be constructed along East Coast Highway and still be consistent with Policy LU 6.14.4 because the greatest building mass and height would still be concentrated along San Joaquin Road.[10] Clearly, that sort of tortured logic is not the intent of Policy LU 6.14.4, which expressly

L-13
(cont.)

[10] The same logic could also be applied to multiple 200 foot buildings along East Coast Highway as long as the number of building did not exceed the number and height existing along San Joaquin Road.

requires "progressively scaling down building mass and height" towards East Coast Highway. Because Policy LU 6.14.4 represents the General Plan's height and massing vision for Newport Center and, as such, is a "specific, mandatory and fundamental" policy, the proposed project's inconsistency with Policy LU 6.14.4 is also an inconsistency with the General Plan and a significant aesthetics impact.[11]

L-13 (cont.)

VI. EIR's Water and Wastewater Analysis is Insufficient and Based on Faulty Assumptions

With respect to water demand, which ultimately implicates wastewater generation, the EIR concludes that the project would demand approximately 10,417 gallons per day ("gpd"). EIR at 5-16. This figure was reached through a reverse engineering analysis based upon a projected wastewater generation of 9,470 gpd, which was based on a wastewater flow factor of 7,526 gpd/acre. Appendix at 80. This analysis artificially and severely underestimates both the water demand and amount of wastewater generated by the project. ***Moreover, it is inconsistent with water assessments conducted for other similar projects in the City***. For instance, the Ebb Tide Final Initial Study/Mitigated Negative Declaration analyzed water demand based upon a per capita water use of 178.9 gpd. This figure represents the baseline water usage (in daily per capita gallons) contained in the Mesa Consolidated Water District's 2010 Urban Water Management Plan.[12] While water for the project is not supplied by the Mesa Consolidated Water District, the City of Newport Beach, which would supply water to the project, also has a Urban Water Management Plan ("Newport UWMP").

Like the Mesa Consolidated Water District's UWMP, the Newport UWMP identifies water demand figures. For 2015, the City's interim water use target is 228.1 gallons per capita per day ("gpcd"). Newport UWMP at 2. Using this figure as a realistic estimate of the water demand generated by the project, the 150 Newport Center would create a demand for approximately 22,091 (110 residents x 228.1 gpcd = 22,091), which is over twice the water demand assumptions used in the EIR. This analysis presents a far more realistic expectation of water demand, and is consistent with water demand analyses presented in other environmental documents. For example, the Ebb Tide MND and Lido Villas MND have significantly higher water demand estimates. For the 23 multi-family dwelling units proposed by the Lido Villas project, the MND analysis concluded that there would be a wastewater generation of approximately 172,800 gpd. This, like the water demand numbers contained in the Ebb Tide MND, is significantly higher than the water demand and wastewater generation numbers for 150 Newport Center. Thus, to adequately understand the potential impacts

L-14

[11] Also, the project's proposed Planned Community, which would serve as the relevant zoning designation and provide development standards, would be inconsistent with the General Plan. *City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal.App.4th 868, 879 [a zoning ordinance is consistent with a city's general plan where, considering all its aspects, the ordinance furthers the objectives and policies of the general plan and does not obstruct their attainment]. Again, because the height of the proposed project would be fundamentally inconstant with the height and massing vision for Newport Center in Policy LU 6.14.4, the Planned Community would be inconsistent with the General Plan.

[12] The water for the Ebb Tide project was supplied by the Mesa Consolidated Water District.

associated with water demand and wastewater generation, including whether new infrastructure would be required, a new water analysis based upon realistic expectations must be conducted.

L-14 (cont.)

VII. The Alternatives Analysis Does Not Contribute to a Reasonable Range of Alternatives

a. *The Project Objectives Are Written Artificially Narrow and Preclude Meaningful Consideration of a Reasonable Range of Alternatives*

An EIR must "describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly obtain most of the basic project objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." CEQA Guidelines § 15126.6(a). As discussed below, the EIR's analysis of project alternatives fails to comply with this directive.

First, the EIR's stated project objectives are written so narrowly that consideration of a reasonable range of alternatives is not possible. CEQA makes clear that the project objectives should drive the agency's selection of alternatives for analysis an approval and a lead agency may use its discretion when identifying particular objectives. *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991. However, that discretion is not unlimited, and a lead agency may not draft objectives or the project's underlying purpose so narrowly to preclude meaningful consideration of a reasonable range of alternatives. *North Coast Rivers Alliance v. A.G. Kawamura* (2016) 243 Cal.App.4th 647, 654. Here, the project objectives are crafted intentionally narrow to preclude the consideration, and approval, of any potential alternatives. The objectives include, among other things, (1) redevelop an underutilized property ***in Newport Center***, (2) add for-sale, owner-occupied ***housing units in Newport Center***, (3) introduce a luxury, multi-family ***residential development in Newport Center***, (4) provide new ***multi-family residential development in Newport Center***, and (5) implement a ***residential development*** that provides for on-site amenities for its residents. EIR at 6-6. These are all consistent with the underlying purpose of the project, which is to "redevelop an underutilized property in the Newport Center with multi-family, for-sale luxury high-rise (three + stories) residential units located within walking distance to employment, shopping, entertainment, and recreation." EIR at 6-6.

L-15

The primary purpose and objectives are clearly written to foreclose meaningful analysis and consideration of non-residential alternatives. Predictably, and based on these narrowly drafted alternatives, the EIR states that the non-residential alternatives would not meet the project objectives. For example, the EIR concludes that the No Project/Office Redevelopment Alternative would only meet 4 of the 11 project objectives. EIR 6-19. Of course, the EIR can make this conclusion because 5 of the 11 project objectives include some reference to the provisions of residential uses.[13] The duplicative nature of the objectives strongly suggests that

[13] This does not include Objective B, which addresses financial feasibility, which appears to be applied to discriminately to conclude that any non-residential alternatives are financially infeasible.

they were drafted with the intention of rejecting alternatives for non-compliance with a majority of the project objectives.[14] This runs afoul of CEQA's requirements, and such gaming of the system is not permitted.

Likewise, consideration of alternative sites is rejected because there are no available sites "in or near" Newport Center. This rationale, however, fails to consider the possibility that alternative sites within the City of Newport Beach generally are available for development and would reduce the project's significant environmental impacts. Moreover, there is no evidence that any alternative locations were ever actively sought out or considered. *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 622 [sufficient evidence of economic infeasibility when there was evidence that similar properties were looked for, but unable to be found]. Thus, the EIR's consideration of alternatives based upon the narrowly drafted objectives is inappropriate and precludes consideration of a reasonable range of alternatives.

L-15 (cont.)

b. *EIR Does Not Include Evidence of Financial Infeasibility*

Objective B of the project objectives states that the project is intended to "[r]edevelop an underutilized property with a use that is financially feasible to construct and operate." EIR at 6-6. Applying this objective, the EIR concludes that two alternatives – the No Project/Commercial Office Alternative and the Commercial/Restaurant Redevelopment Alternative – would be infeasible. These conclusions are not supported by substantial evidence, however, as required by CEQA. *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 406 [if an agency finds an alternative to be infeasible, the reasons and facts that the agency claims support its conclusion must be explained in meaningful detail].

With respect to economic infeasibility, the burden on the lead agency is equally as significant and it must include factual evidence supporting its conclusion. The EIR relies solely on a verbal communication between Ronald Soderling, Managing Member of Newport Center Anacapa Associates, LLC and Tracy Zinn, Vice President of T&B Planning. See EIR Reference to Soderling, 2016b. Reliance on this verbal communication as the sole justification for economic infeasibility is wildly inappropriate and runs afoul of CEQA's informational mandates. *SPRAWLDEF v. San Francisco Bay Conservation and Development Commission* (2014) 226 Cal.App.4th 905 [holding that a determination of economic infeasibility must be supported by "some context" that allows for economic comparison such as, for example, providing side-by-side comparative figures showing cost, capacity, and life of project, and explaining why an alternative is not financially viable]. Furthermore, a lead agency preparing an EIR may not simply accept the project proponent's assertions about an alternative; the agency must *independently* participate, review, analyze and discuss the alternatives in good faith. *Sierra Club v. Tahoe Regional Planning Agency* (2013) 916 F.Supp.2d 1098, 1159, citing *Save Round Valley Alliance v. County of Inyo,* 157 Cal.App.4th 1437, 1460. Therefore, to comply with CEQA, the EIR's alternative section must be revised to provide evidence of economic infeasibility.

L-16

[14] If there were only one objective regarding the provision of residential uses, for example, the No Project/Commercial Office Alternative would satisfy 4 of 6 objectives.

VIII. Project Approval Would Result in Impermissible Spot Zoning

The City's approval of the project approvals would constitute improper spot zoning. An impermissible "spot zoning" occurs when a small parcel of land is subject to either more or less restrictive zoning than surrounding properties. *Foothills Communities Coalition v. County of Orange* (2014) 222 Cal.App.4th 1302, 1312. It is now well-settled that an "amendment to a zoning ordinance that singles out a small parcel of land for a use different from that of the surrounding properties and for the benefit of the owner of the small parcel and to the detriment" of the surrounding owners is impermissible spot zoning. *Id.* at 1314. The essence of spot zoning is irrational discrimination, and a property may not be arbitrarily singled out for special treatment separate and apart from surrounding properties. *Avendia San Juan Partnership v. City of San Clemente* (2011) 201 Cal.App.4th 1256, 1268. Nevertheless, even if spot zoning occurs, courts recognize that such zoning may be justified if a substantial public need exists, even if the property will also benefit. *Foothills Communities Coalition, supra,* 222 Cal.App.4th at 1314. The relevant question is whether the zoning ordinance is arbitrary and discriminatory. *Reynolds v. Barrett* (1938) 12 Cal.2d 244, 250 [holding that a zoning ordinance that would have zoned one lot completely surrounded by non-residential uses as residential was arbitrary and discriminatory].

Without a doubt, approval of the project would result in spot zoning. The proposed project site is surrounded by zoning (and existing uses) that are uniformly commercial and office oriented. The project site does not border any zones that would allow residential uses like the proposed project. The surrounding zoning is as follows:

- *West* and *South*: Block 100 Sub-Area of the North Newport Center Planned Community Development Plan ("NNCPC"), a "Commercial Office" block that is generally comprised of administrative and professional offices and permits uses such as limited accessory retail, financial, service and entertainment. NNCPC at 1, 11. It does not allow residential uses.

- *North*: Fashion Island Sub-Area of the NNCPC, a primarily retail hub that permits uses such as retail, dining, and commercial entertainment uses. NNCPC at 1, 11. It does not allow residential uses.

- *East*: Office Regional Commercial zoning, which is intended to provide for areas appropriate for corporate office, administrative and professional offices that serve local and regional markets, with limited accessory financial, retail, services, and entertainment uses. It does not allow residential uses. NBMC §§ 20.20.010 and 20.20.020.

The project approvals would, if approved by the City Council, result in an amendment to the City's Zoning Ordinance that would single out a small island parcel (1.26-acre) for residential development while keeping the adjacent properties zoned for commercial and office uses.

L-17

Foothills Communities Coalition, supra, 222 Cal.App.4th at 1314. This constitutes arbitrary special treatment for the project site. *Avendia San Juan Partnership, supra,* 201 Cal.App.4th at 1268 [spot zoning exists when a parcel is being singled out for special treatment].

Moreover, although the project could conceivably serve the public interest by expanding residential uses within the City, the project's inconsistency with the vision for Newport Center would render any public interest finding arbitrary. The General Plan states that Newport Center is a "master planned mixed-use development" consisting of retail, professional office, entertainment, recreation, residential uses. General Plan at 3-95. However, as a planned development, these uses have been allocated to various areas within Newport Center consistent with the overall vision for Newport Center. For example, the NNCPC notes that the sub-areas it created are intended to implement the General Plan's goal of creating a successful mixed-use district that integrates economic and commercial centers and expands opportunities for residential development. NNCPC at 1. With respect to expanded opportunities for residential development, the NNCPC allocated all residential uses to specific blocks located in the northern portion of Newport Center. NNCPC at 11. The other blocks, located in the southern portion of Newport Center (and located adjacent and nearest to the project site), are reserved for commercial and office uses. *Id.* Similarly, the Zoning Ordinance, which designates the project site and other nearby property as Office Regional Commercial, reserves the area for commercial and office uses. NBMC § 20.20.020.

Furthermore, the proposed project would allow for the development of an over-height, residential building inconsistent with the surrounding environment and General Plan Policy LU 6.14.4. As discussed above, Policy LU 6.14.4 provides that development within Newport Center should reinforce the original design concept by locating high-rise development in the northeastern section along San Joaquin Road and progressively scaled down toward East Coast Highway. Policy LU 6.14.4. The project would be fundamentally inconsistent with this policy, further demonstrating how the project's special treatment is to the detriment of the surrounding properties which are limited by existing zoning and development standards.

Finally, the City currently does not have a significant need for additional housing that would justify spot zoning the project site. As noted in the Initial Study, the City only needs a total of five new units to meet its Southern California Association of Governments projected regional housing needs. Initial Study at 66. Thus, because the project would be inconsistent with the development vision and standards of Newport Center and is not necessary to meeting housing needs within the City, any approval of the project based upon serving the public interest would be arbitrary. *Foothills Communities Coalition, supra,* 222 Cal.App.4th at 1314 [finding that a new senior residential housing zone was in the public interest, as supported by references to state law and the housing element, and as consistent with the general plan].

IX. The Project's Proposed Use of the Anacapa Drive Right-of-Way is Not Permitted by the Underlying Easement and Would Result in Traffic Safety Impacts

L-17 (cont.)

L-18

The project's proposed Site Circulation Plan, Appendix G2, appears to state that the project will utilize the Anacapa Drive right-of-way for both (1) staging of moving trucks, and (2) trash trucks. Appendix G2 at 2. With respect to trash, Appendix G2 notes that pick-up and loading is not permitted in the Anacapa Drive right-of-way. *Id.* It is unclear how such activities will be avoided, however, given the conceptual site plans for the project show little, if any, additional property near the parking structure entrance (where trash will be stored) that could handle such activities. See EIR Figures 3-3 and 3-7. The EIR appears to try and dispense with this issue by noting that the project would include rolled curbs along the Anacapa Drive right-of-way to allows waste disposal trucks to move partially outside the paved driveway to avoid impeding vehicular access. EIR at 4.9-11. First, it is unclear if the sidewalk along the right-of-way is sufficiently large to accommodate disposal trucks. If not, the parked disposal trucks will still impede vehicular access along Anacapa Drive, which will jeopardize traffic and pedestrian safety.

Moreover, as noted in the Irvine Company's September 29, 2015 letter attached as Exhibit B, the proposed uses – moving trucks and disposal trucks – are inconsistent with the easement that dictates the use of the Anacapa Drive right-of-way. According to the Irvine Company, Anacapa Road is for the ***exclusive purpose of providing vehicular access to and from the properties within Block 100 of the NNCPC***. Thus, the uses proposed by the project for the Anacapa Road right-of-way are not only not permitted by the underlying easement, but the right-of-way's design is not sufficient to accommodate such uses (as it was designed for vehicular ingress and egress only). The EIR must analyze potential traffic safety impacts associated with such uses within the right-of-way, and cannot simply rely on the statement that "vehicular access though the southern access drive" would not be blocked. There is still a potential for traffic safety impacts associated with vehicles using the Anacapa Drive right-of-way and forced to maneuver around trucks that are temporarily parked in/blocking the right-of-way. Also, if such activities cannot be accommodated in the right-of-way, the EIR must analyze the impacts associated with disposal and moving trucks at another location.

L-18 (cont.)

X. The Project Violates a Recorded Declaration

In connection with the Irvine Company's conveyance of the project site in 1992, a *Declaration of Special Land Use Restrictions, Mortgage Lien and Option to Repurchase* (the "Declaration") was recorded in favor the Irvine Company. The Declaration, attached as Exhibit C, requires all successive owners of the project site to comply with specific covenants, conditions and restrictions that limit development and uses on the project site, including the following:

- *Permitted Uses*: Car wash, auto related services (e.g., minor service/repair), and the incidental sale of gasoline, car accessories and auto-related products.
- *Maximum Gross Floor Area*: 25,000 square feet
- *Height Limitation*: Not to exceed height of then-existing building in 1992.

L-19

The proposed project violates each of these express use and development limitations. First, the project proposes an unpermitted change in use to luxury residential, which is a radical deviation from the car wash or auto-related service uses that are allowed under the Declaration. In addition, the project's proposed gross floor area of 163,260 square feet is more than 6.5 times the Declaration's maximum permitted gross floor area. EIR at 4.2-17. Finally, according to the EIR, the existing car wash building located on the project site is approximately 12.5 feet high. EIR at 4.1-21. However, in clear excess of the height of the existing building, the proposed project consists of a seven-story, 75.5 foot high building.

In addition to the use and development restrictions, the Declaration also prohibits the owner of the project site from pursuing discretionary entitlements, including subdivisions and zone changes, without the prior approval of the Irvine Company. However, the applicant is pursuing a broad range of entitlements, including, a General Plan Amendment, Zoning Code Amendment and Tentative Tract Map, among others, without having provided satisfactory evidence that the Irvine Company has given its approval to these requests. In fact, the Irvine Company's comments on the MND and the Notice of Preparation suggest that such approval has not been granted. If that is the case, it would constitute a clear violation of the Declaration.

L-19 (cont.)

Although the City is not responsible for enforcing the Declaration, neither can it ignore the Declaration. Among other things, the Declaration's mandatory provisions fundamentally change the scope of the project as well as its environmental impacts. The project must be re-imagined to be consistent with the Declaration's restrictions. The Declaration constitutes "significant new information" under CEQA Guidelines Section 15088.5 and therefore the EIR must be recirculated. Without recirculation, meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)) and the public would be deprived of a meaningful opportunity to comment upon the project's substantial adverse environmental effects and feasible ways to mitigate or avoid such an effect.

Conclusion: The EIR is wholly insufficient to analyze the impacts of this Project. As stated above, The City of Newport Beach MUST recirculate the environmental review with the additional issues above properly studied before attempting to hold any hearings on this project. Failure to comply with State Environmental Law will subject the City and the applicant to a legal challenge of the sufficiency of the environmental determination.

L-20

Additional comments will be forthcoming if the City insists on holding public hearings without further study.

Signed on behalf of a Committee of Concerned Residents,

R & Rush

Bob Rush

Bob Rush – Comment Letter L

L-1:
The City of Newport Beach acknowledges that the commenter submitted prior comments on the Mitigated Negative Declaration (MND), which the City considered and addressed during the preparation of the DEIR. Comment letters received by the City on the MND are part of the Project's administrative record. Comment letters received by the City on the DEIR's Notice of Preparation (NOP) are included as part of DEIR Technical Appendix A and also are part of the Project's administrative record.

L-2:
The City of Newport Beach acknowledges the commenter's citation of legal precedent regarding CEQA. The responses to each of the commenter's specific comments are provided in Responses L-4 through L-20, below. The DEIR does not need to be recirculated based on §15088.5 of the State CEQA Guidelines. As summarized in the responses provided herein, there were no public comments or changes to the text or analysis of the DEIR that resulted in the identification of any new significant environmental effect requiring mitigation. In addition, based on all comments received on the DEIR, only minor, non-substantive revisions that merely clarify or amplify information presented in the DEIR were required (as described in the Errata included in the Final EIR). The DEIR circulated for public review was fundamentally and basically adequate, and all conclusions presented in the DEIR are supported by evidence provided within the DEIR and/or the administrative record for the proposed Project. Based on the foregoing, recirculation of the EIR is not warranted according to the guidance set forth in §15088.5 of the State CEQA Guidelines.

L-3:
Please refer to Response J-5.

L-4:
An EIR is required to include a description of the physical environmental conditions in the vicinity of the Project site as they exist at the time the Notice of Preparation (NOP) is published (CEQA Guidelines Section 15125(a)). The City acted reasonably in setting the environmental baseline as the condition that currently exists and has existed on this site for the past 50+ years. To use a future baseline of a closed car wash operation would be misleading given that the site has been used as a car wash for more than half a century and its operations are a long-established existing condition at the Project site. Further, it would be unlikely that, when the car wash closes, the site would sit vacant and not be used for some other, yet unknown, temporary purpose allowed by the City's Municipal Code while it awaits redevelopment. The commenter's assertion that the site would remain unoccupied when the car wash closes is unfounded. Refer to Response L-2.

L-5:
The DEIR does not imply that customers of the existing on-site car wash will no longer get their cars washed. The Commenter's assumption is reasonable that customers of the existing car wash will likely get their cars washed at other car wash locations. However, because there is no data to

indicate where the existing car wash customers are traveling from (point of origin) to reach the Project site, or where these customers will choose to get their cars washed once the on-site car wash is closed, an analysis of trip displacement would be highly speculative and not based on any fact-based information. Even if it is assumed that all of the existing car wash's customers would use the nearest car washes to the Project site (near Jamboree and San Joaquin Hills Road, approximately 0.9-mile to the northwest of the Project site), it cannot be known with any degree of certainty if this location is actually closer or further from the customer travel trip's origin. Making a reasonable assumption about car wash customer behavior, based on consumer convenience, it is probable that people seeking to have their car washed would utilize a car wash location that is most convenient to them, and predicting which other location would be most convenient to a wide spectrum of customers would be nothing more than a wild guess. The DEIR properly evaluates the Project's traffic and vehicular-related air pollutant and noise emissions based on a comparison of the Project to the Project site's existing condition (a car wash with ancillary gas station and convenience market). The mere fact that the on-site car wash would be removed from the site would eliminate all of the existing traffic trips traveling to and from the site under the existing condition. Thus, the net trips (existing car wash trips minus the Project's projected trips) utilized in the analysis is an appropriate basis for the evaluation of environmental impacts.

L-6:
Please refer to Responses G-2, G-3, and G-4.

L-7:
As disclosed on pages 4.1-12 and 4.1-13 of the DEIR, the City of Newport Beach selected the locations for the view simulations (Figures 4.1-6 through 4.1-8 of the DEIR) in order to provide representative views of "the expected appearance of the proposed building from various locational perspectives that offer a public view" of the Project site. Moreover, the views were selected to "represent simulated views that would be experienced by a pedestrian looking toward the Project site in daytime hours at 6 feet above the ground surface." The range of photographs and simulations is appropriately representative. View 3 (DEIR Figure 4.1-7) is consistent with the City of Newport Beach's selection criteria because it depicts the view of the Project site from a pedestrian area adjacent to Newport Center Drive near the intersection with San Miguel Drive. View Simulation – View 3 depicts the screening of a partial view of the Pacific Ocean that occurs from the representative viewing location in the existing condition.

Please refer to response G-2. The Project's aesthetic impact as would be seen from public view corridors, including those that are designated as Coastal View Roads or Public View Corridors in the Newport Beach General Plan are disclosed throughout DEIR Subsection 4.1.4. The intersection of Newport Center Drive and San Miguel Drive does not include any roadway segments identified as designated Coastal View Roads or Public View Corridors. While the photograph supplied by the commenter depicts a view from an additional location, the conclusions reached by the DEIR remain accurate based on the significance criteria presented in the DEIR.

L-8:
Impacts associated with potential glare are discussed thoroughly on pages 4.1-23 through 4.1-26 of the DEIR. The DEIR discloses on page 4.1-25 that the proposed building would introduce a new source of glare in the form of the windows, concluding that these new sources of glare would be similar to other buildings in the surrounding areas. The windows that would be installed on the building would not include any large expanses of glass, nor would any other highly reflective building materials be used that would create a source of atypical levels of glare that would support a conclusion that significant impacts would result from the implementation of the proposed Project. To ensure that low reflective building materials would be used, the City will include a condition of approval that will require that the proposed PC Text be revised to require low reflective materials.

L-9:
Please see Response K-14.

L-10:
The short term construction traffic analysis in the DEIR (pages 4.9-7 through 4.9-8) disclosed an average number of truck trips that would occur based on both demolition and grading phases. For consistency, the haul trips referenced on 4.9-7 have been updated in the Errata of the final EIR to reflect 86 haul trips and 172 round-trip haul trips. As disclosed on page 3-9 of the DEIR, 172 round-trip haul trips would occur during the 30 days of grading. The 172 round-trip haul trips would still represent a net reduction in the daily vehicular trips when compared to the existing car wash use. Furthermore, in applying a passenger car equivalent (PCE) factor of 3 passenger vehicles per 4-axle haul truck (note that Orange County and the Southern California Association of Governments (SCAG) do not have readily available PCE factor recommendations; as such, the PCE factors used are based on recommendations from San Bernardino Association of Governments (SANBAG) which is consistent with standard engineering practice throughout the Southern California region), the 172 round-trip haul trips would be equivalent to 516 passenger vehicles (172 x 3 = 516). Therefore, even when considering the haul trips after applying PCE factors, the proposed Project's construction traffic would result in a net reduction compared to the existing vehicular trips generated by the car wash. Also, see Response L-4.

L-11:
Noise-sensitive land uses, or sensitive receptors, are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where individuals expect quiet to be an essential element of the location. Residential dwellings are considered sensitive receptors because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise and potential sleep disruptions. Schools, libraries, heath-care facilities, nursing homes, retirement residences, and other places where low interior noise levels are essential are also considered noise-sensitive land uses/sensitive receptors. Quiet noise levels are not an essential element of outdoor dining on properties surrounding the Project site. Restaurants, as the commenter points out, are generally not considered sensitive receptors, because the ambient noise levels are generally higher than land uses like residences, libraries, nursing homes, etc. As stated in the City of Newport Beach General Plan Noise Element (page 12-7), referenced in DEIR subsection

4.8.3, restaurants are specifically listed as "Stationary Noise Sources" because of the "high noise levels that these establishments are able to produce." The presence of outdoor dining does not change a potential noise source into a sensitive receptor. The DEIR accurately identified the nearest sensitive receptor as the Newport Center Women's Health Center, located approximately 100 meters south of the Project site. Also see General Plan Noise Element Table N-2 (Community Noise Equivalent Level ("CNEL") of 75-80 dBA "normally compatible" for restaurants, vs CNEL of 60-65 dBA "normally compatible" for residential.)

Construction noise is addressed in Section 4.8.5 of the DEIR. Noise would be produced from construction activity associated with the Project throughout the construction period from demolition of the gas station through final Project completion. Municipal Code Section 10.26.035 exempts construction noise from quantified noise standards and impacts associated with short-term construction noise would be considered significant only if the construction activity violates the standards contained in Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations). The DEIR fully discloses that the Project would require certain activities that would occur outside of the standards contained in Municipal Code Section 10.28.040. Although construction noise that occurs within the standards specified in Municipal Code Section 10.28.040 is regarded by the City as a less than significant impact, the DEIR provides additional analysis in order to indicate that the construction noise from the Project would comply with the Exterior Noise Standards of the Municipal Code and would not result in harm to human health. See Keep Our Mountains Quiet v. County of Santa Clara (2015) 236 Cal.App.4th 714. The 90 dBA threshold is identified for this project in order to establish that the Project will not generate noise in excess of the noise ordinance. The analysis under Threshold d acknowledges that construction noise would be a temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project. The question is whether that increase is "substantial." As the commenter pointed out earlier, CEQA gives lead agencies discretion to establish thresholds of significance, and the City has done so. Accordingly, if construction noise generated by the project were to violate the noise ordinance, then the increase would be substantial. Out of an abundance of caution, the DEIR concludes that this is a potentially significant impact (though not anticipated to result in adverse effects to sensitive receptors) and suggests mitigation measures to address it. See pages 4.8-11 to 4.8-15 of the DEIR.

L-12:
As discussed on pages 4.8-9 through 4.8-10 of the DEIR, the operational noise generated by a residential building is typically limited to noise "associated with mechanical ventilation/air conditioning components." Additionally, that the Community Noise Equivalent Level and Allowable Noise Levels for Residential uses are typically lower in comparison to Commercial (Regional, Village District, Special, etc.) uses. Due to the Project's distance from any sensitive receptors, and due to the limited nature of the operational noise that would be generated by a residential building, the City of Newport Beach determined that a qualitative evaluation of operational noise is sufficient.

L-13:
Please see Response G-1 and G-4.

L-14:
Water and wastewater facilities are discussed under the topic of Utilities and Service Systems on page 5-16 of the DEIR, "Effects Found Not to be Significant as Part of the Initial Study Process." The Project site is served by the City of Newport Beach for water service. The sewer and water service demand studies that were relied on in the DEIR utilized the Orange County Sanitation District flow factors based on input provided by the City of Newport Beach Public Works Department.

The 150 Newport Center Drive project is not subject to SB610 and SB221 requiring a Water Supply Assessment as it falls short of the 500 dwelling units. Developments of this size must provide demand calculations from the current and proposed use. The City has design criteria which is used to compare and approve assessments. Using sewer flows is one way to estimate average usage. The developer must provide information to assure water connections are of adequate size and provide sufficient pressure to meet average use, fire suppression and peak demand. Criteria is different throughout the city due to differing water lines, pressures, and supply.

Using the Urban Water Management Plan (UWMP) GPCD is not the preferred method for estimating individual development use. UWMP's take the total water agency demand divided by the residential population to get to GPCD for forecasting citywide use. This takes in account City use, landscaping, commercial, single and multi-family residential and other use like boat docks, public pools, schools, and mixed use. The State Department of Water Resources uses GPCD in the SBx7-7 (reduction of 20% by 2020) regulations. As a side note our 2015 UWMP identified a SBx7-7 goal of 228 GPCD by 2015 and the City's actual use was 176 GPCD. The MESA Water 2015 UWMP plays no part in estimating demand in Newport Beach.

In summary, the City finds that there is adequate water supply to meet fire suppression and domestic needs.

L-15:
Pursuant to CEQA Guidelines §15124(b), the DEIR's Project Description includes a list of the objectives sought by the Project. A Lead Agency has broad discretion to formulate project objectives. Further, CEQA does not restrict a Lead Agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives. The list of project objectives is appropriately based on the underlying purpose of the project. Neither the project's underlying purpose nor the list of objectives identify the Project site, which allows the consideration of alternative sites in and around Newport Center. Further, as shown in DEIR Table 6-2, the consideration of on-site alternatives was not precluded. The No Project/Office Redevelopment Alternative and the Commercial/Restaurant Redevelopment Alternatives meet 4 of the 11 project objectives even though those alternatives consider a non-residential use. The Multiple Unit Residential Alternative meets 8 of the 11 project objectives although 3 are met to a lesser degree. The Reduced Dwelling Units and Building Height Alternative meets all 11 of the project objectives although 4 are met to a lesser degree. Thus, the project objectives were not overly narrow and were

appropriately identified in accordance with CEQA. DEIR Section 6.0 provides meaningful analysis and promotes informed decision-making by presenting a range of five alternatives.

The City of Newport Beach selected the range of on-site alternatives analyzed in the DEIR from a wider set of potential alternatives because they were determined by the City to be potentially feasible, reasonable and realistic, as well as have the potential ability to substantially reduce or avoid a significant environmental impact of the Project and attain some or most of the Project objectives. The range of alternatives evaluated in the DEIR includes five potential alternatives that satisfy these criteria. Although the DEIR is required to describe a range of reasonable alternatives to the Project or to its location, CEQA does not require that the DEIR discuss every conceivable alternative to the Project. CEQA does not establish ironclad rules relating to the range of alternatives to be discussed in an EIR Citizens of Goleta Valley v Board of Supervisors (1990) 52 C3d 553; CEQA Guidelines §15126.6(a). Instead, the nature and scope of the alternatives to be studied in an EIR is governed by the rule of reason. See Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings (2008) 43 C4th 1143, 1163. Under the rule of reason, an EIR need discuss only those alternatives necessary to permit a reasoned choice. See CEQA Guidelines §15126.6 and California Native Plant Society v City of Santa Cruz (2009) 177 CA4th 957. Accordingly, the City of Newport Beach selected a reasonable range of alternatives that it had determined would provide enough variation to facilitate informed decision-making and public participation. Moreover, the commenter does not suggest any additional on-site alternatives or alternative sites that City should have considered.

L-16:
Regarding the No Project/Commercial Office Alternative and the Commercial/Restaurant Redevelopment Alternative, the Project Applicant provided information to the City which indicated that the development with either an 8,500 square foot office building. restaurant, or multiple-unit (RM) residential project would not be economically feasible after consideration of the cost of developing the uses, including land acquisition and construction costs. In evaluating the Applicant's information, the City applied a "prudent person" standard; meaning, that the Applicant's statements about the economic infeasibility associated with selling or leasing the property as an office building or restaurant is so great compared to the developing the project site with 49 residential units, that a reasonably prudent person or property owner would not proceed with a either of the respective alternatives. See Response J-2 for information related to analysis of the economic feasibility of the No Project/Commercial Office Alternative, the Commercial/Restaurant Redevelopment Alternative, and the Multiple Unit Residential (RM) Alternative. Also see Responses I-7 and O-12.

L-17:
Please see Response J-5.

L-18:
Please see Response H-6. Moving and delivery vehicles would access the site through the main building entrance off of Anacapa Drive, not utilizing the right-of-way or the south driveway as described in the DEIR.

L-19:

Please see Response H-2. The commenter raises issues that represent a civil matter between the property owner and the Irvine Company. The Declaration of Special Land Use Restrictions restricts the land use and height of the property for a term of 25 years, expiring on February 20, 2017. The Project Applicant will not record the tract map or commence construction until this Special Land Use Restriction has expired, consistent with the proposed construction schedule contemplated in the DEIR.

L-20:

Responses to the commenter's specific comments regarding the adequacy of the analysis in the DEIR are provided in Responses to Comments L-1 through L-19. As explained in Response L-2, recirculation of the DEIR is not warranted according to the guidance set forth in §15088.5 of the State CEQA Guidelines.

COMMENT LETTERS

SINDI SCHWARTZ - COMMENTS- 150 NEWPORT CENTER DRIVE

Sindi R. Schwartz
202 Newport Center Drive - The Muldoon's Building
Newport Beach CA 92660 June 27, 2016

To : Mahana Nova Associate Planner
mnova@newportbeachca.gov

150 Newport Center Drive

Dear Planning Staff , Planning Commission and City Council

My name is Sindi Schwartz. My husband Ron and I are owners of the Muldoon's Building and operate Muldoon's Irish Pub and Celtic Bar at 202 Newport Center Drive since 1974.

Both Ron and I have attended several of the hearings regarding 150 Newport Center Drive Residential project.

This residential project for people who can afford condo living as primary , 2nd and 3rd homes is just 50 feet from the hustle and bustle of one of California's award winning pubs and restaurants.

As Ron stated at the study session on June 23rd , Design Plaza is the 200 Block of Newport Center Drive . There are over 160,000 sq. feet of vibrant commercial businesses and professionals in these office buildings and 2 restaurants , one of which is Muldoon's just an ear shot from the windows and doors of the proposed residences at 150 Newport Center.

Adding a massively tall and wide residential building for 49 couples will cause a terrific strain on all neighbors , especially for those residents asleep in their beds when Muldoon's begins her morning as early as 6:00 am.

The applicant's representatives responded to this problem by saying they have triple glazed windows to block out all sound, then added , each resident will have to sign applicant's disclosure statements saying there will be noise coming from restaurants and others.

M-1

COMMENT LETTERS

SINDI SCHWARTZ - COMMENTS- 150 NEWPORT CENTER DRIVE

1.23 acres vs 10 acres :

Applicant's decision to propose a 163,000 square foot building on 1.23 acres causes us to resist, and it should, because it is known a building of this mass , breadth, width and height is calculated to be on a parcel of 10 acres .

Also, set backs both on Newport Center Drive and Anacapa were calculated for buildings under 50 feet , with most buildings as low as 32 feet.

Applicant's building is 75 feet , with 83 foot high appurtenances .

The massive height will simply overshadow the community of buildings on blocks 100 , 200 and 300.

M-2

Natural View Corridors :

Attachment 1

If you look at applicants overhead photo - Attachment 1,

you will see where the Muldoon's building is set on the corner of NPCD and Anacapa. Muldoon's currently does have natural view corridors both to the south end of the Car Wash property and to the north end over looking Newport Center Drive.

Attachment 2

If you look at the applicant's architectural drawing you will see this massively wide and tall building blocks Muldoon's southerly view corridor as well her northerly view , where applicant has set this giant building only 20 feet from NPCD. Under any redevelopment, we would wish to preserve our view corridors.

M-3

Heights:

The General plan called out that each block would rise from the lowest slope closer to the ocean progressively rising up as the land changes . The 100 block was called out to be 32 feet in height.

The applicant is asking for a variance of an additional 43 - plus feet and their response, when asked , why not 5 stories or 4 stories ? It's not economically feasible.

M-4

2

Comment Letters

SINDI SCHWARTZ - COMMENTS- 150 NEWPORT CENTER DRIVE

Applicant's response to the Planning Commission was consistent with it's tactic with City Staff , claiming any alternative plan , other than this one , is not economically feasible. Apparently , applicant's only definition of what is economically feasible is a return of $400 million .

M-4 (cont.)

Thank you for your consideration.

Best Regards,

Sindi Schwartz

Comment Letters

VICINITY MAP

150 Newport Center Drive (PA2014-213)

- General Plan Amendment No. GP2014-003
- Code Amendment No. CA2014-008
- Planned Community Development Plan No. PC2014-004
- Site Development Review No. SD2014-006
- Tentative Tract Map No. NT2015-003, County Tentative Tract Map No. 17915
- Development Agreement No. 2014-002
- Environmental Impact Report No. ER2015-002 (SCH No. 201611032)

Comment Letters

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Sindi Schwartz – Comment Letter M

M-1:
Please see Response J-3. Muldoon's and all other uses in the City are subject to Chapter 10.26 of the City of Newport Beach Municipal Code which regulates noise.

M-2:
Please see response G-4 regarding aesthetics and G-1 regarding the proposed PC Text. The proposed Project's potential environmental impacts associated with aesthetics, including impacts related to the proposed building height, are thoroughly discussed and disclosed in Subsection 4.1 of the DEIR. The commenter does not identify any specific deficiencies in the environmental analysis.

M-3:
Please see responses G-2 and G-3. Ordinances, plans, policies, and regulations adopted by the lead agency provide relevant guidance that a lead agency can use to set thresholds of significance in an EIR. See Mira Mar Mobile Community v City of Oceanside (2004) 119 CA4th 477, which upheld an EIR's determination that impairment of public views would be significant impact, but impairment of private views would not, based on policies of city's local coastal program calling for protection of public views of scenic resources and absence of city ordinances or policies protecting private views. As stated in EIR Subsection 4.1, the City of Newport Beach General Plan calls for the protection of public views (refer to General Plan Policies NR 20.1, NR 20.2, and NR 20.3) and the City does not have any ordinances or policies in place that protect views from privately-owned property. Thus, the EIR's significance threshold appropriately applies to scenic public views and not private views. The DEIR concludes that scenic public views would not be significantly and adversely affected by the proposed Project.

M-4:
This comment addresses statements made by the Project Applicant at a City of Newport Beach Planning Commission study session. The City of Newport Beach acknowledges the attachments included in the commenter's letter, which represent an architectural perspective rendering prepared by the Project Applicant and a vicinity map prepared by the City of Newport Beach. Please also see Response L-16.

Comment Letters

June 19, 2016

Dear Ms. Nova:

The following are comments regarding the Draft EIR for 150 Newport Center Drive:

The use of a Planned Community is inappropriate in this location and does not follow the criteria established for a Planned Community by Newport Beach. Incorporating the comments of Dennis Baker:

"Regarding paragraph 3.5.3 PLANNED COMMUNITY DEVELOPMENT PLAN TEXT - Please explain how this project qualifies as a Planned Community District (PCD) considering **each** of the following inconsistencies with the Chapter 20.56 of NB zoning code. Please include a rationale for considering this project a planned community development considering the almost total disconnect from the description and intent of section 20.56 of the city code.

a. 20.56.010

i. Inconsistent with paragraph A - This project is not a "large-scale community".

ii. Inconsistent with paragraph B - This "community" of condos does will not contain "diversification of uses".

b. 20.56.020

i. Inconsistent with paragraph A - Project at 1.25 acres is just 12.5% of minimum acreage of 10 acres required for a PCD

c. 20.56.030

i. Inconsistent with paragraph A-1a – The "Existing Use" as commercial (car wash) is not "incorporated as part of the approved development plan".

ii. Inconsistent with paragraph A-1b – nor will it be "Allowed to continue"

iii. Inconsistent with paragraph B-1 – This is "A use, other than a use existing at the time of establishment of a PC District, shall not be allowed in a PC District except in compliance with a valid PC development plan." This project fails to qualify for "a valid PC development plan" based on inconsistencies noted under section 20.56.010 and 20.56.020 above."

N-1

The new height limitations asked for by the applicant will set a precedent for other nearby properties to also ask for exceptions to the height limit and effectively opens up this section of Newport Center to future height increases that are not now allowed in the General Plan. For this reason, the height limitation should stay at the currently allowed 32 feet.

N-2

The use of required valet services will adversely affect surrounding properties as any guests who do not wish to relinquish their cars to a valet (I'm one of those people) will park in adjacent unrestricted parking lots and impact the capacity of those parking lots

N-3

to service the buildings that they were intended to service. This effect has not been assessed. N-3 (cont.)

The DEIR uses a 2012 traffic study for the Traffic Phasing Ordinance aspect of the DEIR. It is inappropriate to use a 4-year-old study for this aspect of the DEIR. CEQA requires a comparison with conditions that are currently on the ground and a 4-year-old study does not meet that requirement. A new study is required. N-4

The DEIR uses ITE codes for a high rise condo complex (232) but should more appropriately use ITE codes for luxury condo complex (233). N-5

The biggest issue with this project is, of course, that the Greenlight limits are exceeded in its proposed form, thus requiring a vote of the people for final approval of the General Plan Amendment. Greenlight allows another 100 units over what is allowed in the General Plan without a vote, but 79 of those units have been used up by the San Joaquin Plaza development. Although the city claims that they have the legal justification to have transferred unbuilt hotel rooms to this site as dwelling units, they do not. The Planned Community text for the Newport North PC clearly states:

"C. Transfer of Development Rights

The transfer of development rights among sub-areas of this Planned Community **and to/from other areas in the Newport Center/Fashion Island District** identified in the General Plan is allowed in accordance with the General Plan.

Development rights may be transferred through a change in location of use(s) and/or a conversion of non-residential use to any other non-residential use allowed by the General Plan and this Planned Community Development Plan or applicable zoning at the receiving site(s). **Residential use may be relocated, but may not be converted to or from another use."** N-6

As Planned Community rules supersede zoning laws, a transfer was not allowed even using the supposed justification of Planning staff. Further, there has been no amendment to the General Plan to allow anything over 445 dwelling units at San Joaquin Plaza. Thus, the additional 79 dwelling units that have been built in the San Joaquin Plaza must be counted against the section 423 limits defined by Greenlight.

This is confirmed by the city's own implementation procedures for Section 423 which states:

"The City Council shall determine at the noticed public hearing at which any Amendment is approved if, based on the administrative record for the Amendment including any testimony presented at that hearing, the Amendment requires voter approval pursuant to Section 423. The City Council shall submit an Amendment to the

voters if: … The Amendment authorizes an increase in the number of dwelling units for the property or area that is the subject of the Amendment that exceeds one hundred (100) dwelling units **when compared to the General Plan** before approval of the Amendment."

City Planning staff contends that the 79 hotel rooms were "converted in the cloud" outside of the Planned Community and thus what was transferred were actual dwelling units. I may be wrong, but I'm pretty sure that "converted in the cloud" is not a legal term and that any neutral party asked to adjudicate on this issue will prefer to stick to legal facts rather than magical thinking. The legal facts are that the 79 hotel rooms are part of an entitlement for the Marriott Hotel (anomaly 43, visitor serving commercial) and in the General Plan, dwelling units are not allowed at that site. Thus, there is not a legal way for these unbuilt hotel rooms to have been converted to dwelling units at the site of the Marriott Hotel without a General Plan Amendment, which was not done. No General Plan Amendment was done for the San Joaquin Plaza site, as clearly was required since the current development is in excess of that allowed in the General Plan.

Interestingly, there were 2 addenda to the 2006 General Plan EIR regarding the 79 additional dwelling units being added into San Joaquin Plaza, which implies that this action was a significant change to the original 2006 EIR that required further CEQA action. Had this action been fully consistent with the 2006 General Plan in reality, no additional CEQA document would have been required since there had already been an EIR for the 2006 General Plan. Transfers of entitlements are common in the North Newport Planned Community and have not, in the past, required further CEQA documents. Ironically, in addenda #1, Table 1 (replicated below), states in footnote C that "in no case shall the total number of dwelling units exceed 430" in Block 500 and 600 and the San Joaquin Plaza. EIR addenda #2 states that the transfer of 79 hotel rooms into dwelling units in San Joaquin Plaza is "consistent with the General Plan" despite the action increasing the number of dwelling units to well above the General Plan limit of 430 for the San Joaquin Plaza.

N-6
(cont.)

Addendum to City of Newport Beach General Plan 2006 Update EIR

TABLE 1 DEVELOPMENT AREA SUMMARY

Land Use	Fashion Island (75 acres)	Block 500 (15.29 acres)	Block 600 (25 acres)	San Joaquin Plaza (23.2 acres)	Total
Regional Commercial	1,619,525 sf	0	0	0	1,619,525 sf
Movie Theatre	1,700 seats (27,500 sf)				1,700 seats (27,500 sf)
Hotel	(a)	(b)	425 rooms (b)	(b)	490 rooms
Residential	0	(c)	(c)	(c)	430 du
Office/Commercial	0	285,142 sf	1,001,634 sf	337,261 sf	1,746,979 sf

sf: square feet
du: dwelling unit
a Hotel rooms are permitted in Fashion Island through the transfer of available square footage. b 65 hotel rooms may be relocated in either Block 500, Block 600, or San Joaquin Plaza. In no case shall the total

number of hotel rooms in the Fashion Island/Block 500/Block 600/San Joaquin Plaza Planned Community exceed 490. c. Residential units are permitted in Block 500, Block 600, and San Joaquin Plaza. In no case shall the total number of

dwelling units exceed 430.

2.2.2 TRANSFER OF DEVELOPMENT RIGHTS

The 2006 General Plan also allows a transfer of development rights within Newport Center in accordance with the following Land Use Element policy:

LU 6.14.3 Transfers of Development Rights

Development rights may be transferred within Newport Center, subject to the approval of the City with the finding that the transfer is consistent with the General Plan and that the transfer will not result in any adverse traffic impacts.

Furthermore, the entire General Plan of the City of Newport Beach is inadequate, which precludes the ability of the city to grant a General Plan Amendment for this project until the General Plan inadequacies are remedied.

N-6 (cont.)

Government Code 65302 states that "The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan." The Newport Beach General Plan is inadequate in this regard in multiple ways including (but not exclusive of) the fact that it does not adequately reflect the actual development allowed at the San Joaquin Plaza site, nor the conversion of tennis courts (zoned PR) at the Tennis Club at Newport Beach Country Club into hotel rooms. It does not assign any development limits at city owned property such as the Newport Beach City Hall site or Marina Park as it is required to do.

As the inadequacy of the General Plan clearly affects the ability of the city to approve the150 Newport Center Drive project under Section 423, it cannot be approved by the Planning Commission nor the City Council until the General Plan is revised to meet state required standards.

In your responses to my comments, please specifically address the inadequacies in the General Plan as described above. Please address the fact that the North Newport Planned Community supersedes the zoning laws and specifically prohibits a transfer of non-residential into residential entitlements. Please address the fact that the 79 hotel

Comment Letters

units are entitled to the Marriott Hotel and are not on property that allows dwelling units and so could not have been converted into dwelling units without a General Plan Amendment. Please address the fact that the tennis courts were zoned PR and allowed to be converted into a structure without a General Plan Amendment. Please address the fact that the city guidelines specify that a General Plan Amendment is compared to the existing entitlements in the General Plan to determine if the project requires a vote of the people prior to approval. Please address the fact that the General Plan was substantially changed as evidenced by the need for Addendum 2 to the 2006 General Plan.

N-6 (cont.)

I hereby incorporate by reference the comments of SPON and Jim Mosher. Additionally, this letter is submitted both as an individual and also as a representative of Newport 1st (formerly Stop The Dunes Hotel).

Thank you,

N-7

Susan Skinner
2042 Port Provence Place
Newport Beach, CA 92660

Susan Skinner – Comment Letter N

N-1:
Please see Response G-1

N-2:
Please see Response G-6.

N-3:
As discussed in Subsection 3.3.3 of the DEIR, guests of the proposed residential building would be required to utilize a mandatory valet service to accommodate guest parking. Valet parking is optional for residents. The potential refusal by a guest to use the services of the valet is based on pure speculation. Further, the occasional use of existing, available parking spaces, whether public or private spaces, is not an impact on the physical environment warranting analysis under CEQA. Any issues associated with guests utilizing unauthorized off-site parking areas would be a civil matter between the property owners.

N-4:
The proposed Project does not trigger the provisions of the Traffic Phasing Ordinance because the Project does not meet the threshold of a net increase of 300 average daily trips (the proposed Project would result in a net reduction of 614 average daily trips). The prior 2012 TPO study was referenced in the DEIR; however, a new study was not required in order to sufficiently analyze traffic-related impacts in the DEIR.

N-5:
Please see Response K-14

N-6:
Please see Response K-9 and G-1.

N-7:
The City of Newport Beach acknowledges the Commenter's incorporation of Jim Mosher's comments by reference, which were addressed in Response to Comment K-1 through K-17. The City of Newport Beach acknowledges the Commenter's incorporation of SPON comments by reference, which were addressed in Response to Comment O-1 through O-33.

Hermosa Beach Office
Phone: (310) 798-2400
Fax: (310) 798-2402

San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522

Chatten-Brown & Carstens LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Michelle Black
Email Address:
mnb@cbcearthlaw.com

Direct Phone:
310-798-2400 Ext. 5

June 27, 2016

Via Email *mnova@newportbeachca.gov*

Planning Commission
City of Newport Beach

Makana Nova, AICP, Associate Planner
Community Development Department
Planning Division
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: Draft Environmental Impact Report for the 150 Newport Center Project; SCH No. 2016011032; General Plan Amendment (GP2014-003); Zoning Code Amendment (CA2014-0008); Planned Community Development Plan (PC2014-004); Development Agreement No. 2014-002; Site Development Review (SD2014-006); Tentative Tract Map (2015-003)

Dear Ms. Nova:

These comments are submitted on behalf of Stop Polluting Our Newport (SPON) regarding the 150 Newport Center Project ("Project"). Founded in 1974, SPON is a non-profit public education organization dedicated to protecting and preserving the residential and environmental qualities of Newport Beach. The Project would construct 49 condominiums in a single, 163,260-square-foot, seven-story building and three levels of subterranean parking on 1.26 acres located at the southwest corner of Newport Center Drive and Anacapa Drive. The Project's 49 units exceed the number of additional units that may be approved for Newport Center without triggering a Greenlight vote. As proposed, the Project would conflict with the General Plan's designation of Regional Commercial Office, the Zoning Code district designation of Office Regional Commercial, the requirement that a Planned Community Development Plan cover 10 acres, and the existing height limit for the site. Consequently, the Project cannot be built unless the City grants amendments to the General Plan and the Zoning Code as well as a waiver of the Planned Community Development Plan requirements. A grant of these approvals would set a precedent for changing, rather than respecting, the City's governing land use plans.

O-1

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project's significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) The environmental impact report (EIR) process is the "heart of CEQA" and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162.) SPON is concerned that the draft environmental impact report ("DEIR") fails to adequately disclose, analyze, and mitigate many of the Project's significant adverse environmental impacts. Instead, the EIR discounts the Project's potential for significant impacts. The EIR also fails to satisfy its core purpose of identifying and analyzing feasible alternatives to the Project that would avoid its significant environmental impacts. O-2

The 150 Newport Center Project fails to comply with the City's governing land use plans and policies, and the draft EIR fails to properly disclose, analyze, and mitigate all of the Project's significant adverse environmental effects and the effects of the poor precedents its approval would establish. SPON respectfully requests that these deficiencies be corrected and that a revised draft EIR be recirculated.

I. A Planned Community Development Plan is Inappropriate and Unnecessary for the Project.

The concerns SPON raised in October 2015 about the Project's consistency with the City's Zoning Code have not been addressed by the Project presented in the DEIR.

Planned Community Development Districts (PCDs) are governed by Newport Beach Planning and Zoning Code section 20.56.010, and exist to "provide for the development of land as coordinated, comprehensive projects in order to take advantage of the superior environment resulting from large-scale community planning." Further, "A Planned Community is intended to … include various types of uses, consistent with the General Plan through the adoption of a development plan that identifies land use relationships." Thus, the PCD should be used to ensure consistency with existing land use plans and to provide cohesive community planning. For this reason, PCDs must exceed 10 acres in size. O-3

The 150 Newport Center Project claims to "ensure substantial compliance with the spirit and intent of the Zoning Code," but fails utterly to do so. While a 10-acre or larger

parcel may require planning flexibility to achieve feasibility and consistency with surrounding land uses, there is no reason why a **1.26-acre parcel** needs to employ the PCD to provide for a coordinated, comprehensive Project. Instead, the Project appears to be misusing the PCD designation to skirt regulations of the Newport Beach Municipal Code intended to provide consistency in land use planning. Although the Project is located in the southern section of Newport Center, which is governed by height limits of 32 and 37 feet, the Project would be seven stories tall and reach a height of 83 feet, 6 inches once rooftop appurtenances are included. Allowing an 83-foot-tall building in the southern section of Newport Center would create a significant change to the existing overall plan for Newport Center. Such a large change, which no doubt would become precedent for future developments in the area, should not be undertaken with a waiver of the area limits for a PCD.

The Project also fails to fulfill the purpose of the PCD, Zoning Code section 20.56.010, and other zoning laws that require consideration of the relationship of the proposed development plan to the goals, policies, and actions of the General Plan because the Project is inconsistent with the General Plan. The Project proposes a Planned Community Development District in an "effort to ensure broader coordination and consistency with the surrounding neighborhoods, and to include a higher level of architectural quality supporting the Newport Center environment with pedestrian connectivity." This language is meaningless, misleading, and misrepresents the Project contained in the application.

Instead of providing for greater consistency, this Project would be five to six stories higher than surrounding buildings; it could not be less consistent with its surroundings. The Project would also completely change the appearance of the neighborhood. In addition to the change in height, the building is much bulkier and provides for less open space than surrounding parcels. The result is that the Project would change the visual characteristics of the area from an area of low-rise commercial and office space with considerable landscaping and large setbacks to an area more representative of central city mass, bulk, and height. An example of the change in building intensity is the Project's proposal for three stories of underground parking and its inclusion as a project objective. Underground parking has not yet been requested in the southern, low-rise section of Newport Center because it is not needed under the existing lower-intensity land uses provided by the City's governing land use plans. If the City intends to increase the intensity and density of uses in the southern portion of Newport Center, it can only do so with the adoption of a full-scale General Plan Land Use Amendment for the southerly portion of Newport Center between Newport Center Drive and Pacific Coast Highway.

O-3
(cont.)

Granting the Project's application for a PCD for a Project that is up to six stories higher and much more intense in use than surrounding properties, based on a policy of ensuring land use consistency, undermines the integrity of the PCD District and the Newport Beach Zoning Code. The Project's application for a PCD must be denied.

Further, the City cannot make the findings required for approval of a PCD. The City cannot approve a PCD that would "allow an increase in the height of a structure above the base height" until it finds:

- The project is providing additional amenities beyond those that are otherwise required, such as additional landscaped open space, increased setback and open areas, and enhancement and protection of public views;
- The project is architecturally designed to provide visual interest through the use of light and shadow, recessed planes, vertical elements, and varied roof planes;
- The project's increased height will not result in undesirable or abrupt scale changes; and
- The structure will have no more floor area than could have been achieved without approval of the height increase;

(Municipal Code section 20.30.060(C)(3).) Since the Project proposes 49 units on a parcel just over one-acre in size, the Applicant's ability to provide landscaped open space and setbacks is limited. The Project's 83-foot height has the potential to block and disrupt public views, but not to protect them. If the City were to approve the Project, the precedent set for future development in the area would harm, not protect, public views. The City cannot make the first required finding. The City also cannot make the third finding, that the Project's increased height will not result in undesirable or abrupt scale changes. Buildings surrounding the Project site are one- and two-stories in height. The transition from a single-story to a 7-story building will be abrupt as no gradual transition is provided by the Project. Finally, the City cannot make the fourth finding. The Project proposes 163,260 square feet of development on a 1.26-acre parcel. However, the base height for the area is only 32 or 37 feet, depending on the selected roof line. The Applicant could not get 163,200 square feet into a building of this height that otherwise complies with setback requirements. The City cannot make at least three of the findings required to grant the requested PCD application.

In order to grant the Project's application for a site plan, the City must find that the Project (1) is allowed within the subject zoning district; (2) is in compliance with the applicable criteria of Municipal Code section 20.52.080 (C)(2)(c); and (3) is not detrimental to the harmonious and orderly growth of the City. (DEIR p. 4.7-19.) The Project fails to meet all three requirements. Even if the City were to approve the

O-3 (cont.)

Project's requested zone change to satisfy the first requirement, the Project would still fail to meet the second two requirements. Pursuant to Municipal Code section 20.50.080(C)(2)(c), site plan review cannot occur unless the Project complies with the General Plan and the Zoning Code; the Project has a harmonious relationship with adjacent developments; the Project is compatible in terms of bulk and scale; and the Project protects significant views from public rights of way. The Project does not meet any of these criteria. Finally, the approval of a Project that requires so many deviations from the General Plan and other governing documents would be "detrimental to the harmonious and orderly growth of the City."

O-3 (cont.)

The Project must be revised before the City may legally consider approval.

II. The Project is Inconsistent with the General Plan's Land Use Element.

The Project remains inconsistent with the General Plan's Land Use Element, as well. As discussed in SPON's October 2015 comments, all projects approved in a city must be consistent with the general plan and its elements. "The general plan is atop the hierarchy of local government law regulating land use." (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183.) For this reason, the General Plan has been described "the constitution for future development." (*DeVita v. Napa* (1995) 9 Cal.4th 763, 773, internal citations omitted.) The 150 Newport Center Project is inconsistent with several policies of the City's Land Use Element and cannot be approved.

O-4

Policy LU 6.14.4 of the Land Use Element focuses on reinforcing "the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevation toward the southwesterly edge along Pacific Coast Highway." Instead, the Project proposes constructing a seven-story building in the southeasterly section of Newport Center. At this site, only a low-rise Project would be consistent with the City's Land Use Element and General Plan.

Policy LU 1.6 of the Land Use Element requires the City to "Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points." Regarding the Project's 83-foot-plus height, the DEIR claims that the Project's architectural design is complementary in type, form, scale, and character with existing and proposed surrounding land uses. This statement relies on the existence of high-rise buildings in the upper/northerly portion of Newport Center. However, these taller buildings with which the Project would be consistent are not actually located near the Project. In order to

O-5

protect views consistent with the policies of the Land Use Element, the plans for Newport Center provide for taller buildings to the north along San Joaquin Hills Road with gradually decreasing heights toward the ocean and low-rise buildings abutting Pacific Coast Highway and nearby neighborhoods. The placement of an 83-foot-tall building in an area of low-rise development would block important public views of scenic resources. For example, public views of the Pacific from Fashion Island would be compromised. Thus, the Project is inconsistent with General Plan policies designed to protect and enhance such views.

O-5 (cont.)

As proposed, the 150 Newport Center Project is inconsistent with at least two policies of the City's Land Use Element and General Plan. The Project should be revised to respect the City's constitution for development.

O-6

III. The Project Requires a Vote Pursuant to the Greenlight Initiative.

The City's Greenlight Initiative permits the construction of 100 dwelling units beyond those contained in the General Plan without a vote. While the Project proposes only 49 units in Statistical Area L1, 79 of the 100 units that could be constructed without a vote were already constructed in the San Joaquin Plaza development. If the Applicant wishes to proceed without a vote, only 21 units could be developed. The City cannot circumvent the Greenlight Initiative.

The DEIR defers the analysis of the impact of the Greenlight Initiative on the Project until future Planning Commission and City Council review of the Project. (DEIR p. 4.7-20.) However, if the Project would be subject to a vote of the electorate, which could substantially delay the Project, this is information that is appropriate now. Based on information available to SPON, a maximum of 21 units could be developed without a vote.

O-7

In other arenas, the City has claimed that additional dwelling units above the 100 are permissible without a vote because there are unconstructed hotel rooms at the Marriott Hotel site. However, residential "dwelling units" and visitor-serving commercial "hotel rooms" are not the same thing as defined and regulated by the City's governing documents. In order for the City's claim to have support, these hotel rooms would first need to be legally converted into dwelling units and then be transferred to some project site. The existing planning documents for these sites prohibit these results.

The land use planning for the Marriott Hotel site does not permit residential uses, and while the Newport North Planned Community text governing San Joaquin Plaza permits the transfer of development rights among sub-areas, "Residential use may be relocated, ***but may not be converted to or from another use***." (emphasis added.)

City of Newport Beach
June 27, 2016
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Therefore, the City must rely on its implementation procedures for the Greenlight Initiative, which provide that the City Council shall submit an Amendment to the voters if "[t]he Amendment authorizes an increase in the number of dwelling units for the property or area that is the subject of the Amendment that exceeds one hundred (100) dwelling units when compared to the General Plan ***before approval of the Amendment***." The Project would bring the area beyond the 100 units permissible without a vote. Compliance with the Greenlight Initiative is required.

O-7 (cont.)

IV. The Draft Environmental Impact Report Must Be Revised and Recirculated to Comply with CEQA.

1. The Alternatives Analysis is Inadequate.

CEQA provides, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code § 21002.) To that end, CEQA requires an EIR to contain an alternatives analysis that examines feasible alternatives to a proposed project that would "avoid or substantially lessen" the significant impacts. (*Ibid*.) The alternatives analysis is the "core of the EIR." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal 3d 553, 564.) CEQA imposes a high standard when a lead agency is proposing to reject an alternative considered in an EIR. "One of [an EIR's] major functions . . . is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." (*Laurel Heights Improvement Ass'n. v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400.) Further, "Under CEQA, the public agency bears the burden of affirmatively demonstrating that…the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures." (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134.) The adoption of a less damaging feasible alternative is the equivalent of the adoption of feasible mitigation measure. (*Laurel Heights, supra,* 47 Cal. 3d at 403.) Such an alternative or mitigation measure *must* be adopted by the lead agency unless the lead agency can demonstrate that the mitigation is "truly infeasible." (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal. 4th 341, 368.)

O-8

The alternatives analysis of this DEIR is constrained by artificially narrow project objectives. What constitutes a reasonable range of alternatives is determined by the project objectives. (CEQA Guidelines § 15126.6(a).) As written, in order to satisfy most of the Project objectives, any alternative studied in the EIR must be a multi-family luxury condominium tower with maximum lot coverage and underground parking. (DEIR p. ES-3.) In fact, 5 of the 11 project objectives require construction of a residential project. (Objectives E, F, G, H, J.) Residential use of the site is not currently permitted and

O-9

requires approval of both an amendment to the General Plan land use designation and a zoning change. However, the objectives presented in the DEIR prevent serious consideration of a non-residential project alternative. The objectives are impermissibly narrow in violation of CEQA. (*In Re Bay Delta Coordinated Environmental Impact Report Proceedings* (2008) 43 Cal. 4th 1143, 1166 ["a lead agency may not give a project's purpose an artificially narrow definition"].) The lead agency must exercise its independent judgment on project objectives, and must not uncritically accept the applicant's objectives. (Pub. Resources Code § 21082.1 (c)(1); *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1352; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1460.)

O-9 (cont.)

The DEIR rejects the No Project/Office Redevelopment Alternative for meeting only 4 of the Project's unusually specific objectives. (DEIR p. 6-19.) Per the DEIR, the Office Redevelopment Alternative is an 8,500 square foot office building with surface parking. The alternative, as designed, automatically fails to meet the 5 objectives focused on providing residential uses and the objective of providing underground parking. As discussed above, the objectives are impermissibly narrow. However, the DEIR also claims that the Office Redevelopment Alternative could not meet the objective of being financially feasible to construct and operate (Objective B). (DEIR p. 6-19.) No justification for this is provided, considering that the Office Redevelopment Alternative is certainly less expensive to develop than the Project. Additionally, no justification or substantial evidence is provided for why this alternative could not be developed with underground parking to meet objective D. This alternative should be reconfigured as an alternative that meets all of the Project's non-residential objectives and analyzed in a recirculated DEIR.

O-10

The DEIR improperly rejects the Commercial/Restaurant Redevelopment Alternative for the same reasons – it was designed to fail. Just like the Office Redevelopment Alternative, this alternative fails to meet the 5 residential objectives, and just like the Office Redevelopment Alternative, the Commercial Restaurant Redevelopment Alternative is inexplicably devoid of underground parking (Objective D) and financially infeasible (Objective B). This alternative must be redesigned to meet these objectives, and the DEIR must be recirculated. This alternative is also designed with another flaw – the DEIR admits that it was "developed to the highest traffic-generating use per existing land use and zoning designations." Unsurprisingly, the DEIR then concludes that the alternative is not environmentally superior because it would generate significant, adverse traffic impacts that the Project allegedly would not. (DEIR p. 6-26.) A DEIR cannot choose to analyze only infeasible alternatives and alternatives that would have greater impacts than the Project.

O-11

The DEIR's use of only straw men alternatives violates CEQA's requirement that the alternatives analysis analyze *feasible* alternatives developed to avoid or reduce a Project's environmental impacts. Here, the DEIR analyzes alternatives that are either designed to be infeasible, designed to have greater environmental impacts, or both.

O-12

The DEIR does not even analyze what seems like the most obvious use of the property that would conform to current planning and zoning limits – redevelopment of the existing car wash business. Instead, the DEIR dismisses this viable option as financially infeasible because other car washes in Newport Beach have recently renovated. (DEIR p. 6-4.) The DEIR provides no substantial evidence for the conclusion that the alternative is financially infeasible just because two other car washes have renovated. If anything, renovation of the car wash would help it compete with the other car washes in the area. The DEIR also claims that the Applicant plans to stop operating the existing car wash regardless of whether the City approves the Project, but no rational explanation is provided for why a property owner would stop operating a profitable business before obtaining the necessary approvals for its next venture.

O-13

Also improperly constrained by the Project's impermissibly narrow objectives is the consideration of off-site alternatives. The Project description states, "The underlying purpose of the Project is to redevelop an underutilized property in the Newport Center area with multi-family, for-sale luxury high-rise (three + stories) residential units located within walking distance to employment, shopping, entertainment, and recreation." (DEIR p. 3-2.) The DEIR then uses the "in the Newport Center area" language in Objective A to reject the consideration of off-site alternatives. (DEIR p. 6-5.) Yet the Project seeks several components that are prohibited at the Project site by the City's governing documents: a height above 32 or 37 feet, residential uses, and large square footage. The failure of off-site alternatives to be located in Newport Center is not a sufficient justification for rejecting off-site alternatives. Alternatives are not required to meet all project objectives, and in reality it "is virtually a given that the alternatives to a project will not attain all of the project's objectives." (*Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1087.)

O-14

The DEIR should evaluate moving the proposed Project off-site. Off-site alternatives should be considered when "significant effects of the project would be avoided or lessened by putting the project in another location." (Guidelines §15126.6(f)(2)(A).) The DEIR claims that the analysis of off-site alternatives is unnecessary because the Project would not have significant environmental impacts. (DEIR p. 6-4.) As discussed below, this conclusion is unsupported. The CEQA Guidelines take a narrow view of what constraints would render an alternative site infeasible (for example, the lack of extractable resources on a site for a resource extraction project). (Guidelines §15126.6(f)(2)(B).) Furthermore, California Courts have

endorsed the use of rigorous off site alternatives analyses. (See, for example, *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553 [upholding EIR in part because of adequate analysis of an off site alternative] and *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437 [EIR found inadequate for failure to assess an offsite alternative that would have reduced impacts].) The DEIR must be recirculated with an analysis of off-site alternative locations where the Project could be built without the adverse land use impacts and harmful precedent that would occur with approval in the proposed location.

O-14 (cont.)

2. The DEIR Fails to Disclose or Mitigate the Project's Adverse Impacts on Land Use.

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment. (*Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.) Indeed, any inconsistencies between a proposed project and applicable land use plans must be discussed in an EIR. (CEQA Guidelines § 15125(d); *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).) A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA that must be disclosed, analyzed, and mitigated or avoided. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; see also, *County of El Dorado v. Dept. of Transp*. (2005) 133 Cal.App.4th 1376 (fact that a project may be consistent with a plan, such as an air plan, does not necessarily mean that it does not have significant impacts).)

O-15

The DEIR purports to use the correct threshold of significance for determining whether an impact on land use is significant. The threshold adopted by the DEIR is whether the Project or any component of the Project would "[c]onflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect." (DEIR p. 4.7-4.) Here, the Project conflicts with several policies and designations of the City's General Plan, as well as its zoning ordinance. (See, e.g., DEIR p. 4.7-10 ["the proposed Project would be inconsistent with Policy LU 6.14.2"].) Yet the DEIR fails to deem these impacts significant so that they can be mitigated or eliminated with redesign of the Project. (DEIR p. 4.7-5; See DEIR p. 4.7-10 ["the proposed Project would be inconsistent with Policy LU 6.14.2, however, no impacts would be significant and unavoidable".)

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In addition to Policy LU 6.14.2, the Project conflicts with at least three other policies of the Land Use Element of the General Plan, Policies LU 1.6, LU 3.2 and LU 6.14.4. Instead of properly admitting these inconsistencies and redesigning the Project for consistency, the DEIR distorts its description of the existing conditions at Newport Center in order to claim consistency with the General Plan. (DEIR p. 4.7-9.) With regard to General Plan Policy LU 1.6, regarding public views, the DEIR states, "The Project's architectural design has been designed to be complementary in type, form, scale, and character with existing and planned surrounding land uses…Accordingly, the Project would be consistent with Policy LU 1.6." (*Ibid*.) The Project is 7 stories tall, as compared to surrounding uses, which are only one or two stories tall. The Project would also occupy most of the property, as compared to the much smaller surrounding uses which feature large setbacks and surface parking. Thus, the Project is not "complementary in type, form, or scale." An 83-foot-tall building cannot "protect, and…enhance significant scenic and visual sources" as mandated by the General Plan. The DEIR's conclusions with regard to the Project's consistency with General Plan Policy LU 1.6 lack substantial evidence.

O-16

The DEIR's analysis of consistency with other land use policies is similarly flawed. For example, the DEIR claims that the Project is consistent with General Plan Policy LU 3.2, which calls for enhancing existing neighborhoods, districts, and corridors with "uses that are complementary in type, form, scale, and character." (DEIR p. 4.7-9.) The Project conflicts with this policy for the same reasons it conflicts with Policy LU 1.6. Policy LU 3.2 also states "Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship, and reduce commuting distance between home and jobs…" (DEIR p. 4.7-9.) Newport Center is not underperforming economically, nor is the change in use or intensity "necessary to accommodate Newport Beach's share of the projected regional population growth." On the contrary, the Initial Study prepared for the Project concluded that the DEIR did not need to address population impacts because the 5 dwelling units assigned to the City in the 2014-2021 Regional Housing Needs Assessment would be established elsewhere. (IS pp. 65-66.) This change is unnecessary, and the Project is inconsistent with General Plan LU 3.2, a significant, unmitigated impact on land use.

O-17

The DEIR's analysis of the Project's consistency with General Plan Policy LU 6.14.4 results in a failure of the DEIR to disclose the Project's significant land use impacts, environmental impacts, and a failure to provide an accurate baseline. An EIR must accurately describe the existing conditions at the project site in order to provide a baseline for environmental analysis. (CEQA Guidelines 15125.) Use of an improper baseline infects the adequacy of the analysis and violates CEQA.

O-18

In analyzing Policy 6.14.4, pertaining to reinforcing the "original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest," the DEIR skews the environmental baseline with regard to the heights of existing buildings. In reality, existing structures near the Project site include office buildings ranging from 24 to 27 feet in height, situated to the southwest; buildings of 2 to 3 stories buildings located across Anacapa Drive to the east; buildings of 23 to 25 feet in height located across Newport Center Drive to the north; and an approved height limit of 50 feet for buildings located in Block 100, although existing buildings are shorter. By contrast, the DEIR compares the Project to the 16 to 21-story high-rise buildings along San Joaquin Hills Road to conclude that the Project would not have a significant impact. (DEIR p. 4.7-11.) Specifically, the DEIR states, "Although the Project would result in the construction of a building that is higher than the immediately surrounding buildings, the proposed building would be much lower in scale than other developments within the northeasterly area of the Newport Center Area." (*Ibid*.) While this may be correct, the Project would still be ten feet taller than the tallest mall building across Newport Center Drive and 50 to 60 feet taller than the surrounding buildings. As a result, the Project would not be consistent with the Policy 6.14.4 goal of "scaling down building mass and height to follow the lower elevations toward the southwesterly edge along Pacific Coast Highway." The Project is inconsistent with the policy, and the DEIR must be revised to reflect this significant environmental impact.

O-18 (cont.)

The Project's proposal to use a Planned Community Development District to provide for changes in zoning that include changes in use and increased height and mass would have a significant impact on land use that is not disclosed in the DEIR. At 1.26 acres in size, the Project is less than the 10 acres in size required for use of a PCD. The Project does not satisfy the City's requirements for a waiver of the 10-acre minimum. Additionally, the City cannot make the findings required to approve a PCD for a height increase required by Municipal Code section 20.030.060(C)(3). Therefore, any proposed use of the waiver and PCD for this Project would create a significant land use impact. The DEIR does not address whether use of a PCD presents a land use impact.

O-19

The Project is also an example of "spot zoning," wherein zone and land use changes are applied to a single property. This applicant requests a land use change to a land use that differs from that provided for surrounding parcels. Spot zoning is discouraged by the courts because it thwarts comprehensive land use planning. "Case-by-case reconsideration of regional land-use policies, in the context of a project-specific EIR, is the very antithesis of that goal." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 572 -573.) This spot zoning is another significant land use impact that the DEIR fails to disclose, analyze, and mitigate.

O-20

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The EIR is required to analyze the Project's potential for cumulative impacts related to land use planning in the Newport Center region. As defined by CEQA, "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines § 15355(b).) The cumulative impacts analysis exists to prevent cities from considering projects in a vacuum and to avoid a piecemeal approach to project decision-making. The Court of Appeal has stated than an improper cumulative impact analysis "avoids analyzing the severity of the problem and allows approval of projects which, when taken in isolation, appear insignificant but when viewed together, appear startling." (*Kings County Farm Bureau, supra 221* Cal.App.3d at pp. 739-740).

O-21

As pointed out by SPON and other commenters during the comment period for the mitigated negative declaration, this Project sets a precedent for relaxing height limitations in an area that has been developed with primarily two-story buildings. The Project would also set a precedent for permitting use of PCDs to avoid existing land use restrictions for small parcels. The DEIR's failure to analyze the impacts of relaxed height limits, spot zoning, and increases in bulk, mass, and residential development in the Newport Center area violates CEQA.

The City's Greenlight Initiative (City Charter section 423) permits the construction of 100 dwelling units beyond those contained in the General Plan without a vote. While the Project proposes only 49 units, 79 of the 100 units that could be constructed without a vote were already constructed in the San Joaquin Plaza development. Thus, the Project would construct a number of dwelling units in the Project area that the City lacks the authority to approve. This is a significant impact on land use that must be eliminated unless the City plans to subject the Project to a vote of its residents.

O-22

A general plan must be integrated and internally consistent both among the different elements, and within each element. (Government Code § 65300.5.) If the existing general plan is inadequate in any manner relevant to the uses sought by the land use approval, that land use approval is necessarily void. (*Neighborhood Action Group v. County of Calveras* (1984) 156 Cal.App.3d 1176, 1184, *see also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 741.) The City has claimed that these 79 dwelling units were lawfully converted to residential dwelling units and do not count against the 100 units permitted under the Greenlight Initiative without a public vote. But even if these land use conversions were authorized and not considered general

O-23

plan amendments, implementing transfers and conversions without amending the general plan land use tables leads to inconsistencies with and within the City's General Plan. Thus, the Project would cause a significant impact on land use by contributing to the disparity between the General Plan land use tables and approved development and by contributing to internal inconsistencies within the General Plan. As required by Government Code section 65302, the General Plan's land use element includes standards of population density (measured in numbers of persons) and building intensity (using measures such as site coverage, floor-to-area ratio, building type and size, or units per acre). However, these tables have not been updated to reflect changes in use in the Newport Center area. This has resulted in City approvals that are inconsistent with the General Plan land use table limits, as well as inconsistencies within the General Plan itself. The City may not lawfully approve the Project as proposed.

O-23 (cont.)

3. The DEIR Ignores the Project's Adverse Impacts on Aesthetics.

CEQA requires consideration of impacts to public views. (*Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396.) The Project's height in excess of 83 feet would result in diminished views of the Pacific Ocean from Fashion Island, as well as likely cumulative impacts as nearby properties seek to use PCDs and other means to evade height and bulk restrictions in the area.

Despite these potential impacts to public views, which require disclosure, analysis, and mitigation in an EIR, the DEIR fails to acknowledge that the Project will have any significant impacts on views. This conclusion is not supported by substantial evidence. On the contrary, the Project will diminish public and private views from Harbor View neighborhoods situated along MacArthur Blvd. as well as from public roadways. Members of the public situated in these areas will see lighted buildings and a much taller skyline when looking toward the ocean, resulting in obscured ocean views.

O-24

In order to protect the City's treasured views, the City of Newport Beach adopted a Sight Plane Ordinance in 1971 (Ordinance 1371) which provided height limitations for buildings within the Civic Center sites, known as the "Civic Center Sight Plane." (DEIR p. 4.7-4.) The Corporate Plaza Planned Community, Ordinance 1496, was adopted in 1975 for the Civic Center site, bounded by Pacific Coast Highway, Avocado Avenue, Farallon Drive (now Civic Center Drive), and Newport Center Drive. Pursuant to this Sight Plane, buildings within this area are limited to 32 feet in height. The Project site is immediately adjacent to the Corporate Plaza Planned Community subject to the Sight Plane Ordinance. (DEIR p. 4.7-4.) In addition to providing for inconsistent land use, the Project's 83-foot-height will also result in impacts to these Sight Planes. The DEIR denies this, claiming that because the Project is located east of the affected area, it cannot

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violate the Site Plane Ordinance. While this is correct, the Project's increase in height will obscure views from the east westward across the Sight Plane Ordinance area, a significant aesthetic (and land use) impact that would violate all of the General Plan policies outlined on pages 4.1-8 and 9 of the DEIR.

O-24 (cont.)

The DEIR compares the Project to the 200 and 300-foot-tall buildings located in taller portions of Newport Center in order to obscure its inconsistency with the heights of buildings located near the Project site. (DEIR p. 4.1-22.) The height of existing structures in the vicinity of this Project are:

- Office buildings to the southwest: approximately 24 feet to 27 feet;
- Buildings directly across Anacapa Drive to the east: 2-3 stories;
- Buildings located to the north across Newport Center Drive: 23 -25 feet;
- Height limits for Block 100 are 50 feet although current buildings are lower.

O-25

The DEIR's comparison to the higher-rise buildings located in the northern part of Newport Center is misleading, at best. The Project is proposed for the southerly section of Newport Center intentionally planned as low-rise in order to maintain a Sight Plane consistent with views toward the ocean and surrounding neighborhoods. Any development to the contrary will result in significant adverse impacts on both aesthetics and land use that were not properly disclosed, analyzed, and mitigated in the DEIR.

As requested by SPON during the MND comment process, the DEIR provides view simulations. Unfortunately, these simulations appear to have been chosen to obscure, rather than disclose, the Project's aesthetic impacts. For example, View 1 purports to show the Project's aesthetic impact from Newport Center Drive looking southeast toward the Project site. (DEIR p. 4.1-15.) The DEIR claims that impacts to public views are less than significant because only a few building floors will be visible behind vegetation. The specific trees in the view simulation only screen the Project if a pedestrian is standing in the exact spot. Any substantial movement forward or backward along the street will result in the Project dominating southeast views. The image of View 3, purporting to show potential impacts from Newport Center Drive looking southwest, is too small. A viewer can barely ascertain the landmarks in the image, let alone locate the Project. (DEIR p. 4.1-17.) View 4 is plagued by the same deficiency. The image of the Project's likely impact of views from MacArthur Boulevard is barely one inch tall. (DEIR p. 4.1-18.) If it were possible to enlarge the image further, the Project's impact would likely seem significant. Larger simulations are needed to provide substantial evidence that the Project would not have significant impacts.

O-26

The DEIR does not provide view simulations from the public open space areas next to Macy's and the Fashion Island escalators as requested by SPON during the MND

O-27

comment period. This vantage point looks south directly over the existing carwash toward the ocean and would be dominated by the proposed Project's 83-foot-tower. The DEIR admits that views of the ocean from Fashion Island might be affected, but claims that this need not be addressed or mitigated. (DEIR p. 4.1-23.) It is unclear why the DEIR finds that the Fashion Island corridors and parking lot are publicly accessible for purposes of determining a significant impact but implies that the shopping center itself and the open space areas to the south are not. Although on private property, the center is publicly accessible, and disclosure of these admittedly significant impacts to public views is required. This significant aesthetic impact must be disclosed to the public and mitigated or avoided by redesign of the Project. The recirculated DEIR should also provide view simulations of the Project's impacts on views from these corridors and parking lot. View simulations from the bridge over San Miguel Drive near the Civic Center have also been requested and not provided.

O-27 (cont.)

4. The DEIR Fails to Study Potentially Significant Population and Growth-Inducing Impacts.

The DEIR did not study the Project's potential for population and growth-inducing impacts, even though City approval of the 150 Newport Center Project would set a precedent for a change of non-residential uses to high-density housing. This precedent could have a potentially significant effect if surrounding property owners seek permits for similar projects with increased height, bulk, mass and change in use. The initial study's conclusion that this would not occur lacks substantial evidence. The Project's population and growth-inducing impacts must be analyzed in a recirculated DEIR.

O-28

5. Adverse Cumulative Impacts are Inadequately Analyzed.

Cumulative impact analysis is important because "One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.) While the City has included a list of cumulative projects in the DEIR, this list is limited to those that are foreseeable under the current zoning and General Plan. (DEIR p. 4.7-22.) This analysis omits any discussion of the precedent-setting nature of this Project, which would permit spot-zoning and use of a PCD to evade height and other limitations that would otherwise apply to the Project site. The Project sets a whole new precedent for heights in the lower Newport Center area. The adjacent properties in Block 100 are limited to 50 feet in height but are currently only 22 feet tall. The properties immediately adjacent to Block 100 to the south are currently limited in height by the Sight Plane Ordinance. The City's proposed precedent could result in these height limits being lifted at any time, resulting in significant new growth, mass, bulk and height inconsistent with surrounding

O-29

neighborhood that has not been analyzed under CEQA or in connection with the City's Land Use Element or other planning documents. The cumulative impacts analysis is therefore incomplete, as there is substantial likelihood that the increase in bulk, mass and heights of the Project will set a precedent for new applications of similar size and impact.

In *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, the Court of Appeal found that, absent meaningful cumulative analysis, there would never be any awareness or control over the speed and manner of development in downtown San Francisco. In that case, the court found the city's refusal to take into account other similar development projects to be a violation of CEQA. (*Id.* at 634.) "Without that control, 'piecemeal development would inevitably cause havoc in virtually every aspect of the urban environment.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.) Similarly, without adequate cumulative analysis of the City's disregard for existing height and bulk limitations in Newport Center, the City will lose control over development of the area. The City's conclusion that the Project has no potential to contribute to cumulatively significant impacts lacks substantial evidence. (DEIR pp. 4.7-22; 4.1-26, 27.)

O-29 (cont.)

6. The DEIR Fails to Disclose or Analyze Project Greenhouse Gas Emissions.

The DEIR fails to analyze the Project's contribution to climate change impacts, in reliance on the initial study's conclusion that the Project would not emit more than 3,000 metric tons of carbon dioxide equivalent gases per year. (ES-9, IS p. 52.) There must be a basis within the record to support the conclusions reached by the initial study. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1201.) The initial study states that the City relies on the South Coast Air Quality Management District's draft screening guidelines, which provide a greenhouse gas (GHG) threshold of significance of 3,000 metric tons per year. (IS p. 52, Appendix E p. 30.) However, these are draft guidelines that have never been adopted and are not yet enforceable or applicable to the Project. The technical appendix admits this, "Currently, there are no adopted thresholds for GHG emissions for projects within the SCAQMD region." (Appendix E, p. 29.) This unadopted threshold of significance fails to provide substantial evidence for the DEIR's failure to analyze the Project's greenhouse gas emissions. A GHG analysis must be provided in a recirculated DEIR.

O-30

7. Project Mitigation is Inadequate.

The DEIR claims, "after application of all feasible mitigation measures, the Project would not result in any unavoidable effects." For this statement to be true, the Project's mitigation measures must be enforceable and 100 percent effective. Unfortunately, this is not the case.

MM 4.8-1 prohibits construction staging before 7:00 a.m. without the "express written consent of the Building Official," but it does not prevent this staging, or its potentially significant early morning noise, from occurring. The measure also requires notification of the Granville community before early morning construction would occur, which, again, does not prevent adverse noise impacts from early morning construction activities. The measure states that sound blankets would be used to minimize early morning noise, but a sound blanket does not eliminate all of the construction that occurs within. A sound blanket's effectiveness is also limited by the height of the fence upon which it is hung, the height of potentially affected receptors, and the open air nature of construction. Mitigation measure 4.8-1 will not reduce the Project's potentially significant early morning noise to a level below significance. Such impacts could be reduced by prohibiting construction staging before 7:00 a.m. altogether.

O-31

MM 4.8-2 requires the construction contractor to inspect motorized construction equipment on a monthly basis to ensure that noise-attenuating mufflers are properly installed. The measure does not require that all construction equipment contain noise-attenuating mufflers, however, so equipment without such mufflers could conceivably be used. The measure also does not require that mufflers that are found not to be properly installed be fixed or replaced within an enforceable time frame. These loopholes must be removed from this mitigation measure for it to be effective and achieve the noise reductions claimed by the DEIR.

V. The Development Agreement Must Be Made Available.

The DEIR lists the Project's development agreement as part of the project studied within, but the development agreement has not been released for public review. The development agreement must be released for public review so that the public and City decision makers can ensure that the DEIR has disclosed, analyzed, and mitigated all aspects of the Project before it is considered for approval.

O-32

Conclusion

Due to the 150 Newport Center Project's failure to comply with the City's General Plan and other governing land use documents and the DEIR's failure to adequately disclose, analyze, and mitigate the Project's likely significant impacts on land use, aesthetics, and other areas of environmental impact, SPON asks the City to revise and recirculate the DEIR. Compliance with CEQA will require additional analysis of the Project's direct and cumulative impacts, the development of efficacious mitigation measures, and the analysis of feasible alternatives that are directed at reducing the Project's significant impacts while respecting the City's General Plan. The City must also analyze and disclose the Project's compliance with the Greenlight Initiative, since the election requirement will affect further processing of the Project. SPON looks forward to reviewing the revised DEIR for the Project. Thank you for your consideration of these comments.

O-33

Sincerely,

Michelle N. Black, on behalf of
Stop Polluting Our Newport

cc: Kimberly Brandt AICP, Community Development Director
kbrandt@newportbeachca.gov

Brenda Wisneski, Deputy Director, Community Development
bwisneski@newportbeachca.gov

Patrick Alford, Planning Program Manager
palford@newportbeachca.gov

Stop Polluting Our Newport (SPON) – Comment Letter O

O -1:
The City of Newport Beach acknowledges that the commenter provides comments on behalf of Stop Polluting Our Newport (SPON) as well as the general summary of the comments, which are addressed individually in Response to Comments O-3 through O-33.

O -2:
The City of Newport Beach acknowledges the discussion of CEQA requirements and general summary of the comments, which are addressed individually in Response to Comments O-3 through O-33. As explained in Response I-9, recirculation of the DEIR is not warranted according to the guidance set forth in §15088.5 of the State CEQA Guidelines.

O -3:
Refer to Response G-1. In determining whether a waiver of the of the minimum acreage requirements for a planned community was appropriate for the proposed Project, the City determined that the project represents a component of the greater large-scale planning and vision already set forth in the General Plan and existing Zoning and Planned Communities in the Newport Center area as well as a diversification of the existing land uses in the southern portion of Newport Center allowing for integration of new housing near jobs and services. Moreover, the City determined that the proposed planned community emphasizes the connection and integration of the residential land use and its relationship with surrounding commercial development. The commenter notes that underground parking has not yet been requested in the southern, low-rise section of Newport Center. However, the property directly to the south, 180 Newport Center, currently provides approximately 119 subterranean parking spaces.

Height limits established as part of an adopted planned community are not subject to the height limits identified in Subsection 20.30.060 (Height Limits and Exceptions of the Zoning Code). However, the findings in compliance with subsection (C)(3) (Required Findings) are applicable with a discretionary action such as the adoption of a Planned Community District. These findings will be detailed in the Planning Commission staff report and draft resolution.

The City Council's action on the project occurs in an order that would first review the EIR for compliance with CEQA, then take action on the legislative land use amendments, and finally consider the discretionary applications including the site development review. Should the City Council choose to approve the project, this order of actions allows the project to be found consistent with the General Plan and Zoning Code as amended.

O -4:
Please see Response G-4.

O -5:
Please see Responses G-2, G-3, G-4, and M-3.

O -6:
Please see Response G-4. The environmental impacts associated with the Project's compliance with the City of Newport Beach General Plan is thoroughly evaluated in Subsection 4.7 of the DEIR.

O -7:
Please see Response K-9 and N-6.

O -8:
The City of Newport Beach acknowledges the Commenter's citation of legal precedent associated with the general CEQA requirements for an Alternatives analysis in an EIR.

O -9:
Please see Response L-16.

O -10:
Please see Responses I-1, L-13 and L-14. Underground parking is excluded in the alternatives identified because it is not necessary to accommodate the proposed intensity (maximum of 8,500 square feet under the current General Plan) of development on-site and to minimize the environmental impacts associated with site grading.

O -11:
Please see Responses L-13 and L-14. Underground parking is excluded in the alternatives identified because it is not necessary to accommodate the proposed intensity (maximum of 8,500 square feet under the current General Plan) of development on-site and to minimize the environmental impacts associated with site grading.

O -12:
Please see Response L-14. The City of Newport Beach will consider the adoption of Alternatives during public hearings for the proposed Project, and the City Council will make specific findings at that time as to whether or not any of the Alternatives presented in the EIR are feasible, and whether or not there is substantial evidence to justify the rejection of the Alternative in accordance with CEQA Guidelines Section 15126.6. Information about the feasibility of Alternatives is contained in the CEQA findings and not in the DEIR itself.

O -13:
Please see Response to Comments G-5 and I-1. The DEIR discussed continued use of the site as a car wash in Subsection 6.2 (Alternatives Considered and Rejected). The rationale as to why the Car Wash Redevelopment Alternative was not analyzed further is fully disclosed in subsection 6.2.1 of the DEIR.

O -14:
Please see Response to Comment K-10.

O -15:
An inconsistency with a General Plan policy or a municipal ordinance is a legal determination, and not, on its own, a significant impact on the environment. Instead, an inconsistency with a General Plan policy or municipal ordinance may be evidence of potential significant impacts, just as general plan policy consistency may be evidence of no significant impacts. This does not mean, however, that inconsistency with a plan is irrelevant to the analysis. The key is that any inconsistencies be analyzed in the EIR to determine whether they would result in significant impacts on the environment. The DEIR fully discloses that the proposed Project would be inconsistent with General Plan Policy LU 6.14.2 in Table 4.7-2 of the DEIR before concluding that the proposed Project would not result in significant physical environmental impacts. If approved, the project would become consistent with General Plan Policy LU6.14.2 because Table LU1 of the Land Use Element would be updated to include the proposed residential units as part of the limited residential development identified in this policy. Also refer to Response G-1.

O -16:
Please see Responses G-1, G-2, G-4, and O-15. The commenter is comparing the proposed Project to only those buildings that are immediately adjacent to the Project site, with too small of a viewshed to adequately describe the visual impact of the Project when viewed from most public viewing areas in and around Newport Center. The commenter provides their opinion as to the inconsistency of the proposed Project with regard to several General Plan Land Use Element policies. However, comments do not provide substantial evidence that the conclusions in the DEIR's General Plan consistency analysis is deficient. CEQA's requirement is that "inconsistencies" with general plan policies and municipal ordinances be analyzed. Where project elements are determined to be consistent with planning policies, only brief statements to that effect are necessary. See Marin Mun. Water Dist. v. KG Land Cal. Corp. (1991) 235 Cal.App.3d 1652, 1668 (upholding a brief discussion of project consistency with local general plan). Also, the ultimate decision on whether a project is consistent with planning policies is made by the Planning Commission and City Council when considering project approval.

O -17:
Please see Response J-2.

O -18:
Please see Response G-4 and L-4.

O-19:
Please see Response G-1 and O-3.

O-20:
Please see Response J-5.

O-21:
Please see Response G-6.

O-22:
Please see Response K-9 and N-6.

O-23:
Please see Response K-9 and N-6. Transfers of development rights applications do not always require a General Plan amendment. Changes regarding development rights are tracked separately by the City of Newport Beach.

O-24:
Please see Response M-3 regarding impacts to views from private properties. Fashion Island is a privately operated commercial development; therefore, the DEIR properly excluded an analysis of the potential impacts associated with views of the Pacific Ocean from Fashion Island. Similarly, the DEIR properly excluded an analysis of the potential impacts associated with views of the Pacific Ocean from private residential properties, including those along MacArthur Boulevard.

As shown on the map that is included as an attachment to Response G-4, the proposed Project is located outside of the area subject to the Sight Plane Ordinance. A project cannot be inconsistent with a municipal ordinance that it is not subject to. Additionally, as shown on the map included as an attachment to Response G-4, the proposed Project would be located approximately equidistant from the areas subject to the Sight Plan Ordinance as the 74-foot, 4-inch tall Newport Executive Center building located at 260 Newport Center Drive, located southeast of the Project site.

O-25:
Please see Response to Comment G-4 and discussion provided in Section 4.5.13 (Population and Housing) of the Initial Study.

O-26:
Please see Response L-4 regarding the location of view simulations. The size of the view simulations depict the conditions from each viewpoint that would be available for a pedestrian viewing the Project site from that viewpoint. Any enlargement of the view simulations would artificially exaggerate the potential visual impact of the proposed building.

O-27:
Please see Response M-3 regarding impacts to views from private properties. Fashion Island is a privately operated commercial development; therefore, the DEIR properly excluded an analysis of the potential impacts associated with views of the Pacific Ocean from Fashion Island. The City of Newport Beach considered the inclusion of a view simulation from the Fashion Island shopping center when determining the scope of the EIR. However, as discussed in Response O-24, Fashion Island is a private commercial development and the DEIR appropriately excluded analysis of visual impacts from private properties.

O-28:
Please see Response G-6.

O-29:

Please see Response G-6. The analysis of cumulative impacts on page 4.7-22 contains, as the commenter points out, a list of "foreseeable" future projects which may result in related impacts on the environment. CEQA Guidelines § 15130(b)(1)(A) only requires such a list to contain "past, present, and probable future projects" when analyzing cumulative impacts. As discussed in Responses G-6 and G-7, whether a project would be "precedent setting" is purely speculative, and no credible evidence has been supplied by the commenter to indicate that the Project would unquestionably induce the redevelopment of other parcels in south Newport Center in ways that would exceed Municipal Code building height limits. The list of "past, present, and probable future projects" included in the DEIR is sufficient.

O-30:

30. As noted on page 25 of the Greenhouse Gas Analysis report (Appendix E of the DEIR), under Senate Bill 97, CEQA Guideline § 15064.4(a) states that "A lead agency shall have discretion to determine, in the context of a particular project, whether to: (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use…; or (2) Rely on a qualitative analysis or performance based standards." As such, the City of Newport Beach has chosen to utilize the SCAQMD recommended tier approach of a 3,000 metric tons of carbon dioxide equivalent gases per year as a screening level threshold for all land-use types. Use of this screening threshold is standard industry practice for many CEQA lead agencies in the South Coast Air Basin, and is consistent with past practice of the City of Newport Beach. For example, the following projects have utilized the 3,000 metric ton threshold: 191 Riverside Land Use and Zoning Amendments, Back Bay Landing, Balboa Marina West Landside, Birch Medical Office Addendum, Ebb Tide Project, General Plan Land Use Element Update, Lido House Hotel, Lido Villas, Little Corona Infiltration, The Residences at Newport Place, Uptown Newport, etc. Because the Project would generate greenhouse gas (GHG) emissions calculated at 704.33 metric tons of carbon dioxide equivalent (MTCO2e) per year (Urban Crossroads, 2016b p. 33), well below the SCAQMD draft screening level threshold of 3,000 MTCO2e, the EIR found that the proposed project would result in less-than-significant impacts to GHG emissions. The emissions related to the Project also would not conflict with Statewide implementation of, and realization of, the goals set forth in AB 32. Emissions, moreover, would continue to be reduced on a statewide level through implementation of cap-and-trade.

O-31:

The DEIR identified that construction noise is "not anticipated to result in adverse effects to sensitive receptors" but determined that "in an abundance of caution this impact [staging activities between the hours of 6 a.m. and 7 a.m. associated with foundation construction] is regarded as a potentially significant impact" (page 4.8-9 of the DEIR). Page 4.8-8 of the DEIR indicates that, "Activities authorized in writing by the Building Official outside of the normally permitted construction hours must comply with the Exterior Noise Standards of the Municipal Code." The proposed construction staging activities are not anticipated to result in noise levels that would exceed any threshold of significance established by the City associated with construction noise. Instead, the "potentially significant impact" determination was made, and mitigation measures identified, merely to further

ensure that adverse effects associated with these construction staging activities would be minimized. A prohibition on construction staging prior to 7 a.m. would restrict the implementation of an essential component of the proposed Project that is necessary in order to properly construct the building foundation. Mitigation Measures MM 4.8-1 and 4.8-2 were identified to reduce any potential noise impacts associated with the limited construction activity (construction vehicle staging) that would occur prior to 7 a.m. Furthermore, even without the implementation of Mitigation Measures MM 4.8-1 and 4.8-2, the DEIR disclosed that no adverse effects to sensitive receptors would occur associated with the early morning construction staging activities.

O-32:
The terms of the development agreement will be provided as part of the Planning Commission staff report. There are no terms that would create a potential impact to the environment beyond those disclosed in the DEIR.

O-33:
The responses to each of the Commenter's specific comments are provided in Responses O-1 through O-32. As explained in Response I-9, recirculation of the DEIR is not warranted according to the guidance set forth in §15073.5 of the State CEQA Guidelines.

View Simulation from

View Overlook (Bridge) at Civic Center Park

Comment Letters

Debbie Stevens
1120 Sea Lane
Corona Del Mar, CA 92625

June 27, 2016

Makana Nova
City of Newport Beach Planning Division
100 Civic Center Drive
Newport Beach, CA 92660

Subject: **Comments on Newport Center Villas Residential/150 Newport Center Project Draft Environmental Impact Report**

Dear Ms. Nova:

As a resident of Newport Beach, I appreciate the opportunity to provide comments on the Newport Center Villas Residential Project Draft Environmental Impact Report (DEIR). I have reviewed the DEIR and have the following comments.

Aesthetics

1. Section 4.1 Aesthetics, page 4.1-2. The DEIR indicates that "Public views of the Pacific Ocean within the Newport Center area are limited to views along Newport Center Drive . . ." As indicated in my letter on the Mitigated Negative Declaration (MND), there are views from a number of other public areas within Fashion Island. A view simulation from the public park next to Macy's (and the escalators) in Fashion Island should also be provided. The public view south from this outlook is towards the ocean and directly over the existing carwash and the project impacts on this view would be dominated by the proposed project and, thus, significant. A view simulation from this vantage point is attached to this letter with both existing views (Figure 1) and the view with the Project (Figure 2). The view simulations clearly show that the height and mass of the building is much greater than any other surrounding building. The aesthetic impacts associated with the proposed project are significant. The only reason to not include a simulation from this viewpoint is to further the opinion stated in the DEIR that there are no significant impacts on scenic vista. The attached simulation provides clear evidence that the aesthetic impacts are substantial and significant. Please note the park in Fashion Island can be accessed 24/7 and the site is never closed to the public. It is very common for visitors to Fashion Island to visit this park and take pictures because it is one of the most scenic portions of Fashion Island available to the public. Further, the significance criteria used in the DEIR states, "Would the Project have a substantial adverse effect on a scenic vista." (DEIR page 4.1-10.) The significance threshold does not ask the question would there be a substantial adverse effect on a scenic vista on public property only? Neither does the CEQA Checklist (Appendix G) ask if there are only impacts on views from public property. Rather the CEQA Checklist asks if the project would have a substantial adverse effect on a scenic vista, with no distinction as to the

P-1

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ownership of the property. Therefore, the DEIR must be revised to acknowledge the project's potentially significant aesthetic impacts, feasible mitigation measures are required, and alternatives to minimize those impacts are required, including low-rise development consistent with the site's surroundings. P-1 (cont.)

2. The view simulations provided in the DEIR are the same ones used in the MND and, as indicated in my comments on the MND, are not accurate with respect to height. View Simulation 2 (page 4.1-16) shows the 83 foot building at the same height as the existing palm trees. The existing palm trees are about 40-50 feet in height. Therefore, the building would be approximately 30 feet HIGHER than the existing palm trees and much larger than shown in the view simulations. The view simulations must be revised to be accurate. Further, the view simulations appear to have been chosen to minimize the appearance of the Project as opposed to providing full disclosure of the Project's visual impacts. P-2
3. Page 4.1-20 through 4.1-23. The DEIR's conclusion that the Project would not substantially degrade the existing visual character of the site is incorrect. The potential views of the Project from Fashion Island are written off by indicating that "any such views from the Fashion Island shopping center that would be affected by the Project occur within private property and as such, the Project would not substantially affect scenic views from viewing locations on public property." (DEIR pages 4.1-22 and 4.1-23.) The significance criteria asks, "Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?" The significance threshold does not ask if the Project would substantially degrade the existing visual character of the site as viewed from public property only. In fact, the significance criteria includes the "site and its surroundings" with no distinction between public or private properties. Neither does the CEQA Checklist (Appendix G) ask if there are only impacts on views from public properties. Rather the CEQA Checklist also asks if the project would "Substantially degrade the existing visual character or quality of the site and its surroundings." Therefore, the DEIR must be revised to acknowledge the project's potentially significant aesthetic impacts and feasible mitigation measures are required. P-3
4. The cumulative aesthetic impacts associated with the proposed project and other past, present and reasonably foreseeable future projects have not been addressed. Approval of the proposed project would set a precedent for taller buildings south of Newport Center Drive, an activity that has been discouraged by the General Plan and various land use policies. The DEIR must address the potential cumulative aesthetic impacts associated with higher structure developments south of Newport Center Drive from both public and private views. P-4

Air Quality

I provided comments on the air quality section on the MND for this project. Some of the issues that I raised have been corrected and yet the air quality analysis still has errors. P-5

1. The DEIR indicates that there are 3 levels of subterranean parking (DEIR page 3-6). The DEIR indicates that there will be "Demolition, Grading, and Excavation" (DEIR page 3-9 and 3-10) and

estimates about 51,600 cubic yards of excavation will be required and will be completed within 30 days (DEIR page 3-9). Yet in the estimates of construction equipment usage (and the related air emission calculations), it is assumed that no excavators or scrapers will be used. That is an average of 1,720 yd3 per day. It is unlikely a single excavator move that much material each day without having to stockpiling. CalEEMOd does not include fugitive emissions from stockpiles, fugitive dust emission from stockpiling must be added to the construction emission estimates. Furthermore, shoring will be required for the depth of the parking garage. The delays due to shoring would require a second excavator in order to move 1,720 yd3 per day for 30 days. Therefore, the air quality analysis underestimates the emissions associated with the construction of the proposed project. These issues roll down into the LST and GHG analysis. P-5 (cont.)

2. Emission estimates for the Project do not include any estimates for the import of cement. Clearly, cement trucks will be required, as indicated on page 3-13 of the DEIR, and their emissions must be included in the construction emission estimates. P-6
3. Emission estimates for the construction of the Project assumes that a maximum of one crane will be in operation. Considering that the structure will be 83 feet tall, it seems unlikely that only one crane would be sufficient for construction activities. The SCAQMD thresholds are based on peak day operations. The air quality analysis must include the peak day emission estimates and those have not been included in the DEIR P-7
4. The Local Significance Threshold (LST) analysis assumes 100 meters to the closest sensitive receptor (see Appendix C, page 28 and page 4.2-21 of the DEIR). Page 4.2-28 of the DEIR indicates that the closest sensitive receptor is about 100 yards from the Project. So the DEIR is inconsistent on the location of the closest sensitive receptor. Based on review of the site and its distance to the Newport Center Women's Health Center (the closest sensitive receptor), the closest sensitive receptor is about 50 meters away from construction activities associated with the Project (see attached Figure 3). Therefore, the LST analysis as presented in Table 4.2-8 is incorrect as the SCAQMD Localized Thresholds used in the table are for a receptor 100 meters away instead of 50 meters away. Table 4.2-8 must be revised to evaluate the emissions at the closest sensitive receptor, which is 50 meters away. P-8
5. The DEIR relied upon the Greenhouse Gas (GHG) analysis prepared in the MND. GHG emissions were included in the MND and were based on an incorrect "Floor Surface Area" used in CalEEMod, which I pointed out in my comments on the MND. The gross floor area of the proposed project is 163,260 square feet. The surface area used in the CalEEMod analysis in the MND was 50,400 square feet. Further, the construction GHG emissions need to be revised to include all sources of emissions (e.g., excavators). The GHG emissions need to be revised and updated using correct assumptions. P-9

Land Use

1. Policy LU 1.6 requires the protection of public views. The project would not comply with this policy as public views of the ocean from Fashion Island would not be protected. Land use impacts remain significant, must be mitigated, and appropriate alternatives must be provided. P-10
2. DEIR 4.7-10 and 4.7-11, Land Use Policy LU 6.14.4 – Development Scale. This policy reinforces the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down the building mass and height to follow the lower elevations toward the southwesterly edge along Pacific Coast Highway. The Project clearly P-11

conflicts with Policy LU 6.14.4 regarding development scale, as it would be a maximum of 83 feet while buildings that surround the project are in the 2-3 story range (see attached figure). The CEQA checklist asks if the project would "Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project . . . adopted for the purpose of avoiding or mitigating an environmental effect?" As discussed above, the Project would clearly conflict with Policy LU 6.14.4; therefore, land use impacts are significant, all feasible mitigation measures are required, and an adequate alternatives analysis is required. P-11 (cont.)

3. DEIR, pages 4.7-10 and 4.7-11. The height of the buildings adjacent to the Project is about 32 feet. The proposed project would be 83 feet tall which is substantially greater than the height of the existing structures. Comparing the Project to office buildings (up to 21 stories) on the northeasterly portion of Newport Center is totally inappropriate and attempts to diminish the significance of the land use impacts. The Project would be over 50 feet higher than the surrounding buildings and this would be a significant impact. The Project would set a new and unacceptable precedent for building heights in the lower portions of Newport Center. P-12
4. Page 4.7-21 through 4.7-22. For the reasons stated above, cumulative land use impacts are significant as well and must be evaluated in an EIR. The approval of this Project as well as other projects in Newport Center, e.g., the Museum House would result in additional development south of Newport Center Drive. These Projects would conflict with the original design concept for Newport Center of concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down the building mass and height to follow the lower elevations toward the southwesterly edge along Pacific Coast Highway. The cumulative land use impacts are significant and appropriate mitigation is required, as well as reasonable alternatives. P-13

Alternatives

1. DEIR page 6-6. The DEIR lists numerous objectives of the proposed project and then indicates that most of the alternatives will not meet the objectives. Objectives should be written from the lead agencies perspective and not from the developer's perspective. Objectives B, D, F, G, J, and K are objectives that appear to be solely to satisfy the applicant in this case. Repurposing the site for a "higher and better use than currently occurs on the property" is a very arbitrary objective and based on personal opinion and is not appropriate as a project objective. P-14
2. DEIR Section 6.0. The DEIR concludes that the No Project/Office Redevelopment Alternative, the Commercial/Restaurant Redevelopment Alternative, the Multiple Unit Residential Alternative, and the Reduced Dwelling Units and Building Height Alternative would not be financially feasible. Yet the DEIR provides no information or justification for this conclusion. Substantial evidence regarding the financial feasibility of the Project and all of its alternatives are required in order for the DEIR to conclude that alternatives are not financially feasible. P-15
3. DEIR page 6-4. As discussed above, the DEIR has significant land use and aesthetic impacts. Alternatives to minimize these impacts are required, including alternative sites, where General Plan and zoning amendments would not be required. P-16

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Growth Inducing Impacts

The DEIR fails to analyze the potential for growth-inducing impacts as required under CEQA Guidelines 15126. As discussed above, the Project would set a precedent by allowing high rise development south of Newport Center Drive. This precedent would allow other property owners the ability to convert their existing "underutilized" properties into a "higher and better use than currently occurs on the property," e.g., high rise development. This is a potentially significant growth-inducing impact that must be evaluated in the EIR.

P-17

I appreciate the City's decision to prepare a DEIR for the Newport Villa/150 Newport Center Project. Due to the EIR's failure to adequately disclose, analyze, and mitigate the Project's significant impacts on land use, aesthetics, air quality, cumulative impacts, and growth inducing impacts, the City is required to revise and recirculate the DEIR.

Respectfully submitted,

P-18

Debra Bright Stevens

Debra Bright Stevens

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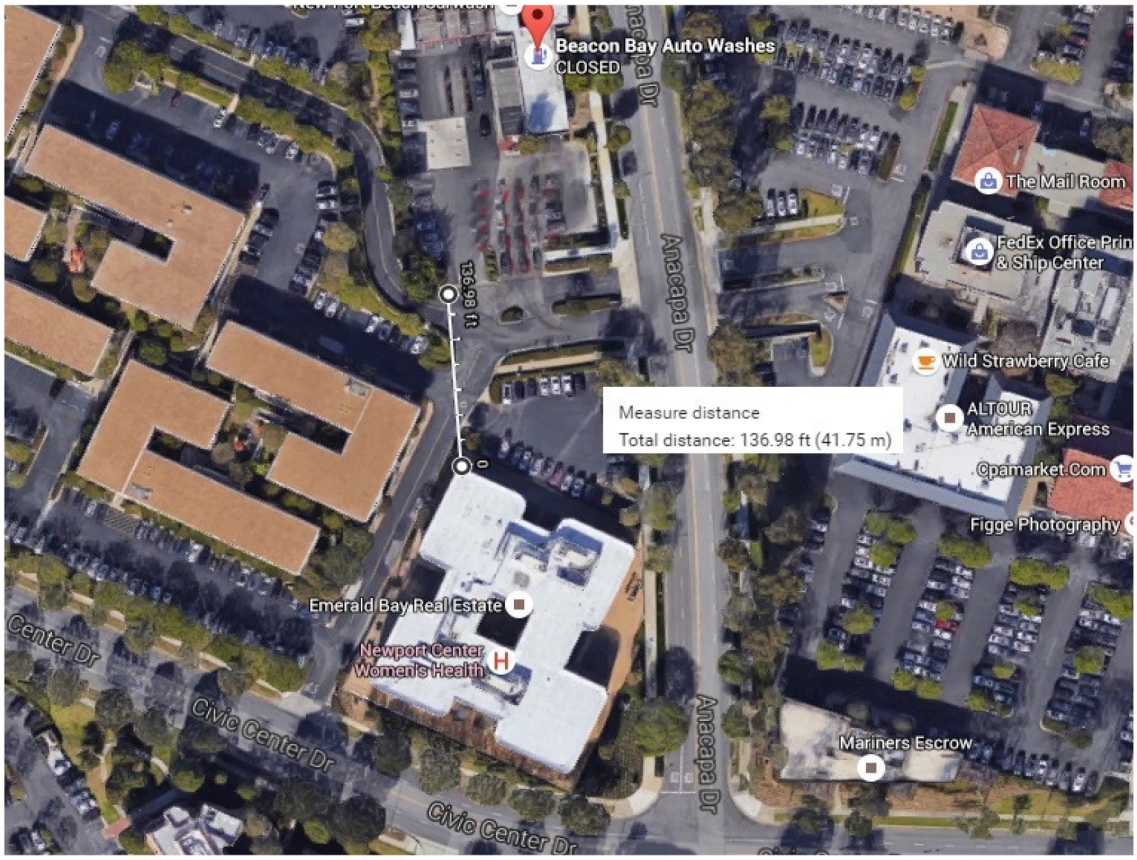
FIGURE 1: EXISTING VIEW FROM PARK NEXT TO MACY'S

FIGURE 2: VIEW WITH THE DEVELOPMENT OF NEWPORT VILLAS

FIGURE 3: DISTANCE FROM PROJECT TO SENSITIVE RECEPTOR



Debbie Stevens – Comment Letter P

P-1:
Please see Responses M-3. Fashion Island does not contain any public parks. As with any shopping center, Fashion Island is open to the public, but the area referenced by the commenter consists of a landscaped portion of a privately operated commercial development. The City of Newport Beach acknowledges the attached photograph (Figure 1) showing the existing view from Fashion Island and the view simulation (Figure 2) that was prepared by the commenter from the same location. Figure 2 distorts the proposed height of the project since it depicts the first level from the tree line and not from existing grade, which occurs at a level lower than the street level along Newport Center Drive.

P-2:
View Simulation 2 (Figure 4.1-6 of the DEIR) shows a visual simulation of the proposed Project from a viewpoint at the northwest corner of Anacapa Drive and Newport Center Drive, looking south/southwest toward the Project site. The palm trees that the commenter references are located along Newport Center Drive, while the building is shown set back from the roadway and the palm trees. The palm trees measure approximately 62 to 65 feet in height and the additional grade differential between Newport Center and the finished floor elevation (approximately 3 feet) help account for the lower appearance of the project as depicted in the visual simulation. As the palm trees would be nearer to the viewing location, their height would appear to be taller than a more distant object that is taller, such as the proposed building. The roofline of the more distant proposed residential building is shown projecting over the palm trees, so that a reasonable viewer considering the relationship between the location of the palm trees (in the foreground) and the residential building (in the background) would conclude that the building is noticeably taller than the palm trees. The roof parapet depicted occurs at 77 feet 6 inches in height and mechanical appurtenances such as the elevator override are stepped back from the main building footprint, casting them out of view from the street level. Accordingly, the building is clearly shown as being taller than the palm trees that are in the foreground, and View Simulation 2 accurately discloses the potential visual impact of the proposed Project. Please see Response L-7 regarding the selection of the view simulation locations.

P-3:
In accordance with the CEQA Guidelines, the DEIR analyzed potential aesthetic impact thresholds separately. See CEQA Guidelines, Appendix G. As these potential impact thresholds involve different aspects of the Project and its surroundings, it is logical to approach their analysis in different ways. Accordingly, for the purposes of threshold c, no public/private property distinctions were drawn because they would not have been appropriate. Rather, the visual design and build aspects of propose project were analyzed to see if the Project would "substantially degrade the existing visual character or quality of the site and its surroundings."Under threshold a, the question asked is "would the Project have a substantial adverse effect on a scenic vista?" Which lead to a completely different analysis. Please see Response M-3.

P-4:
Please see Response G-6 and O-29.

P-5:

Refer to Response I-6. The equipment list presented in the report (such as graders, rubber tired dozers, and tractors/loaders/backhoes) are capable of moving the required amount of soil. It is with this understanding that the grader, rubber tired dozer, and tractor/loader/backhoe in the grading phase of construction will be moving 51,600 cubic yards of soil. Furthermore, no significant stockpiling during grading is anticipated and any potential stockpiling would be subject to SCAQMD Rule 403 requirements to limit any fugitive dust. Notwithstanding, even if two excavators were added to each phase of construction, there would be no substantive changes to the construction, LSTs, and GHG analysis that would alter the findings of the Air Quality and Greenhouse Gas reports appended to the DEIR. As shown in the tables below, even if two excavators were added to each phase of construction along with all other construction equipment identified in in Section 3 of the DEIR, impacts associated with air quality would be less than significant.

TABLE 1: EMISSIONS SUMMARY OF OVERALL CONSTRUCTION WITH THE ADDITION OF A SECOND EXCAVATOR

Year	Emissions (pounds per day)					
	VOC	NOx	CO	Sox	PM10	PM2.5
2016	7.02	91.28	70.58	0.18	11.47	5.89
2017	4.32	31.07	29.72	0.05	2.99	1.95
2018	62.07	27.28	28.58	0.05	3.06	1.79
Maximum Daily Emissions	**62.07**	**91.28**	**70.58**	**0.18**	**11.47**	**5.89**
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

TABLE 2: LOCALIZED EMISSIONS SUMMARY OF OVERALL CONSTRUCTION- SITE PREPARATION WITH THE ADDITION OF A SECOND EXCAVATOR

On-Site Site Preparation Emissions	Emissions (pounds per day)			
	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions	**34.68**	**34.68**	**7.64**	**4.64**
SCAQMD Localized Threshold	108	1,090	27	9
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

TABLE 3: LOCALIZED EMISSIONS SUMMARY OF OVERALL CONSTRUCTION- GRADING WITH THE ADDITION OF A SECOND EXCAVATOR

On-Site Grading Emissions	Emissions (pounds per day)			
	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions	**29.94**	**20.56**	**6.69**	**4.01**
SCAQMD Localized Threshold	108	1,090	27	9
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

TABLE 4: TOTAL PROJECT GHG EMISSIONS (ANNUAL) WITH THE ADDITION OF A SECOND EXCAVATOR

Emission Source	Emissions (metric tons per year)			
	CO_2	CH_4	N_2O	Total CO_2E
Annual construction-related emissions amortized over 30 years	43.09	6.42e-3	--	43.23
Area [a]	16.04	0.02	3.50e-4	16.49
Energy [b]	359.05	0.02	3.78E-3	360.54
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_2E (All Sources)	**715.46**			
SCAQMD Threshold	**3,000 $MTCO_2E$**			
Threshold Exceeded?	**NO**			

Furthermore, if the analysis replaced the use of graders with excavators (since graders were modeled in lieu of excavators to be more conservative because graders emit more pollutants), then construction emissions would be less than what is disclosed in the DEIR. This is due to the fact that graders have a higher horsepower than excavators (174 vs. 162 HP, respectively) and would therefore emit a greater amount of emissions. As such, the analysis in the DEIR and the supporting Air Quality and Greenhouse Gas technical studies represents a conservative estimate of emissions. Detailed model outputs associated with this analysis is presented as an attachment on the following pages.

This additional information does not constitute "significant new information" requiring recirculation of the DEIR under CEQA Guideline §15008.5, because the Lead Agency has not disclosed a new significant environmental impact that would result from the Project; but, merely has amplified information that was already reported in the in the DEIR by providing supplemental calculations to show how the use of a different mix of construction equipment during the grading phase would still result in less-than-significant impacts.

P-6:

Trips associated with the import of cement were accounted for under the vendor trips of the traffic analysis. According to the Project Applicant, the Project would require approximately 16,000 cubic yards of cement. CalEEMod assumes that a truck load can carry approximately 16 cubic yards of material. As such, the Project would require approximately 1,000 truckloads of cement, which equates to approximately 2,000 two-way truck trips. The building phase of construction is anticipated to last approximately 400 days. Therefore, the import of cement would require approximately 5 two-way vendor truck trips per day. The Air Quality and Greenhouse Gas analyses presented in the DEIR analyzed 27 two-way vendor truck trips per day (which includes cement trucks and other types of delivery trucks), which is substantially greater than the 5 two-way vendor truck trips required.

P-7:

As indicated on Table 3-2 of the DEIR (Page 3-12), the construction of the Project would require the use of one crane, which was included in the modeling for the air quality analysis.

P-8:

The preparer of the Air Quality Impact Analysis (see Appendix C of the DEIR) determined that the Newport Women's Health Center is 100 meters away from the proposed Project. Notwithstanding, and for the purpose of providing a conservative evaluation of the potential for air quality impacts, information is provided below that assumes a sensitive receptor 50 meters away (as shown in Tables 5 and 6 below). Based on the information provided below, even if a sensitive receptor occurred 50 meters from the Project site, less-than-significant air quality impacts would occur and the conclusions of the DEIR would not change.

TABLE 5: LOCALIZED EMISSIONS SUMMARY OF OVERALL CONSTRUCTION- SITE PREPARATION ASSUMING A SENSITIVE RECEPTOR IS 50 METERS FROM THE PROJECT SITE

On-Site Site Preparation Emissions	**Emissions (pounds per day)**			
	NO_x	**CO**	**PM_{10}**	**$PM_{2.5}$**
Maximum Daily Emissions	**34.68**	**34.68**	**7.64**	**4.64**
SCAQMD Localized Threshold	93	738	13	5
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

TABLE 6: LOCALIZED EMISSIONS SUMMARY OF OVERALL CONSTRUCTION- GRADING

On-Site Grading Emissions	**Emissions (pounds per day)**			
	NO_x	**CO**	**PM_{10}**	**$PM_{2.5}$**
Maximum Daily Emissions	**29.94**	**20.56**	**6.69**	**4.01**
SCAQMD Localized Threshold	93	738	13	5
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

This additional information does not constitute "significant new information" requiring recirculation of the DEIR under CEQA Guideline §15008.5, because the Lead Agency has not disclosed a new significant environmental impact that would result from the Project; but, merely has amplified information that was already reported in the in the DEIR by providing supplemental calculations to show that a sensitive receptor located 50 meters from the Project site would be less than significantly impacted by construction-related air pollutant emissions.

P-9:
The data disclosed in the DEIR are consistent with the most updated Air Quality Impact Analysis (Appendix C of the DEIR) and Greenhouse Gas Analysis (Appendix E of the DEIR). An older version of the Greenhouse Gas Analysis report was inadvertently attached as Appendix E of the DEIR, which analyzed outdated demolition assumptions. The updated Greenhouse Gas Analysis is provided as an attachment within the Errata section of this Final EIR and replaces Appendix E of the DEIR. As the DEIR relied on the updated Greenhouse Gas Analysis and accurately disclosed impacts associated with greenhouse gas emissions, no revisions to the DEIR are warranted.

P-10:
Please see Responses G-2, G-3, M-3, O-24, and P-1.

P-11:
Please see Response G-4.

P-12:
Please see Responses G-4 and G-6.

P-13:
Please see Responses G-4, G-6, and O-29.

P-14:
Please see Response I-1 and L-13 regarding objectives.

P-15:
Please see Response L-16 regarding the financial feasibility of the No Project/Office Redevelopment Alternative and the Commercial/Restaurant Alternative. Regarding the Multiple Unit Residential Alternative, the Project Applicant provided information to the City which indicated that the development of the Multiple Unit Residential Alternative would not be economically feasible after consideration of the cost of developing the uses, including land acquisition and construction costs. In evaluating the Applicant's information, the City applied a "prudent person" standard; meaning, that the Applicant's statements about the economic infeasibility associated with selling or leasing the property as low-rise residential building is so great compared to the developing the project site with 49 residential units, that a reasonably prudent person or property owner would not proceed with the alternative. Information is provided as an attachment to the response to comment letter J (Martin).

The Commenter inaccurately characterizes the information disclosed in the DEIR regarding the financial feasibility of the Reduced Dwelling Units and Building Height Alternative. The conclusion for the Reduce Dwelling Units and Building Height Alternative states that "…the Reduced Dwelling Units and Building Height Alternative appears to be financially feasible" (Page 6-41 of the Draft EIR).

P-16:
Responses are provided to the commenter's specific comments related to aesthetics and land use and planning in Responses P-1 through P-4. The Commenter does not provide credible evidence that potentially significant impacts associated with aesthetics or land use and planning would occur. Please see Response K-10 and L-15 regarding alternatives sites as well. Several of the alternatives studied would reduce aesthetic impacts, including the No Project/Office Redevelopment Alternative, the Commercial/Restaurant Redevelopment Alternative, the Multiple Unit Residential Alternative, and the Reduced Dwelling Unit and Building Height Alternative. Though, as stated on page 4.1-28 of the DEIR, the aesthetic impacts of the Project would all be less than significant. See DEIR, pages 6-2 through 6-42. Please see Response K-10 and L-13 regarding alternatives sites as well.

P-17:
Please see Response G-6.

P -18:
The responses to each of the Commenter's specific comments are provided in Responses to Comments P-1 through P-17. The DEIR does not need to be recirculated based on §15073.5 of the State CEQA Guidelines as explained in Response I-9.

Newport Center Villas

Orange County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Enclosed Parking with Elevator	126.00	Space	1.13	133,260.00	0
Condo/Townhouse High Rise	49.00	Dwelling Unit	0.77	163,260.00	140

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	30
Climate Zone	8			**Operational Year**	2018
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	630.89	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use - Floor Surface Area:296,520 sf

Construction Phase - Construction Duration: 2 years

Trips and VMT - 940 tons of demolition required; CalEEMod assumes 20 tons per truck, which results in 47 loads of demolition to be hauled away. As such, the Project will require 94 two-way haul trips during demolition; added import of cement

Demolition -

Grading - Grading

Architectural Coating -

Vehicle Trips - Source: Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition, 2012)

Area Coating -

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	ConstArea_Nonresidential_Exterior	66,630.00	25,200.00
tblArchitecturalCoating	ConstArea_Nonresidential_Interior	199,890.00	75,600.00
tblAreaCoating	Area_Nonresidential_Interior	199890	75600
tblConstructionPhase	NumDays	10.00	40.00
tblConstructionPhase	NumDays	200.00	400.00
tblConstructionPhase	NumDays	20.00	40.00
tblConstructionPhase	NumDays	4.00	30.00
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	2.00	4.00
tblGrading	MaterialExported	0.00	51,600.00
tblLandUse	LandUseSquareFeet	50,400.00	133,260.00

tblLandUse	LandUseSquareFeet	49,000.00	163,260.00
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblProjectCharacteristics	OperationalYear	2014	2018
tblTripsAndVMT	HaulingTripNumber	93.00	94.00
tblTripsAndVMT	HaulingTripNumber	0.00	2,000.00
tblVehicleTrips	ST_TR	7.16	4.31
tblVehicleTrips	SU_TR	6.07	3.43
tblVehicleTrips	WD_TR	6.59	4.18

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2016	0.3731	3.5485	2.8953	5.7400e-003	0.2206	0.1585	0.3790	0.0787	0.1487	0.2274	0.0000	513.6486	513.6486	0.0615	0.0000	514.9398
2017	0.5573	4.0491	3.8533	7.0100e-003	0.1672	0.2187	0.3858	0.0448	0.2083	0.2531	0.0000	591.3834	591.3834	0.0958	0.0000	593.3942
2018	1.3720	1.1709	1.2212	2.2300e-003	0.0551	0.0617	0.1167	0.0145	0.0585	0.0730	0.0000	187.7168	187.7168	0.0353	0.0000	188.4573
Total	**2.3024**	**8.7685**	**7.9698**	**0.0150**	**0.4428**	**0.4388**	**0.8816**	**0.1380**	**0.4155**	**0.5535**	**0.0000**	**1,292.7488**	**1,292.7488**	**0.1925**	**0.0000**	**1,296.7913**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2016	0.3731	3.5485	2.8953	5.7400e-003	0.2206	0.1585	0.3790	0.0787	0.1487	0.2274	0.0000	513.6483	513.6483	0.0615	0.0000	514.9395
2017	0.5573	4.0491	3.8533	7.0100e-003	0.1672	0.2187	0.3858	0.0448	0.2083	0.2531	0.0000	591.3829	591.3829	0.0958	0.0000	593.3938
2018	1.3720	1.1709	1.2212	2.2300e-003	0.0551	0.0617	0.1167	0.0145	0.0585	0.0730	0.0000	187.7167	187.7167	0.0353	0.0000	188.4572
Total	**2.3024**	**8.7685**	**7.9697**	**0.0150**	**0.4428**	**0.4388**	**0.8816**	**0.1380**	**0.4155**	**0.5535**	**0.0000**	**1,292.7479**	**1,292.7479**	**0.1925**	**0.0000**	**1,296.7905**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	1.3941	9.9900e-003	0.8184	5.2000e-004		0.0496	0.0496		0.0496	0.0496	5.2047	10.8303	16.0350	0.0164	3.5000e-004	16.4878
Energy	4.1800e-003	0.0357	0.0152	2.3000e-004		2.8900e-003	2.8900e-003		2.8900e-003	2.8900e-003	0.0000	359.0480	359.0480	0.0154	3.7800e-003	360.5430
Mobile	0.1050	0.2765	1.2274	3.5500e-003	0.2588	3.8600e-003	0.2627	0.0692	3.5600e-003	0.0727	0.0000	262.4146	262.4146	9.8700e-003	0.0000	262.6219
Waste						0.0000	0.0000		0.0000	0.0000	4.5754	0.0000	4.5754	0.2704	0.0000	10.2538
Water						0.0000	0.0000		0.0000	0.0000	1.0129	18.2950	19.3078	0.1049	2.6300e-003	22.3255
Total	**1.5033**	**0.3222**	**2.0610**	**4.3000e-003**	**0.2588**	**0.0563**	**0.3151**	**0.0692**	**0.0560**	**0.1252**	**10.7930**	**650.5879**	**661.3809**	**0.4169**	**6.7600e-003**	**672.2321**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	1.3941	9.9900e-003	0.8184	5.2000e-004		0.0496	0.0496		0.0496	0.0496	5.2047	10.8303	16.0350	0.0164	3.5000e-004	16.4878
Energy	4.1800e-003	0.0357	0.0152	2.3000e-004		2.8900e-003	2.8900e-003		2.8900e-003	2.8900e-003	0.0000	359.0480	359.0480	0.0154	3.7800e-003	360.5430
Mobile	0.1050	0.2765	1.2274	3.5500e-003	0.2588	3.8600e-003	0.2627	0.0692	3.5600e-003	0.0727	0.0000	262.4146	262.4146	9.8700e-003	0.0000	262.6219
Waste						0.0000	0.0000		0.0000	0.0000	4.5754	0.0000	4.5754	0.2704	0.0000	10.2538
Water						0.0000	0.0000		0.0000	0.0000	1.0129	18.2950	19.3078	0.1049	2.6300e-003	22.3239
Total	**1.5033**	**0.3222**	**2.0610**	**4.3000e-003**	**0.2588**	**0.0563**	**0.3151**	**0.0692**	**0.0560**	**0.1252**	**10.7930**	**650.5879**	**661.3809**	**0.4169**	**6.7600e-003**	**672.2305**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	6/1/2016	7/26/2016	5	40	
2	Site Preparation	Site Preparation	7/27/2016	8/1/2016	5	4	
3	Grading	Grading	8/2/2016	9/12/2016	5	30	
4	Building Construction	Building Construction	9/13/2016	3/26/2018	5	400	
5	Paving	Paving	3/27/2018	4/23/2018	5	20	
6	Architectural Coating	Architectural Coating	4/24/2018	6/18/2018	5	40	

Acres of Grading (Site Preparation Phase): 2

Acres of Grading (Grading Phase): 11.25

Acres of Paving: 0

Residential Indoor: 330,602; Residential Outdoor: 110,201; Non-Residential Indoor: 75,600; Non-Residential Outdoor: 25,200 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Rubber Tired Dozers	1	8.00	255	0.40
Demolition	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Site Preparation	Graders	1	8.00	174	0.41
Site Preparation	Rubber Tired Dozers	1	7.00	255	0.40
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading	Graders	1	6.00	174	0.41
Grading	Rubber Tired Dozers	1	6.00	255	0.40
Grading	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Building Construction	Cranes	1	6.00	226	0.29
Building Construction	Forklifts	1	6.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Building Construction	Welders	3	8.00	46	0.45
Paving	Cement and Mortar Mixers	1	6.00	9	0.56
Paving	Pavers	1	6.00	125	0.42
Paving	Paving Equipment	1	8.00	130	0.36
Paving	Rollers	1	7.00	80	0.38
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48
Demolition	Excavators	2	8.00	162	0.38
Site Preparation	Excavators	2	8.00	162	0.38
Grading	Excavators	2	8.00	162	0.38
Building Construction	Excavators	2	8.00	162	0.38
Paving	Excavators	2	8.00	162	0.38
Architectural Coating	Excavators	2	8.00	162	0.38

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	7	18.00	0.00	94.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	5	13.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	5	13.00	0.00	6,450.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	91.00	27.00	2,000.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	7	18.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	3	18.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0101	0.0000	0.0101	1.5200e-003	0.0000	1.5200e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0737	0.7433	0.5678	7.0000e-004		0.0437	0.0437		0.0407	0.0407	0.0000	65.1806	65.1806	0.0175	0.0000	65.5472
Total	**0.0737**	**0.7433**	**0.5678**	**7.0000e-004**	**0.0101**	**0.0437**	**0.0537**	**1.5200e-003**	**0.0407**	**0.0422**	**0.0000**	**65.1806**	**65.1806**	**0.0175**	**0.0000**	**65.5472**

3.2 Demolition - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	9.0000e-004	0.0136	0.0105	3.0000e-005	8.1000e-004	1.9000e-004	1.0000e-003	2.2000e-004	1.8000e-004	4.0000e-004	0.0000	3.1577	3.1577	2.0000e-005	0.0000	3.1582
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2300e-003	1.8200e-003	0.0190	5.0000e-005	3.9500e-003	3.0000e-005	3.9800e-003	1.0500e-003	3.0000e-005	1.0800e-003	0.0000	3.5623	3.5623	1.7000e-004	0.0000	3.5659
Total	**2.1300e-003**	**0.0155**	**0.0295**	**8.0000e-005**	**4.7600e-003**	**2.2000e-004**	**4.9800e-003**	**1.2700e-003**	**2.1000e-004**	**1.4800e-003**	**0.0000**	**6.7200**	**6.7200**	**1.9000e-004**	**0.0000**	**6.7241**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0101	0.0000	0.0101	1.5200e-003	0.0000	1.5200e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0737	0.7433	0.5678	7.0000e-004		0.0437	0.0437		0.0407	0.0407	0.0000	65.1805	65.1805	0.0175	0.0000	65.5471
Total	**0.0737**	**0.7433**	**0.5678**	**7.0000e-004**	**0.0101**	**0.0437**	**0.0537**	**1.5200e-003**	**0.0407**	**0.0422**	**0.0000**	**65.1805**	**65.1805**	**0.0175**	**0.0000**	**65.5471**

3.2 Demolition - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	9.0000e-004	0.0136	0.0105	3.0000e-005	8.1000e-004	1.9000e-004	1.0000e-003	2.2000e-004	1.8000e-004	4.0000e-004	0.0000	3.1577	3.1577	2.0000e-005	0.0000	3.1582
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2300e-003	1.8200e-003	0.0190	5.0000e-005	3.9500e-003	3.0000e-005	3.9800e-003	1.0500e-003	3.0000e-005	1.0800e-003	0.0000	3.5623	3.5623	1.7000e-004	0.0000	3.5659
Total	**2.1300e-003**	**0.0155**	**0.0295**	**8.0000e-005**	**4.7600e-003**	**2.2000e-004**	**4.9800e-003**	**1.2700e-003**	**2.1000e-004**	**1.4800e-003**	**0.0000**	**6.7200**	**6.7200**	**1.9000e-004**	**0.0000**	**6.7241**

3.3 Site Preparation - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0116	0.0000	0.0116	5.9100e-003	0.0000	5.9100e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	6.4500e-003	0.0694	0.0468	6.0000e-005		3.6700e-003	3.6700e-003		3.3800e-003	3.3800e-003	0.0000	5.2370	5.2370	1.5800e-003	0.0000	5.2702
Total	**6.4500e-003**	**0.0694**	**0.0468**	**6.0000e-005**	**0.0116**	**3.6700e-003**	**0.0153**	**5.9100e-003**	**3.3800e-003**	**9.2900e-003**	**0.0000**	**5.2370**	**5.2370**	**1.5800e-003**	**0.0000**	**5.2702**

3.3 Site Preparation - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	9.0000e-005	1.3000e-004	1.3700e-003	0.0000	2.9000e-004	0.0000	2.9000e-004	8.0000e-005	0.0000	8.0000e-005	0.0000	0.2573	0.2573	1.0000e-005	0.0000	0.2575
Total	**9.0000e-005**	**1.3000e-004**	**1.3700e-003**	**0.0000**	**2.9000e-004**	**0.0000**	**2.9000e-004**	**8.0000e-005**	**0.0000**	**8.0000e-005**	**0.0000**	**0.2573**	**0.2573**	**1.0000e-005**	**0.0000**	**0.2575**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0116	0.0000	0.0116	5.9100e-003	0.0000	5.9100e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	6.4500e-003	0.0694	0.0468	6.0000e-005		3.6700e-003	3.6700e-003		3.3800e-003	3.3800e-003	0.0000	5.2370	5.2370	1.5800e-003	0.0000	5.2702
Total	**6.4500e-003**	**0.0694**	**0.0468**	**6.0000e-005**	**0.0116**	**3.6700e-003**	**0.0153**	**5.9100e-003**	**3.3800e-003**	**9.2900e-003**	**0.0000**	**5.2370**	**5.2370**	**1.5800e-003**	**0.0000**	**5.2702**

3.3 Site Preparation - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	9.0000e-005	1.3000e-004	1.3700e-003	0.0000	2.9000e-004	0.0000	2.9000e-004	8.0000e-005	0.0000	8.0000e-005	0.0000	0.2573	0.2573	1.0000e-005	0.0000	0.2575
Total	**9.0000e-005**	**1.3000e-004**	**1.3700e-003**	**0.0000**	**2.9000e-004**	**0.0000**	**2.9000e-004**	**8.0000e-005**	**0.0000**	**8.0000e-005**	**0.0000**	**0.2573**	**0.2573**	**1.0000e-005**	**0.0000**	**0.2575**

3.4 Grading - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0766	0.0000	0.0766	0.0383	0.0000	0.0383	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0416	0.4491	0.3084	3.7000e-004		0.0237	0.0237		0.0218	0.0218	0.0000	34.9472	34.9472	0.0105	0.0000	35.1686
Total	**0.0416**	**0.4491**	**0.3084**	**3.7000e-004**	**0.0766**	**0.0237**	**0.1003**	**0.0383**	**0.0218**	**0.0601**	**0.0000**	**34.9472**	**34.9472**	**0.0105**	**0.0000**	**35.1686**

3.4 Grading - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0616	0.9351	0.7185	2.3700e-003	0.0553	0.0134	0.0687	0.0152	0.0123	0.0275	0.0000	216.6744	216.6744	1.5500e-003	0.0000	216.7070
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.7000e-004	9.9000e-004	0.0103	3.0000e-005	2.1400e-003	2.0000e-005	2.1600e-003	5.7000e-004	1.0000e-005	5.8000e-004	0.0000	1.9296	1.9296	9.0000e-005	0.0000	1.9315
Total	**0.0623**	**0.9361**	**0.7288**	**2.4000e-003**	**0.0574**	**0.0134**	**0.0708**	**0.0157**	**0.0123**	**0.0281**	**0.0000**	**218.6040**	**218.6040**	**1.6400e-003**	**0.0000**	**218.6385**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0766	0.0000	0.0766	0.0383	0.0000	0.0383	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0416	0.4491	0.3084	3.7000e-004		0.0237	0.0237		0.0218	0.0218	0.0000	34.9472	34.9472	0.0105	0.0000	35.1686
Total	**0.0416**	**0.4491**	**0.3084**	**3.7000e-004**	**0.0766**	**0.0237**	**0.1003**	**0.0383**	**0.0218**	**0.0601**	**0.0000**	**34.9472**	**34.9472**	**0.0105**	**0.0000**	**35.1686**

3.4 Grading - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0616	0.9351	0.7185	2.3700e-003	0.0553	0.0134	0.0687	0.0152	0.0123	0.0275	0.0000	216.6744	216.6744	1.5500e-003	0.0000	216.7070
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.7000e-004	9.9000e-004	0.0103	3.0000e-005	2.1400e-003	2.0000e-005	2.1600e-003	5.7000e-004	1.0000e-005	5.8000e-004	0.0000	1.9296	1.9296	9.0000e-005	0.0000	1.9315
Total	**0.0623**	**0.9361**	**0.7288**	**2.4000e-003**	**0.0574**	**0.0134**	**0.0708**	**0.0157**	**0.0123**	**0.0281**	**0.0000**	**218.6040**	**218.6040**	**1.6400e-003**	**0.0000**	**218.6385**

3.5 Building Construction - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1608	1.1634	0.8531	1.2900e-003		0.0713	0.0713		0.0680	0.0680	0.0000	112.9581	112.9581	0.0281	0.0000	113.5476
Total	**0.1608**	**1.1634**	**0.8531**	**1.2900e-003**		**0.0713**	**0.0713**		**0.0680**	**0.0680**	**0.0000**	**112.9581**	**112.9581**	**0.0281**	**0.0000**	**113.5476**

3.5 Building Construction - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.7700e-003	0.0573	0.0440	1.5000e-004	0.0138	8.2000e-004	0.0146	3.4800e-003	7.5000e-004	4.2300e-003	0.0000	13.2692	13.2692	9.0000e-005	0.0000	13.2712
Vendor	9.9600e-003	0.0963	0.1258	2.3000e-004	6.5600e-003	1.4700e-003	8.0300e-003	1.8700e-003	1.3500e-003	3.2200e-003	0.0000	20.9071	20.9071	1.5000e-004	0.0000	20.9102
Worker	0.0123	0.0182	0.1897	4.7000e-004	0.0395	2.8000e-004	0.0397	0.0105	2.6000e-004	0.0107	0.0000	35.5681	35.5681	1.7400e-003	0.0000	35.6046
Total	**0.0260**	**0.1717**	**0.3595**	**8.5000e-004**	**0.0598**	**2.5700e-003**	**0.0624**	**0.0158**	**2.3600e-003**	**0.0182**	**0.0000**	**69.7444**	**69.7444**	**1.9800e-003**	**0.0000**	**69.7861**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1608	1.1634	0.8531	1.2900e-003		0.0713	0.0713		0.0680	0.0680	0.0000	112.9580	112.9580	0.0281	0.0000	113.5474
Total	**0.1608**	**1.1634**	**0.8531**	**1.2900e-003**		**0.0713**	**0.0713**		**0.0680**	**0.0680**	**0.0000**	**112.9580**	**112.9580**	**0.0281**	**0.0000**	**113.5474**

3.5 Building Construction - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.7700e-003	0.0573	0.0440	1.5000e-004	0.0138	8.2000e-004	0.0146	3.4800e-003	7.5000e-004	4.2300e-003	0.0000	13.2692	13.2692	9.0000e-005	0.0000	13.2712
Vendor	9.9600e-003	0.0963	0.1258	2.3000e-004	6.5600e-003	1.4700e-003	8.0300e-003	1.8700e-003	1.3500e-003	3.2200e-003	0.0000	20.9071	20.9071	1.5000e-004	0.0000	20.9102
Worker	0.0123	0.0182	0.1897	4.7000e-004	0.0395	2.8000e-004	0.0397	0.0105	2.6000e-004	0.0107	0.0000	35.5681	35.5681	1.7400e-003	0.0000	35.6046
Total	**0.0260**	**0.1717**	**0.3595**	**8.5000e-004**	**0.0598**	**2.5700e-003**	**0.0624**	**0.0158**	**2.3600e-003**	**0.0182**	**0.0000**	**69.7444**	**69.7444**	**1.9800e-003**	**0.0000**	**69.7861**

3.5 Building Construction - 2017

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.4787	3.5338	2.7544	4.2400e-003		0.2110	0.2110		0.2012	0.2012	0.0000	368.2162	368.2162	0.0897	0.0000	370.0989
Total	**0.4787**	**3.5338**	**2.7544**	**4.2400e-003**		**0.2110**	**0.2110**		**0.2012**	**0.2012**	**0.0000**	**368.2162**	**368.2162**	**0.0897**	**0.0000**	**370.0989**

3.5 Building Construction - 2017

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0117	0.1728	0.1389	4.8000e-004	0.0157	2.4700e-003	0.0182	4.1700e-003	2.2700e-003	6.4400e-003	0.0000	42.9502	42.9502	3.1000e-004	0.0000	42.9567
Vendor	0.0302	0.2881	0.3918	7.6000e-004	0.0216	4.3100e-003	0.0259	6.1700e-003	3.9700e-003	0.0101	0.0000	67.6875	67.6875	4.8000e-004	0.0000	67.6976
Worker	0.0367	0.0544	0.5682	1.5400e-003	0.1299	9.0000e-004	0.1308	0.0345	8.3000e-004	0.0353	0.0000	112.5295	112.5295	5.3100e-003	0.0000	112.6410
Total	**0.0786**	**0.5153**	**1.0990**	**2.7800e-003**	**0.1672**	**7.6800e-003**	**0.1749**	**0.0448**	**7.0700e-003**	**0.0519**	**0.0000**	**223.1672**	**223.1672**	**6.1000e-003**	**0.0000**	**223.2953**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.4787	3.5338	2.7544	4.2400e-003		0.2110	0.2110		0.2012	0.2012	0.0000	368.2158	368.2158	0.0897	0.0000	370.0984
Total	**0.4787**	**3.5338**	**2.7544**	**4.2400e-003**		**0.2110**	**0.2110**		**0.2012**	**0.2012**	**0.0000**	**368.2158**	**368.2158**	**0.0897**	**0.0000**	**370.0984**

3.5 Building Construction - 2017

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0117	0.1728	0.1389	4.8000e-004	0.0157	2.4700e-003	0.0182	4.1700e-003	2.2700e-003	6.4400e-003	0.0000	42.9502	42.9502	3.1000e-004	0.0000	42.9567
Vendor	0.0302	0.2881	0.3918	7.6000e-004	0.0216	4.3100e-003	0.0259	6.1700e-003	3.9700e-003	0.0101	0.0000	67.6875	67.6875	4.8000e-004	0.0000	67.6976
Worker	0.0367	0.0544	0.5682	1.5400e-003	0.1299	9.0000e-004	0.1308	0.0345	8.3000e-004	0.0353	0.0000	112.5295	112.5295	5.3100e-003	0.0000	112.6410
Total	**0.0786**	**0.5153**	**1.0990**	**2.7800e-003**	**0.1672**	**7.6800e-003**	**0.1749**	**0.0448**	**7.0700e-003**	**0.0519**	**0.0000**	**223.1672**	**223.1672**	**6.1000e-003**	**0.0000**	**223.2953**

3.5 Building Construction - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0969	0.7228	0.6279	9.9000e-004		0.0416	0.0416		0.0397	0.0397	0.0000	85.5590	85.5590	0.0205	0.0000	85.9886
Total	**0.0969**	**0.7228**	**0.6279**	**9.9000e-004**		**0.0416**	**0.0416**		**0.0397**	**0.0397**	**0.0000**	**85.5590**	**85.5590**	**0.0205**	**0.0000**	**85.9886**

3.5 Building Construction - 2018

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.6500e-003	0.0376	0.0317	1.1000e-004	0.0136	5.8000e-004	0.0142	3.4100e-003	5.3000e-004	3.9400e-003	0.0000	9.9082	9.9082	7.0000e-005	0.0000	9.9098
Vendor	6.6100e-003	0.0620	0.0878	1.8000e-004	5.0700e-003	9.5000e-004	6.0200e-003	1.4500e-003	8.8000e-004	2.3200e-003	0.0000	15.6108	15.6108	1.1000e-004	0.0000	15.6132
Worker	7.8500e-003	0.0116	0.1218	3.6000e-004	0.0305	2.1000e-004	0.0307	8.0900e-003	1.9000e-004	8.2900e-003	0.0000	25.4112	25.4112	1.1600e-003	0.0000	25.4356
Total	**0.0171**	**0.1113**	**0.2413**	**6.5000e-004**	**0.0491**	**1.7400e-003**	**0.0509**	**0.0130**	**1.6000e-003**	**0.0146**	**0.0000**	**50.9302**	**50.9302**	**1.3400e-003**	**0.0000**	**50.9586**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0969	0.7228	0.6279	9.9000e-004		0.0416	0.0416		0.0397	0.0397	0.0000	85.5589	85.5589	0.0205	0.0000	85.9885
Total	**0.0969**	**0.7228**	**0.6279**	**9.9000e-004**		**0.0416**	**0.0416**		**0.0397**	**0.0397**	**0.0000**	**85.5589**	**85.5589**	**0.0205**	**0.0000**	**85.9885**

3.5 Building Construction - 2018

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.6500e-003	0.0376	0.0317	1.1000e-004	0.0136	5.8000e-004	0.0142	3.4100e-003	5.3000e-004	3.9400e-003	0.0000	9.9082	9.9082	7.0000e-005	0.0000	9.9098
Vendor	6.6100e-003	0.0620	0.0878	1.8000e-004	5.0700e-003	9.5000e-004	6.0200e-003	1.4500e-003	8.8000e-004	2.3200e-003	0.0000	15.6108	15.6108	1.1000e-004	0.0000	15.6132
Worker	7.8500e-003	0.0116	0.1218	3.6000e-004	0.0305	2.1000e-004	0.0307	8.0900e-003	1.9000e-004	8.2900e-003	0.0000	25.4112	25.4112	1.1600e-003	0.0000	25.4356
Total	**0.0171**	**0.1113**	**0.2413**	**6.5000e-004**	**0.0491**	**1.7400e-003**	**0.0509**	**0.0130**	**1.6000e-003**	**0.0146**	**0.0000**	**50.9302**	**50.9302**	**1.3400e-003**	**0.0000**	**50.9586**

3.6 Paving - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0160	0.1669	0.1562	2.4000e-004		9.1200e-003	9.1200e-003		8.4000e-003	8.4000e-003	0.0000	21.7487	21.7487	6.7000e-003	0.0000	21.8894
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0160**	**0.1669**	**0.1562**	**2.4000e-004**		**9.1200e-003**	**9.1200e-003**		**8.4000e-003**	**8.4000e-003**	**0.0000**	**21.7487**	**21.7487**	**6.7000e-003**	**0.0000**	**21.8894**

3.6 Paving - 2018

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.1000e-004	7.5000e-004	7.9000e-003	2.0000e-005	1.9800e-003	1.0000e-005	1.9900e-003	5.2000e-004	1.0000e-005	5.4000e-004	0.0000	1.6480	1.6480	8.0000e-005	0.0000	1.6496
Total	**5.1000e-004**	**7.5000e-004**	**7.9000e-003**	**2.0000e-005**	**1.9800e-003**	**1.0000e-005**	**1.9900e-003**	**5.2000e-004**	**1.0000e-005**	**5.4000e-004**	**0.0000**	**1.6480**	**1.6480**	**8.0000e-005**	**0.0000**	**1.6496**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0160	0.1669	0.1562	2.4000e-004		9.1200e-003	9.1200e-003		8.4000e-003	8.4000e-003	0.0000	21.7487	21.7487	6.7000e-003	0.0000	21.8893
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0160**	**0.1669**	**0.1562**	**2.4000e-004**		**9.1200e-003**	**9.1200e-003**		**8.4000e-003**	**8.4000e-003**	**0.0000**	**21.7487**	**21.7487**	**6.7000e-003**	**0.0000**	**21.8893**

3.6 Paving - 2018

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.1000e-004	7.5000e-004	7.9000e-003	2.0000e-005	1.9800e-003	1.0000e-005	1.9900e-003	5.2000e-004	1.0000e-005	5.4000e-004	0.0000	1.6480	1.6480	8.0000e-005	0.0000	1.6496
Total	**5.1000e-004**	**7.5000e-004**	**7.9000e-003**	**2.0000e-005**	**1.9800e-003**	**1.0000e-005**	**1.9900e-003**	**5.2000e-004**	**1.0000e-005**	**5.4000e-004**	**0.0000**	**1.6480**	**1.6480**	**8.0000e-005**	**0.0000**	**1.6496**

3.7 Architectural Coating - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	1.2225					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0179	0.1677	0.1721	2.7000e-004		9.2000e-003	9.2000e-003		8.7000e-003	8.7000e-003	0.0000	24.5349	24.5349	6.5300e-003	0.0000	24.6721
Total	**1.2404**	**0.1677**	**0.1721**	**2.7000e-004**		**9.2000e-003**	**9.2000e-003**		**8.7000e-003**	**8.7000e-003**	**0.0000**	**24.5349**	**24.5349**	**6.5300e-003**	**0.0000**	**24.6721**

3.7 Architectural Coating - 2018

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0200e-003	1.5100e-003	0.0158	5.0000e-005	3.9500e-003	3.0000e-005	3.9800e-003	1.0500e-003	3.0000e-005	1.0700e-003	0.0000	3.2960	3.2960	1.5000e-004	0.0000	3.2992
Total	**1.0200e-003**	**1.5100e-003**	**0.0158**	**5.0000e-005**	**3.9500e-003**	**3.0000e-005**	**3.9800e-003**	**1.0500e-003**	**3.0000e-005**	**1.0700e-003**	**0.0000**	**3.2960**	**3.2960**	**1.5000e-004**	**0.0000**	**3.2992**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	1.2225					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0179	0.1677	0.1721	2.7000e-004		9.2000e-003	9.2000e-003		8.7000e-003	8.7000e-003	0.0000	24.5349	24.5349	6.5300e-003	0.0000	24.6721
Total	**1.2404**	**0.1677**	**0.1721**	**2.7000e-004**		**9.2000e-003**	**9.2000e-003**		**8.7000e-003**	**8.7000e-003**	**0.0000**	**24.5349**	**24.5349**	**6.5300e-003**	**0.0000**	**24.6721**

3.7 Architectural Coating - 2018

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0200e-003	1.5100e-003	0.0158	5.0000e-005	3.9500e-003	3.0000e-005	3.9800e-003	1.0500e-003	3.0000e-005	1.0700e-003	0.0000	3.2960	3.2960	1.5000e-004	0.0000	3.2992
Total	**1.0200e-003**	**1.5100e-003**	**0.0158**	**5.0000e-005**	**3.9500e-003**	**3.0000e-005**	**3.9800e-003**	**1.0500e-003**	**3.0000e-005**	**1.0700e-003**	**0.0000**	**3.2960**	**3.2960**	**1.5000e-004**	**0.0000**	**3.2992**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.1050	0.2765	1.2274	3.5500e-003	0.2588	3.8600e-003	0.2627	0.0692	3.5600e-003	0.0727	0.0000	262.4146	262.4146	9.8700e-003	0.0000	262.6219
Unmitigated	0.1050	0.2765	1.2274	3.5500e-003	0.2588	3.8600e-003	0.2627	0.0692	3.5600e-003	0.0727	0.0000	262.4146	262.4146	9.8700e-003	0.0000	262.6219

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Condo/Townhouse High Rise	204.82	211.19	168.07	685,071	685,071
Enclosed Parking with Elevator	0.00	0.00	0.00		
Total	204.82	211.19	168.07	685,071	685,071

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Condo/Townhouse High Rise	14.70	5.90	8.70	40.20	19.20	40.60	86	11	3
Enclosed Parking with Elevator	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.510011	0.056836	0.192178	0.151564	0.041643	0.005905	0.015642	0.015146	0.001440	0.002149	0.004721	0.000504	0.002262

5.0 Energy Detail

4.4 Fleet Mix

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	317.6679	317.6679	0.0146	3.0200e-003	318.9111
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	317.6679	317.6679	0.0146	3.0200e-003	318.9111
NaturalGas Mitigated	4.1800e-003	0.0357	0.0152	2.3000e-004		2.8900e-003	2.8900e-003		2.8900e-003	2.8900e-003	0.0000	41.3801	41.3801	7.9000e-004	7.6000e-004	41.6319
NaturalGas Unmitigated	4.1800e-003	0.0357	0.0152	2.3000e-004		2.8900e-003	2.8900e-003		2.8900e-003	2.8900e-003	0.0000	41.3801	41.3801	7.9000e-004	7.6000e-004	41.6319

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Condo/Townhouse High Rise	775433	4.1800e-003	0.0357	0.0152	2.3000e-004		2.8900e-003	2.8900e-003		2.8900e-003	2.8900e-003	0.0000	41.3801	41.3801	7.9000e-004	7.6000e-004	41.6319
Total		**4.1800e-003**	**0.0357**	**0.0152**	**2.3000e-004**		**2.8900e-003**	**2.8900e-003**		**2.8900e-003**	**2.8900e-003**	**0.0000**	**41.3801**	**41.3801**	**7.9000e-004**	**7.6000e-004**	**41.6319**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Condo/Townhouse High Rise	775433	4.1800e-003	0.0357	0.0152	2.3000e-004		2.8900e-003	2.8900e-003		2.8900e-003	2.8900e-003	0.0000	41.3801	41.3801	7.9000e-004	7.6000e-004	41.6319
Total		**4.1800e-003**	**0.0357**	**0.0152**	**2.3000e-004**		**2.8900e-003**	**2.8900e-003**		**2.8900e-003**	**2.8900e-003**	**0.0000**	**41.3801**	**41.3801**	**7.9000e-004**	**7.6000e-004**	**41.6319**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Condo/Townhouse High Rise	211907	60.6407	2.7900e-003	5.8000e-004	60.8781
Enclosed Parking with Elevator	898172	257.0272	0.0118	2.4400e-003	258.0331
Total		**317.6679**	**0.0146**	**3.0200e-003**	**318.9111**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Condo/Townhouse High Rise	211907	60.6407	2.7900e-003	5.8000e-004	60.8781
Enclosed Parking with Elevator	898172	257.0272	0.0118	2.4400e-003	258.0331
Total		**317.6679**	**0.0146**	**3.0200e-003**	**318.9111**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	1.3941	9.9900e-003	0.8184	5.2000e-004		0.0496	0.0496		0.0496	0.0496	5.2047	10.8303	16.0350	0.0164	3.5000e-004	16.4878
Unmitigated	1.3941	9.9900e-003	0.8184	5.2000e-004		0.0496	0.0496		0.0496	0.0496	5.2047	10.8303	16.0350	0.0164	3.5000e-004	16.4878

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.1463					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	1.0715					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.1605	4.0700e-003	0.3079	4.9000e-004		0.0468	0.0468		0.0468	0.0468	5.2047	10.0017	15.2065	0.0155	3.5000e-004	15.6419
Landscaping	0.0158	5.9200e-003	0.5105	3.0000e-005		2.7800e-003	2.7800e-003		2.7800e-003	2.7800e-003	0.0000	0.8286	0.8286	8.3000e-004	0.0000	0.8459
Total	**1.3941**	**9.9900e-003**	**0.8184**	**5.2000e-004**		**0.0496**	**0.0496**		**0.0496**	**0.0496**	**5.2047**	**10.8303**	**16.0350**	**0.0164**	**3.5000e-004**	**16.4878**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.1463					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	1.0715					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.1605	4.0700e-003	0.3079	4.9000e-004		0.0468	0.0468		0.0468	0.0468	5.2047	10.0017	15.2065	0.0155	3.5000e-004	15.6419
Landscaping	0.0158	5.9200e-003	0.5105	3.0000e-005		2.7800e-003	2.7800e-003		2.7800e-003	2.7800e-003	0.0000	0.8286	0.8286	8.3000e-004	0.0000	0.8459
Total	**1.3941**	**9.9900e-003**	**0.8184**	**5.2000e-004**		**0.0496**	**0.0496**		**0.0496**	**0.0496**	**5.2047**	**10.8303**	**16.0350**	**0.0164**	**3.5000e-004**	**16.4878**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	19.3078	0.1049	2.6300e-003	22.3239
Unmitigated	19.3078	0.1049	2.6300e-003	22.3255

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Condo/Townhouse High Rise	3.19255 / 2.01269	19.3078	0.1049	2.6300e-003	22.3255
Enclosed Parking with Elevator	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**19.3078**	**0.1049**	**2.6300e-003**	**22.3255**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Condo/Townhouse High Rise	3.19255 / 2.01269	19.3078	0.1049	2.6300e-003	22.3239
Enclosed Parking with Elevator	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**19.3078**	**0.1049**	**2.6300e-003**	**22.3239**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	4.5754	0.2704	0.0000	10.2538
Unmitigated	4.5754	0.2704	0.0000	10.2538

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Condo/Townhouse High Rise	22.54	4.5754	0.2704	0.0000	10.2538
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000
Total		**4.5754**	**0.2704**	**0.0000**	**10.2538**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Condo/Townhouse High Rise	22.54	4.5754	0.2704	0.0000	10.2538
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000
Total		**4.5754**	**0.2704**	**0.0000**	**10.2538**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

Newport Center Villas

Orange County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Enclosed Parking with Elevator	126.00	Space	1.13	133,260.00	0
Condo/Townhouse High Rise	49.00	Dwelling Unit	0.77	163,260.00	140

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	30
Climate Zone	8			**Operational Year**	2018
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	630.89	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use - Floor Surface Area:296,520 sf

Construction Phase - Construction Duration: 2 years

Trips and VMT - 940 tons of demolition required; CalEEMod assumes 20 tons per truck, which results in 47 loads of demolition to be hauled away. As such, the Project will require 94 two-way haul trips during demolition; added import of cement

Demolition -

Grading - Grading

Architectural Coating -

Vehicle Trips - Source: Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition, 2012)

Area Coating -

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	ConstArea_Nonresidential_Exterior	66,630.00	25,200.00
tblArchitecturalCoating	ConstArea_Nonresidential_Interior	199,890.00	75,600.00
tblAreaCoating	Area_Nonresidential_Interior	199890	75600
tblConstructionPhase	NumDays	10.00	40.00
tblConstructionPhase	NumDays	200.00	400.00
tblConstructionPhase	NumDays	20.00	40.00
tblConstructionPhase	NumDays	4.00	30.00
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	2.00	4.00
tblGrading	MaterialExported	0.00	51,600.00
tblLandUse	LandUseSquareFeet	50,400.00	133,260.00

tblLandUse	LandUseSquareFeet	49,000.00	163,260.00
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblProjectCharacteristics	OperationalYear	2014	2018
tblTripsAndVMT	HaulingTripNumber	93.00	94.00
tblTripsAndVMT	HaulingTripNumber	0.00	2,000.00
tblVehicleTrips	ST_TR	7.16	4.31
tblVehicleTrips	SU_TR	6.07	3.43
tblVehicleTrips	WD_TR	6.59	4.18

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2016	6.7444	89.2440	64.2711	0.1846	8.9994	2.4708	11.4702	3.6192	2.2729	5.8920	0.0000	18,654.4809	18,654.4809	0.9731	0.0000	18,674.9148
2017	4.2741	30.9416	29.2952	0.0545	1.3087	1.6819	2.9905	0.3504	1.6020	1.9524	0.0000	5,055.3284	5,055.3284	0.8119	0.0000	5,072.3772
2018	62.0707	27.1589	28.1505	0.0544	1.6404	1.4196	3.0600	0.4319	1.3543	1.7861	0.0000	4,972.2633	4,972.2633	0.7879	0.0000	4,988.8097
Total	**73.0891**	**147.3444**	**121.7168**	**0.2935**	**11.9485**	**5.5723**	**17.5207**	**4.4014**	**5.2292**	**9.6306**	**0.0000**	**28,682.0725**	**28,682.0725**	**2.5728**	**0.0000**	**28,736.1017**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2016	6.7444	89.2440	64.2711	0.1846	8.9994	2.4708	11.4702	3.6192	2.2729	5.8920	0.0000	18,654.4809	18,654.4809	0.9731	0.0000	18,674.9148
2017	4.2741	30.9416	29.2952	0.0545	1.3087	1.6819	2.9905	0.3504	1.6020	1.9524	0.0000	5,055.3284	5,055.3284	0.8119	0.0000	5,072.3772
2018	62.0707	27.1589	28.1505	0.0544	1.6404	1.4196	3.0600	0.4319	1.3543	1.7861	0.0000	4,972.2633	4,972.2633	0.7879	0.0000	4,988.8097
Total	**73.0891**	**147.3444**	**121.7168**	**0.2935**	**11.9485**	**5.5723**	**17.5207**	**4.4014**	**5.2292**	**9.6306**	**0.0000**	**28,682.0725**	**28,682.0725**	**2.5728**	**0.0000**	**28,736.1017**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	19.6390	0.3732	28.7136	0.0394		3.7653	3.7653		3.7647	3.7647	458.9790	889.3066	1,348.2856	1.3761	0.0312	1,386.8400
Energy	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
Mobile	0.6099	1.4866	7.1414	0.0213	1.5248	0.0223	1.5472	0.4069	0.0206	0.4275		1,730.8483	1,730.8483	0.0630		1,732.1721
Total	**20.2718**	**2.0556**	**35.9384**	**0.0619**	**1.5248**	**3.8035**	**5.3283**	**0.4069**	**3.8011**	**4.2080**	**458.9790**	**2,870.0932**	**3,329.0722**	**1.4439**	**0.0357**	**3,370.4714**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	19.6390	0.3732	28.7136	0.0394		3.7653	3.7653		3.7647	3.7647	458.9790	889.3066	1,348.2856	1.3761	0.0312	1,386.8400
Energy	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
Mobile	0.6099	1.4866	7.1414	0.0213	1.5248	0.0223	1.5472	0.4069	0.0206	0.4275		1,730.8483	1,730.8483	0.0630		1,732.1721
Total	**20.2718**	**2.0556**	**35.9384**	**0.0619**	**1.5248**	**3.8035**	**5.3283**	**0.4069**	**3.8011**	**4.2080**	**458.9790**	**2,870.0932**	**3,329.0722**	**1.4439**	**0.0357**	**3,370.4714**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	6/1/2016	7/26/2016	5	40	
2	Site Preparation	Site Preparation	7/27/2016	8/1/2016	5	4	
3	Grading	Grading	8/2/2016	9/12/2016	5	30	
4	Building Construction	Building Construction	9/13/2016	3/26/2018	5	400	
5	Paving	Paving	3/27/2018	4/23/2018	5	20	
6	Architectural Coating	Architectural Coating	4/24/2018	6/18/2018	5	40	

Acres of Grading (Site Preparation Phase): 2

Acres of Grading (Grading Phase): 11.25

Acres of Paving: 0

Residential Indoor: 330,602; Residential Outdoor: 110,201; Non-Residential Indoor: 75,600; Non-Residential Outdoor: 25,200 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Rubber Tired Dozers	1	8.00	255	0.40
Demolition	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Site Preparation	Graders	1	8.00	174	0.41
Site Preparation	Rubber Tired Dozers	1	7.00	255	0.40
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading	Graders	1	6.00	174	0.41
Grading	Rubber Tired Dozers	1	6.00	255	0.40
Grading	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Building Construction	Cranes	1	6.00	226	0.29
Building Construction	Forklifts	1	6.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Building Construction	Welders	3	8.00	46	0.45
Paving	Cement and Mortar Mixers	1	6.00	9	0.56
Paving	Pavers	1	6.00	125	0.42
Paving	Paving Equipment	1	8.00	130	0.36
Paving	Rollers	1	7.00	80	0.38
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48
Demolition	Excavators	2	8.00	162	0.38
Site Preparation	Excavators	2	8.00	162	0.38
Grading	Excavators	2	8.00	162	0.38
Building Construction	Excavators	2	8.00	162	0.38
Paving	Excavators	2	8.00	162	0.38
Architectural Coating	Excavators	2	8.00	162	0.38

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	7	18.00	0.00	94.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	5	13.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	5	13.00	0.00	6,450.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	91.00	27.00	2,000.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	7	18.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	3	18.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5029	0.0000	0.5029	0.0761	0.0000	0.0761			0.0000			0.0000
Off-Road	3.6868	37.1639	28.3891	0.0351		2.1828	2.1828		2.0359	2.0359		3,592.4649	3,592.4649	0.9622		3,612.6712
Total	**3.6868**	**37.1639**	**28.3891**	**0.0351**	**0.5029**	**2.1828**	**2.6856**	**0.0761**	**2.0359**	**2.1121**		**3,592.4649**	**3,592.4649**	**0.9622**		**3,612.6712**

3.2 Demolition - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0429	0.6476	0.4700	1.7300e-003	0.0409	9.7400e-003	0.0507	0.0112	8.9600e-003	0.0202		174.2148	174.2148	1.2400e-003		174.2408
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0625	0.0807	0.9882	2.4400e-003	0.2012	1.4100e-003	0.2026	0.0534	1.3000e-003	0.0547		204.2283	204.2283	9.6000e-003		204.4300
Total	**0.1054**	**0.7282**	**1.4581**	**4.1700e-003**	**0.2421**	**0.0112**	**0.2533**	**0.0646**	**0.0103**	**0.0748**		**378.4431**	**378.4431**	**0.0108**		**378.6708**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5029	0.0000	0.5029	0.0761	0.0000	0.0761			0.0000			0.0000
Off-Road	3.6868	37.1639	28.3891	0.0351		2.1828	2.1828		2.0359	2.0359	0.0000	3,592.4649	3,592.4649	0.9622		3,612.6712
Total	**3.6868**	**37.1639**	**28.3891**	**0.0351**	**0.5029**	**2.1828**	**2.6856**	**0.0761**	**2.0359**	**2.1121**	**0.0000**	**3,592.4649**	**3,592.4649**	**0.9622**		**3,612.6712**

3.2 Demolition - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0429	0.6476	0.4700	1.7300e-003	0.0409	9.7400e-003	0.0507	0.0112	8.9600e-003	0.0202		174.2148	174.2148	1.2400e-003		174.2408
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0625	0.0807	0.9882	2.4400e-003	0.2012	1.4100e-003	0.2026	0.0534	1.3000e-003	0.0547		204.2283	204.2283	9.6000e-003		204.4300
Total	**0.1054**	**0.7282**	**1.4581**	**4.1700e-003**	**0.2421**	**0.0112**	**0.2533**	**0.0646**	**0.0103**	**0.0748**		**378.4431**	**378.4431**	**0.0108**		**378.6708**

3.3 Site Preparation - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.7996	0.0000	5.7996	2.9537	0.0000	2.9537			0.0000			0.0000
Off-Road	3.2230	34.6778	23.4056	0.0278		1.8367	1.8367		1.6898	1.6898		2,886.4226	2,886.4226	0.8707		2,904.7062
Total	**3.2230**	**34.6778**	**23.4056**	**0.0278**	**5.7996**	**1.8367**	**7.6363**	**2.9537**	**1.6898**	**4.6435**		**2,886.4226**	**2,886.4226**	**0.8707**		**2,904.7062**

3.3 Site Preparation - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0451	0.0583	0.7137	1.7600e-003	0.1453	1.0200e-003	0.1463	0.0385	9.4000e-004	0.0395		147.4982	147.4982	6.9400e-003		147.6439
Total	**0.0451**	**0.0583**	**0.7137**	**1.7600e-003**	**0.1453**	**1.0200e-003**	**0.1463**	**0.0385**	**9.4000e-004**	**0.0395**		**147.4982**	**147.4982**	**6.9400e-003**		**147.6439**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.7996	0.0000	5.7996	2.9537	0.0000	2.9537			0.0000			0.0000
Off-Road	3.2230	34.6778	23.4056	0.0278		1.8367	1.8367		1.6898	1.6898	0.0000	2,886.4226	2,886.4226	0.8707		2,904.7062
Total	**3.2230**	**34.6778**	**23.4056**	**0.0278**	**5.7996**	**1.8367**	**7.6363**	**2.9537**	**1.6898**	**4.6435**	**0.0000**	**2,886.4226**	**2,886.4226**	**0.8707**		**2,904.7062**

3.3 Site Preparation - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0451	0.0583	0.7137	1.7600e-003	0.1453	1.0200e-003	0.1463	0.0385	9.4000e-004	0.0395		147.4982	147.4982	6.9400e-003		147.6439
Total	**0.0451**	**0.0583**	**0.7137**	**1.7600e-003**	**0.1453**	**1.0200e-003**	**0.1463**	**0.0385**	**9.4000e-004**	**0.0395**		**147.4982**	**147.4982**	**6.9400e-003**		**147.6439**

3.4 Grading - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.1088	0.0000	5.1088	2.5551	0.0000	2.5551			0.0000			0.0000
Off-Road	2.7710	29.9421	20.5615	0.0247		1.5789	1.5789		1.4526	1.4526		2,568.1822	2,568.1822	0.7747		2,584.4500
Total	**2.7710**	**29.9421**	**20.5615**	**0.0247**	**5.1088**	**1.5789**	**6.6877**	**2.5551**	**1.4526**	**4.0077**		**2,568.1822**	**2,568.1822**	**0.7747**		**2,584.4500**

3.4 Grading - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	3.9283	59.2436	42.9960	0.1582	3.7453	0.8909	4.6362	1.0256	0.8194	1.8449		15,938.8005	15,938.8005	0.1133		15,941.1791
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0451	0.0583	0.7137	1.7600e-003	0.1453	1.0200e-003	0.1463	0.0385	9.4000e-004	0.0395		147.4982	147.4982	6.9400e-003		147.6439
Total	**3.9734**	**59.3019**	**43.7096**	**0.1599**	**3.8906**	**0.8919**	**4.7825**	**1.0641**	**0.8203**	**1.8844**		**16,086.2987**	**16,086.2987**	**0.1202**		**16,088.8230**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.1088	0.0000	5.1088	2.5551	0.0000	2.5551			0.0000			0.0000
Off-Road	2.7710	29.9421	20.5615	0.0247		1.5789	1.5789		1.4526	1.4526	0.0000	2,568.1822	2,568.1822	0.7747		2,584.4500
Total	**2.7710**	**29.9421**	**20.5615**	**0.0247**	**5.1088**	**1.5789**	**6.6877**	**2.5551**	**1.4526**	**4.0077**	**0.0000**	**2,568.1822**	**2,568.1822**	**0.7747**		**2,584.4500**

3.4 Grading - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	3.9283	59.2436	42.9960	0.1582	3.7453	0.8909	4.6362	1.0256	0.8194	1.8449		15,938.8005	15,938.8005	0.1133		15,941.1791
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0451	0.0583	0.7137	1.7600e-003	0.1453	1.0200e-003	0.1463	0.0385	9.4000e-004	0.0395		147.4982	147.4982	6.9400e-003		147.6439
Total	**3.9734**	**59.3019**	**43.7096**	**0.1599**	**3.8906**	**0.8919**	**4.7825**	**1.0641**	**0.8203**	**1.8844**		**16,086.2987**	**16,086.2987**	**0.1202**		**16,088.8230**

3.5 Building Construction - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	4.0718	29.4518	21.5985	0.0326		1.8038	1.8038		1.7207	1.7207		3,152.2786	3,152.2786	0.7833		3,168.7282
Total	**4.0718**	**29.4518**	**21.5985**	**0.0326**		**1.8038**	**1.8038**		**1.7207**	**1.7207**		**3,152.2786**	**3,152.2786**	**0.7833**		**3,168.7282**

3.5 Building Construction - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0914	1.3778	0.9999	3.6800e-003	0.3557	0.0207	0.3764	0.0898	0.0191	0.1088		370.6698	370.6698	2.6300e-003		370.7251
Vendor	0.2361	2.3356	2.7597	5.8400e-003	0.1687	0.0370	0.2057	0.0481	0.0340	0.0821		585.5190	585.5190	4.1600e-003		585.6063
Worker	0.3157	0.4079	4.9957	0.0124	1.0172	7.1100e-003	1.0243	0.2698	6.5500e-003	0.2763		1,032.4874	1,032.4874	0.0486		1,033.5070
Total	**0.6431**	**4.1212**	**8.7553**	**0.0219**	**1.5416**	**0.0648**	**1.6064**	**0.4076**	**0.0596**	**0.4672**		**1,988.6761**	**1,988.6761**	**0.0553**		**1,989.8384**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	4.0718	29.4518	21.5985	0.0326		1.8038	1.8038		1.7207	1.7207	0.0000	3,152.2786	3,152.2786	0.7833		3,168.7282
Total	**4.0718**	**29.4518**	**21.5985**	**0.0326**		**1.8038**	**1.8038**		**1.7207**	**1.7207**	**0.0000**	**3,152.2786**	**3,152.2786**	**0.7833**		**3,168.7282**

3.5 Building Construction - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0914	1.3778	0.9999	3.6800e-003	0.3557	0.0207	0.3764	0.0898	0.0191	0.1088		370.6698	370.6698	2.6300e-003		370.7251
Vendor	0.2361	2.3356	2.7597	5.8400e-003	0.1687	0.0370	0.2057	0.0481	0.0340	0.0821		585.5190	585.5190	4.1600e-003		585.6063
Worker	0.3157	0.4079	4.9957	0.0124	1.0172	7.1100e-003	1.0243	0.2698	6.5500e-003	0.2763		1,032.4874	1,032.4874	0.0486		1,033.5070
Total	**0.6431**	**4.1212**	**8.7553**	**0.0219**	**1.5416**	**0.0648**	**1.6064**	**0.4076**	**0.0596**	**0.4672**		**1,988.6761**	**1,988.6761**	**0.0553**		**1,989.8384**

3.5 Building Construction - 2017

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.6826	27.1827	21.1873	0.0326		1.6229	1.6229		1.5478	1.5478		3,122.2222	3,122.2222	0.7602		3,138.1860
Total	**3.6826**	**27.1827**	**21.1873**	**0.0326**		**1.6229**	**1.6229**		**1.5478**	**1.5478**		**3,122.2222**	**3,122.2222**	**0.7602**		**3,138.1860**

3.5 Building Construction - 2017

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0862	1.2636	0.9549	3.6700e-003	0.1227	0.0190	0.1417	0.0326	0.0174	0.0500		364.5538	364.5538	2.5800e-003		364.6081
Vendor	0.2178	2.1249	2.5963	5.8300e-003	0.1688	0.0330	0.2018	0.0481	0.0304	0.0785		575.9889	575.9889	4.0300e-003		576.0734
Worker	0.2874	0.3704	4.5568	0.0124	1.0172	6.9500e-003	1.0241	0.2698	6.4200e-003	0.2762		992.5635	992.5635	0.0451		993.5097
Total	**0.5914**	**3.7589**	**8.1079**	**0.0219**	**1.3087**	**0.0590**	**1.3676**	**0.3504**	**0.0542**	**0.4047**		**1,933.1062**	**1,933.1062**	**0.0517**		**1,934.1912**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.6826	27.1827	21.1873	0.0326		1.6229	1.6229		1.5478	1.5478	0.0000	3,122.2222	3,122.2222	0.7602		3,138.1860
Total	**3.6826**	**27.1827**	**21.1873**	**0.0326**		**1.6229**	**1.6229**		**1.5478**	**1.5478**	**0.0000**	**3,122.2222**	**3,122.2222**	**0.7602**		**3,138.1860**

3.5 Building Construction - 2017

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0862	1.2636	0.9549	3.6700e-003	0.1227	0.0190	0.1417	0.0326	0.0174	0.0500		364.5538	364.5538	2.5800e-003		364.6081
Vendor	0.2178	2.1249	2.5963	5.8300e-003	0.1688	0.0330	0.2018	0.0481	0.0304	0.0785		575.9889	575.9889	4.0300e-003		576.0734
Worker	0.2874	0.3704	4.5568	0.0124	1.0172	6.9500e-003	1.0241	0.2698	6.4200e-003	0.2762		992.5635	992.5635	0.0451		993.5097
Total	**0.5914**	**3.7589**	**8.1079**	**0.0219**	**1.3087**	**0.0590**	**1.3676**	**0.3504**	**0.0542**	**0.4047**		**1,933.1062**	**1,933.1062**	**0.0517**		**1,934.1912**

3.5 Building Construction - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.1785	23.6975	20.5864	0.0326		1.3627	1.3627		1.3019	1.3019		3,092.2192	3,092.2192	0.7393		3,107.7434
Total	**3.1785**	**23.6975**	**20.5864**	**0.0326**		**1.3627**	**1.3627**		**1.3019**	**1.3019**		**3,092.2192**	**3,092.2192**	**0.7393**		**3,107.7434**

3.5 Building Construction - 2018

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0836	1.1729	0.9263	3.6700e-003	0.4545	0.0190	0.4735	0.1140	0.0174	0.1315		358.4563	358.4563	2.6200e-003		358.5113
Vendor	0.2040	1.9505	2.4646	5.8200e-003	0.1688	0.0311	0.1999	0.0481	0.0286	0.0767		566.2100	566.2100	4.0000e-003		566.2941
Worker	0.2624	0.3380	4.1732	0.0124	1.0172	6.8700e-003	1.0240	0.2698	6.3600e-003	0.2761		955.3779	955.3779	0.0421		956.2609
Total	**0.5499**	**3.4614**	**7.5641**	**0.0218**	**1.6404**	**0.0570**	**1.6974**	**0.4319**	**0.0524**	**0.4843**		**1,880.0441**	**1,880.0441**	**0.0487**		**1,881.0662**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.1785	23.6975	20.5864	0.0326		1.3627	1.3627		1.3019	1.3019	0.0000	3,092.2192	3,092.2192	0.7393		3,107.7434
Total	**3.1785**	**23.6975**	**20.5864**	**0.0326**		**1.3627**	**1.3627**		**1.3019**	**1.3019**	**0.0000**	**3,092.2192**	**3,092.2192**	**0.7393**		**3,107.7434**

3.5 Building Construction - 2018

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0836	1.1729	0.9263	3.6700e-003	0.4545	0.0190	0.4735	0.1140	0.0174	0.1315		358.4563	358.4563	2.6200e-003		358.5113
Vendor	0.2040	1.9505	2.4646	5.8200e-003	0.1688	0.0311	0.1999	0.0481	0.0286	0.0767		566.2100	566.2100	4.0000e-003		566.2941
Worker	0.2624	0.3380	4.1732	0.0124	1.0172	6.8700e-003	1.0240	0.2698	6.3600e-003	0.2761		955.3779	955.3779	0.0421		956.2609
Total	**0.5499**	**3.4614**	**7.5641**	**0.0218**	**1.6404**	**0.0570**	**1.6974**	**0.4319**	**0.0524**	**0.4843**		**1,880.0441**	**1,880.0441**	**0.0487**		**1,881.0662**

3.6 Paving - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.6011	16.6884	15.6205	0.0240		0.9121	0.9121		0.8400	0.8400		2,397.3814	2,397.3814	0.7385		2,412.8894
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.6011**	**16.6884**	**15.6205**	**0.0240**		**0.9121**	**0.9121**		**0.8400**	**0.8400**		**2,397.3814**	**2,397.3814**	**0.7385**		**2,412.8894**

3.6 Paving - 2018

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0519	0.0669	0.8255	2.4400e-003	0.2012	1.3600e-003	0.2026	0.0534	1.2600e-003	0.0546		188.9759	188.9759	8.3200e-003		189.1505
Total	**0.0519**	**0.0669**	**0.8255**	**2.4400e-003**	**0.2012**	**1.3600e-003**	**0.2026**	**0.0534**	**1.2600e-003**	**0.0546**		**188.9759**	**188.9759**	**8.3200e-003**		**189.1505**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.6011	16.6884	15.6205	0.0240		0.9121	0.9121		0.8400	0.8400	0.0000	2,397.3814	2,397.3814	0.7385		2,412.8894
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.6011**	**16.6884**	**15.6205**	**0.0240**		**0.9121**	**0.9121**		**0.8400**	**0.8400**	**0.0000**	**2,397.3814**	**2,397.3814**	**0.7385**		**2,412.8894**

3.6 Paving - 2018

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0519	0.0669	0.8255	2.4400e-003	0.2012	1.3600e-003	0.2026	0.0534	1.2600e-003	0.0546		188.9759	188.9759	8.3200e-003		189.1505
Total	**0.0519**	**0.0669**	**0.8255**	**2.4400e-003**	**0.2012**	**1.3600e-003**	**0.2026**	**0.0534**	**1.2600e-003**	**0.0546**		**188.9759**	**188.9759**	**8.3200e-003**		**189.1505**

3.7 Architectural Coating - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	61.1243					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.8945	8.3860	8.6050	0.0136		0.4600	0.4600		0.4352	0.4352		1,352.2542	1,352.2542	0.3601		1,359.8162
Total	**62.0188**	**8.3860**	**8.6050**	**0.0136**		**0.4600**	**0.4600**		**0.4352**	**0.4352**		**1,352.2542**	**1,352.2542**	**0.3601**		**1,359.8162**

3.7 Architectural Coating - 2018

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0519	0.0669	0.8255	2.4400e-003	0.2012	1.3600e-003	0.2026	0.0534	1.2600e-003	0.0546		188.9759	188.9759	8.3200e-003		189.1505
Total	**0.0519**	**0.0669**	**0.8255**	**2.4400e-003**	**0.2012**	**1.3600e-003**	**0.2026**	**0.0534**	**1.2600e-003**	**0.0546**		**188.9759**	**188.9759**	**8.3200e-003**		**189.1505**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	61.1243					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.8945	8.3860	8.6050	0.0136		0.4600	0.4600		0.4352	0.4352	0.0000	1,352.2542	1,352.2542	0.3601		1,359.8162
Total	**62.0188**	**8.3860**	**8.6050**	**0.0136**		**0.4600**	**0.4600**		**0.4352**	**0.4352**	**0.0000**	**1,352.2542**	**1,352.2542**	**0.3601**		**1,359.8162**

3.7 Architectural Coating - 2018

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0519	0.0669	0.8255	2.4400e-003	0.2012	1.3600e-003	0.2026	0.0534	1.2600e-003	0.0546		188.9759	188.9759	8.3200e-003		189.1505
Total	**0.0519**	**0.0669**	**0.8255**	**2.4400e-003**	**0.2012**	**1.3600e-003**	**0.2026**	**0.0534**	**1.2600e-003**	**0.0546**		**188.9759**	**188.9759**	**8.3200e-003**		**189.1505**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.6099	1.4866	7.1414	0.0213	1.5248	0.0223	1.5472	0.4069	0.0206	0.4275		1,730.8483	1,730.8483	0.0630		1,732.1721
Unmitigated	0.6099	1.4866	7.1414	0.0213	1.5248	0.0223	1.5472	0.4069	0.0206	0.4275		1,730.8483	1,730.8483	0.0630		1,732.1721

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Condo/Townhouse High Rise	204.82	211.19	168.07	685,071	685,071
Enclosed Parking with Elevator	0.00	0.00	0.00		
Total	204.82	211.19	168.07	685,071	685,071

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Condo/Townhouse High Rise	14.70	5.90	8.70	40.20	19.20	40.60	86	11	3
Enclosed Parking with Elevator	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.510011	0.056836	0.192178	0.151564	0.041643	0.005905	0.015642	0.015146	0.001440	0.002149	0.004721	0.000504	0.002262

5.0 Energy Detail

4.4 Fleet Mix

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
NaturalGas Unmitigated	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Condo/Townhouse High Rise	2124.47	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
Total		**0.0229**	**0.1958**	**0.0833**	**1.2500e-003**		**0.0158**	**0.0158**		**0.0158**	**0.0158**		**249.9382**	**249.9382**	**4.7900e-003**	**4.5800e-003**	**251.4593**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Condo/Townhouse High Rise	2.12447	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0229**	**0.1958**	**0.0833**	**1.2500e-003**		**0.0158**	**0.0158**		**0.0158**	**0.0158**		**249.9382**	**249.9382**	**4.7900e-003**	**4.5800e-003**	**251.4593**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	19.6390	0.3732	28.7136	0.0394		3.7653	3.7653		3.7647	3.7647	458.9790	889.3066	1,348.2856	1.3761	0.0312	1,386.8400
Unmitigated	19.6390	0.3732	28.7136	0.0394		3.7653	3.7653		3.7647	3.7647	458.9790	889.3066	1,348.2856	1.3761	0.0312	1,386.8400

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.8014					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	5.8711					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	12.8398	0.3258	24.6295	0.0392		3.7430	3.7430		3.7424	3.7424	458.9790	882.0000	1,340.9790	1.3688	0.0312	1,379.3802
Landscaping	0.1267	0.0474	4.0842	2.1000e-004		0.0223	0.0223		0.0223	0.0223		7.3066	7.3066	7.2900e-003		7.4597
Total	**19.6390**	**0.3731**	**28.7136**	**0.0394**		**3.7653**	**3.7653**		**3.7647**	**3.7647**	**458.9790**	**889.3066**	**1,348.2856**	**1.3761**	**0.0312**	**1,386.8400**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.8014					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	5.8711					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	12.8398	0.3258	24.6295	0.0392		3.7430	3.7430		3.7424	3.7424	458.9790	882.0000	1,340.9790	1.3688	0.0312	1,379.3802
Landscaping	0.1267	0.0474	4.0842	2.1000e-004		0.0223	0.0223		0.0223	0.0223		7.3066	7.3066	7.2900e-003		7.4597
Total	**19.6390**	**0.3731**	**28.7136**	**0.0394**		**3.7653**	**3.7653**		**3.7647**	**3.7647**	**458.9790**	**889.3066**	**1,348.2856**	**1.3761**	**0.0312**	**1,386.8400**

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

Newport Center Villas

Orange County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Enclosed Parking with Elevator	126.00	Space	1.13	133,260.00	0
Condo/Townhouse High Rise	49.00	Dwelling Unit	0.77	163,260.00	140

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	30
Climate Zone	8			**Operational Year**	2018
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	630.89	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use - Floor Surface Area:296,520 sf

Construction Phase - Construction Duration: 2 years

Trips and VMT - 940 tons of demolition required; CalEEMod assumes 20 tons per truck, which results in 47 loads of demolition to be hauled away. As such, the Project will require 94 two-way haul trips during demolition; added import of cement

Demolition -

Grading - Grading

Architectural Coating -

Vehicle Trips - Source: Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition, 2012)

Area Coating -

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Off-road Equipment - Added 2 excavators

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	ConstArea_Nonresidential_Exterior	66,630.00	25,200.00
tblArchitecturalCoating	ConstArea_Nonresidential_Interior	199,890.00	75,600.00
tblAreaCoating	Area_Nonresidential_Interior	199890	75600
tblConstructionPhase	NumDays	10.00	40.00
tblConstructionPhase	NumDays	200.00	400.00
tblConstructionPhase	NumDays	20.00	40.00
tblConstructionPhase	NumDays	4.00	30.00
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	2.00	4.00
tblGrading	MaterialExported	0.00	51,600.00
tblLandUse	LandUseSquareFeet	50,400.00	133,260.00

tblLandUse	LandUseSquareFeet	49,000.00	163,260.00
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblProjectCharacteristics	OperationalYear	2014	2018
tblTripsAndVMT	HaulingTripNumber	93.00	94.00
tblTripsAndVMT	HaulingTripNumber	0.00	2,000.00
tblVehicleTrips	ST_TR	7.16	4.31
tblVehicleTrips	SU_TR	6.07	3.43
tblVehicleTrips	WD_TR	6.59	4.18

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2016	7.0197	91.2804	70.5817	0.1843	8.9994	2.4730	11.4724	3.6192	2.2749	5.8940	0.0000	18,608.6857	18,608.6857	0.9731	0.0000	18,629.1200
2017	4.3172	31.0705	29.7163	0.0537	1.3087	1.6822	2.9909	0.3504	1.6024	1.9528	0.0000	4,997.0293	4,997.0293	0.8120	0.0000	5,014.0815
2018	62.0733	27.2765	28.5793	0.0537	1.6404	1.4200	3.0604	0.4319	1.3546	1.7865	0.0000	4,915.9775	4,915.9775	0.7881	0.0000	4,932.5274
Total	**73.4102**	**149.6273**	**128.8774**	**0.2917**	**11.9485**	**5.5752**	**17.5236**	**4.4014**	**5.2318**	**9.6333**	**0.0000**	**28,521.6925**	**28,521.6925**	**2.5732**	**0.0000**	**28,575.7289**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2016	7.0197	91.2804	70.5817	0.1843	8.9994	2.4730	11.4724	3.6192	2.2749	5.8940	0.0000	18,608.6857	18,608.6857	0.9731	0.0000	18,629.1200
2017	4.3172	31.0705	29.7163	0.0537	1.3087	1.6822	2.9909	0.3504	1.6024	1.9528	0.0000	4,997.0293	4,997.0293	0.8120	0.0000	5,014.0815
2018	62.0733	27.2765	28.5793	0.0537	1.6404	1.4200	3.0604	0.4319	1.3546	1.7865	0.0000	4,915.9775	4,915.9775	0.7881	0.0000	4,932.5274
Total	**73.4102**	**149.6273**	**128.8774**	**0.2917**	**11.9485**	**5.5752**	**17.5236**	**4.4014**	**5.2318**	**9.6333**	**0.0000**	**28,521.6925**	**28,521.6925**	**2.5732**	**0.0000**	**28,575.7289**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	19.6390	0.3732	28.7136	0.0394		3.7653	3.7653		3.7647	3.7647	458.9790	889.3066	1,348.2856	1.3761	0.0312	1,386.8400
Energy	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
Mobile	0.6427	1.5698	7.0529	0.0203	1.5248	0.0224	1.5473	0.4069	0.0207	0.4275		1,655.5835	1,655.5835	0.0631		1,656.9080
Total	**20.3046**	**2.1387**	**35.8499**	**0.0610**	**1.5248**	**3.8035**	**5.3284**	**0.4069**	**3.8012**	**4.2081**	**458.9790**	**2,794.8284**	**3,253.8074**	**1.4439**	**0.0357**	**3,295.2072**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	19.6390	0.3732	28.7136	0.0394		3.7653	3.7653		3.7647	3.7647	458.9790	889.3066	1,348.2856	1.3761	0.0312	1,386.8400
Energy	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
Mobile	0.6427	1.5698	7.0529	0.0203	1.5248	0.0224	1.5473	0.4069	0.0207	0.4275		1,655.5835	1,655.5835	0.0631		1,656.9080
Total	**20.3046**	**2.1387**	**35.8499**	**0.0610**	**1.5248**	**3.8035**	**5.3284**	**0.4069**	**3.8012**	**4.2081**	**458.9790**	**2,794.8284**	**3,253.8074**	**1.4439**	**0.0357**	**3,295.2072**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	6/1/2016	7/26/2016	5	40	
2	Site Preparation	Site Preparation	7/27/2016	8/1/2016	5	4	
3	Grading	Grading	8/2/2016	9/12/2016	5	30	
4	Building Construction	Building Construction	9/13/2016	3/26/2018	5	400	
5	Paving	Paving	3/27/2018	4/23/2018	5	20	
6	Architectural Coating	Architectural Coating	4/24/2018	6/18/2018	5	40	

Acres of Grading (Site Preparation Phase): 2

Acres of Grading (Grading Phase): 11.25

Acres of Paving: 0

Residential Indoor: 330,602; Residential Outdoor: 110,201; Non-Residential Indoor: 75,600; Non-Residential Outdoor: 25,200 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Rubber Tired Dozers	1	8.00	255	0.40
Demolition	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Site Preparation	Graders	1	8.00	174	0.41
Site Preparation	Rubber Tired Dozers	1	7.00	255	0.40
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading	Graders	1	6.00	174	0.41
Grading	Rubber Tired Dozers	1	6.00	255	0.40
Grading	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Building Construction	Cranes	1	6.00	226	0.29
Building Construction	Forklifts	1	6.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Building Construction	Welders	3	8.00	46	0.45
Paving	Cement and Mortar Mixers	1	6.00	9	0.56
Paving	Pavers	1	6.00	125	0.42
Paving	Paving Equipment	1	8.00	130	0.36
Paving	Rollers	1	7.00	80	0.38
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48
Demolition	Excavators	2	8.00	162	0.38
Site Preparation	Excavators	2	8.00	162	0.38
Grading	Excavators	2	8.00	162	0.38
Building Construction	Excavators	2	8.00	162	0.38
Paving	Excavators	2	8.00	162	0.38
Architectural Coating	Excavators	2	8.00	162	0.38

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	7	18.00	0.00	94.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	5	13.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	5	13.00	0.00	6,450.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	91.00	27.00	2,000.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	7	18.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	3	18.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5029	0.0000	0.5029	0.0761	0.0000	0.0761			0.0000			0.0000
Off-Road	3.6868	37.1639	28.3891	0.0351		2.1828	2.1828		2.0359	2.0359		3,592.4649	3,592.4649	0.9622		3,612.6712
Total	**3.6868**	**37.1639**	**28.3891**	**0.0351**	**0.5029**	**2.1828**	**2.6856**	**0.0761**	**2.0359**	**2.1121**		**3,592.4649**	**3,592.4649**	**0.9622**		**3,612.6712**

3.2 Demolition - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0459	0.6697	0.5394	1.7300e-003	0.0409	9.7600e-003	0.0507	0.0112	8.9800e-003	0.0202		173.7996	173.7996	1.2500e-003		173.8259
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0657	0.0887	0.9308	2.3100e-003	0.2012	1.4100e-003	0.2026	0.0534	1.3000e-003	0.0547		193.4222	193.4222	9.6000e-003		193.6239
Total	**0.1117**	**0.7585**	**1.4702**	**4.0400e-003**	**0.2421**	**0.0112**	**0.2533**	**0.0646**	**0.0103**	**0.0748**		**367.2218**	**367.2218**	**0.0109**		**367.4498**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5029	0.0000	0.5029	0.0761	0.0000	0.0761			0.0000			0.0000
Off-Road	3.6868	37.1639	28.3891	0.0351		2.1828	2.1828		2.0359	2.0359	0.0000	3,592.4649	3,592.4649	0.9622		3,612.6712
Total	**3.6868**	**37.1639**	**28.3891**	**0.0351**	**0.5029**	**2.1828**	**2.6856**	**0.0761**	**2.0359**	**2.1121**	**0.0000**	**3,592.4649**	**3,592.4649**	**0.9622**		**3,612.6712**

3.2 Demolition - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0459	0.6697	0.5394	1.7300e-003	0.0409	9.7600e-003	0.0507	0.0112	8.9800e-003	0.0202		173.7996	173.7996	1.2500e-003		173.8259
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0657	0.0887	0.9308	2.3100e-003	0.2012	1.4100e-003	0.2026	0.0534	1.3000e-003	0.0547		193.4222	193.4222	9.6000e-003		193.6239
Total	**0.1117**	**0.7585**	**1.4702**	**4.0400e-003**	**0.2421**	**0.0112**	**0.2533**	**0.0646**	**0.0103**	**0.0748**		**367.2218**	**367.2218**	**0.0109**		**367.4498**

3.3 Site Preparation - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.7996	0.0000	5.7996	2.9537	0.0000	2.9537			0.0000			0.0000
Off-Road	3.2230	34.6778	23.4056	0.0278		1.8367	1.8367		1.6898	1.6898		2,886.4226	2,886.4226	0.8707		2,904.7062
Total	**3.2230**	**34.6778**	**23.4056**	**0.0278**	**5.7996**	**1.8367**	**7.6363**	**2.9537**	**1.6898**	**4.6435**		**2,886.4226**	**2,886.4226**	**0.8707**		**2,904.7062**

3.3 Site Preparation - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0475	0.0641	0.6722	1.6700e-003	0.1453	1.0200e-003	0.1463	0.0385	9.4000e-004	0.0395		139.6938	139.6938	6.9400e-003		139.8395
Total	**0.0475**	**0.0641**	**0.6722**	**1.6700e-003**	**0.1453**	**1.0200e-003**	**0.1463**	**0.0385**	**9.4000e-004**	**0.0395**		**139.6938**	**139.6938**	**6.9400e-003**		**139.8395**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.7996	0.0000	5.7996	2.9537	0.0000	2.9537			0.0000			0.0000
Off-Road	3.2230	34.6778	23.4056	0.0278		1.8367	1.8367		1.6898	1.6898	0.0000	2,886.4226	2,886.4226	0.8707		2,904.7062
Total	**3.2230**	**34.6778**	**23.4056**	**0.0278**	**5.7996**	**1.8367**	**7.6363**	**2.9537**	**1.6898**	**4.6435**	**0.0000**	**2,886.4226**	**2,886.4226**	**0.8707**		**2,904.7062**

3.3 Site Preparation - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0475	0.0641	0.6722	1.6700e-003	0.1453	1.0200e-003	0.1463	0.0385	9.4000e-004	0.0395		139.6938	139.6938	6.9400e-003		139.8395
Total	**0.0475**	**0.0641**	**0.6722**	**1.6700e-003**	**0.1453**	**1.0200e-003**	**0.1463**	**0.0385**	**9.4000e-004**	**0.0395**		**139.6938**	**139.6938**	**6.9400e-003**		**139.8395**

3.4 Grading - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.1088	0.0000	5.1088	2.5551	0.0000	2.5551			0.0000			0.0000
Off-Road	2.7710	29.9421	20.5615	0.0247		1.5789	1.5789		1.4526	1.4526		2,568.1822	2,568.1822	0.7747		2,584.4500
Total	**2.7710**	**29.9421**	**20.5615**	**0.0247**	**5.1088**	**1.5789**	**6.6877**	**2.5551**	**1.4526**	**4.0077**		**2,568.1822**	**2,568.1822**	**0.7747**		**2,584.4500**

3.4 Grading - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	4.2012	61.2742	49.3480	0.1579	3.7453	0.8931	4.6384	1.0256	0.8214	1.8469		15,900.8096	15,900.8096	0.1148		15,903.2201
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0475	0.0641	0.6722	1.6700e-003	0.1453	1.0200e-003	0.1463	0.0385	9.4000e-004	0.0395		139.6938	139.6938	6.9400e-003		139.8395
Total	**4.2487**	**61.3383**	**50.0202**	**0.1596**	**3.8906**	**0.8941**	**4.7847**	**1.0641**	**0.8223**	**1.8864**		**16,040.5035**	**16,040.5035**	**0.1217**		**16,043.0596**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.1088	0.0000	5.1088	2.5551	0.0000	2.5551			0.0000			0.0000
Off-Road	2.7710	29.9421	20.5615	0.0247		1.5789	1.5789		1.4526	1.4526	0.0000	2,568.1822	2,568.1822	0.7747		2,584.4500
Total	**2.7710**	**29.9421**	**20.5615**	**0.0247**	**5.1088**	**1.5789**	**6.6877**	**2.5551**	**1.4526**	**4.0077**	**0.0000**	**2,568.1822**	**2,568.1822**	**0.7747**		**2,584.4500**

3.4 Grading - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	4.2012	61.2742	49.3480	0.1579	3.7453	0.8931	4.6384	1.0256	0.8214	1.8469		15,900.8096	15,900.8096	0.1148		15,903.2201
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0475	0.0641	0.6722	1.6700e-003	0.1453	1.0200e-003	0.1463	0.0385	9.4000e-004	0.0395		139.6938	139.6938	6.9400e-003		139.8395
Total	**4.2487**	**61.3383**	**50.0202**	**0.1596**	**3.8906**	**0.8941**	**4.7847**	**1.0641**	**0.8223**	**1.8864**		**16,040.5035**	**16,040.5035**	**0.1217**		**16,043.0596**

3.5 Building Construction - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	4.0718	29.4518	21.5985	0.0326		1.8038	1.8038		1.7207	1.7207		3,152.2786	3,152.2786	0.7833		3,168.7282
Total	**4.0718**	**29.4518**	**21.5985**	**0.0326**		**1.8038**	**1.8038**		**1.7207**	**1.7207**		**3,152.2786**	**3,152.2786**	**0.7833**		**3,168.7282**

3.5 Building Construction - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0977	1.4250	1.1476	3.6700e-003	0.3557	0.0208	0.3765	0.0898	0.0191	0.1089		369.7863	369.7863	2.6700e-003		369.8423
Vendor	0.2617	2.3906	3.3166	5.8000e-003	0.1687	0.0374	0.2061	0.0481	0.0344	0.0824		580.5820	580.5820	4.2800e-003		580.6719
Worker	0.3323	0.4486	4.7057	0.0117	1.0172	7.1100e-003	1.0243	0.2698	6.5500e-003	0.2763		977.8567	977.8567	0.0486		978.8763
Total	**0.6917**	**4.2641**	**9.1699**	**0.0212**	**1.5416**	**0.0653**	**1.6069**	**0.4076**	**0.0600**	**0.4676**		**1,928.2249**	**1,928.2249**	**0.0555**		**1,929.3906**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	4.0718	29.4518	21.5985	0.0326		1.8038	1.8038		1.7207	1.7207	0.0000	3,152.2786	3,152.2786	0.7833		3,168.7282
Total	**4.0718**	**29.4518**	**21.5985**	**0.0326**		**1.8038**	**1.8038**		**1.7207**	**1.7207**	**0.0000**	**3,152.2786**	**3,152.2786**	**0.7833**		**3,168.7282**

3.5 Building Construction - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0977	1.4250	1.1476	3.6700e-003	0.3557	0.0208	0.3765	0.0898	0.0191	0.1089		369.7863	369.7863	2.6700e-003		369.8423
Vendor	0.2617	2.3906	3.3166	5.8000e-003	0.1687	0.0374	0.2061	0.0481	0.0344	0.0824		580.5820	580.5820	4.2800e-003		580.6719
Worker	0.3323	0.4486	4.7057	0.0117	1.0172	7.1100e-003	1.0243	0.2698	6.5500e-003	0.2763		977.8567	977.8567	0.0486		978.8763
Total	**0.6917**	**4.2641**	**9.1699**	**0.0212**	**1.5416**	**0.0653**	**1.6069**	**0.4076**	**0.0600**	**0.4676**		**1,928.2249**	**1,928.2249**	**0.0555**		**1,929.3906**

3.5 Building Construction - 2017

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.6826	27.1827	21.1873	0.0326		1.6229	1.6229		1.5478	1.5478		3,122.2222	3,122.2222	0.7602		3,138.1860
Total	**3.6826**	**27.1827**	**21.1873**	**0.0326**		**1.6229**	**1.6229**		**1.5478**	**1.5478**		**3,122.2222**	**3,122.2222**	**0.7602**		**3,138.1860**

3.5 Building Construction - 2017

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0918	1.3068	1.1027	3.6700e-003	0.1227	0.0190	0.1417	0.0326	0.0175	0.0501		363.6841	363.6841	2.6200e-003		363.7391
Vendor	0.2407	2.1737	3.1466	5.7900e-003	0.1688	0.0334	0.2022	0.0481	0.0307	0.0788		571.1200	571.1200	4.1500e-003		571.2072
Worker	0.3021	0.4073	4.2796	0.0117	1.0172	6.9500e-003	1.0241	0.2698	6.4200e-003	0.2762		940.0030	940.0030	0.0451		940.9492
Total	**0.6346**	**3.8878**	**8.5290**	**0.0212**	**1.3087**	**0.0593**	**1.3680**	**0.3504**	**0.0546**	**0.4050**		**1,874.8071**	**1,874.8071**	**0.0518**		**1,875.8955**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.6826	27.1827	21.1873	0.0326		1.6229	1.6229		1.5478	1.5478	0.0000	3,122.2222	3,122.2222	0.7602		3,138.1860
Total	**3.6826**	**27.1827**	**21.1873**	**0.0326**		**1.6229**	**1.6229**		**1.5478**	**1.5478**	**0.0000**	**3,122.2222**	**3,122.2222**	**0.7602**		**3,138.1860**

3.5 Building Construction - 2017

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0918	1.3068	1.1027	3.6700e-003	0.1227	0.0190	0.1417	0.0326	0.0175	0.0501		363.6841	363.6841	2.6200e-003		363.7391
Vendor	0.2407	2.1737	3.1466	5.7900e-003	0.1688	0.0334	0.2022	0.0481	0.0307	0.0788		571.1200	571.1200	4.1500e-003		571.2072
Worker	0.3021	0.4073	4.2796	0.0117	1.0172	6.9500e-003	1.0241	0.2698	6.4200e-003	0.2762		940.0030	940.0030	0.0451		940.9492
Total	**0.6346**	**3.8878**	**8.5290**	**0.0212**	**1.3087**	**0.0593**	**1.3680**	**0.3504**	**0.0546**	**0.4050**		**1,874.8071**	**1,874.8071**	**0.0518**		**1,875.8955**

3.5 Building Construction - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.1785	23.6975	20.5864	0.0326		1.3627	1.3627		1.3019	1.3019		3,092.2192	3,092.2192	0.7393		3,107.7434
Total	**3.1785**	**23.6975**	**20.5864**	**0.0326**		**1.3627**	**1.3627**		**1.3019**	**1.3019**		**3,092.2192**	**3,092.2192**	**0.7393**		**3,107.7434**

3.5 Building Construction - 2018

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0886	1.2129	1.0750	3.6600e-003	0.4545	0.0190	0.4735	0.1140	0.0175	0.1315		357.6005	357.6005	2.6600e-003		357.6563
Vendor	0.2245	1.9944	3.0108	5.7800e-003	0.1688	0.0314	0.2002	0.0481	0.0289	0.0770		561.4126	561.4126	4.1400e-003		561.4994
Worker	0.2754	0.3716	3.9071	0.0117	1.0172	6.8700e-003	1.0240	0.2698	6.3600e-003	0.2761		904.7453	904.7453	0.0421		905.6283
Total	**0.5884**	**3.5790**	**7.9929**	**0.0211**	**1.6404**	**0.0573**	**1.6977**	**0.4319**	**0.0527**	**0.4846**		**1,823.7584**	**1,823.7584**	**0.0489**		**1,824.7840**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.1785	23.6975	20.5864	0.0326		1.3627	1.3627		1.3019	1.3019	0.0000	3,092.2192	3,092.2192	0.7393		3,107.7434
Total	**3.1785**	**23.6975**	**20.5864**	**0.0326**		**1.3627**	**1.3627**		**1.3019**	**1.3019**	**0.0000**	**3,092.2192**	**3,092.2192**	**0.7393**		**3,107.7434**

3.5 Building Construction - 2018

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0886	1.2129	1.0750	3.6600e-003	0.4545	0.0190	0.4735	0.1140	0.0175	0.1315		357.6005	357.6005	2.6600e-003		357.6563
Vendor	0.2245	1.9944	3.0108	5.7800e-003	0.1688	0.0314	0.2002	0.0481	0.0289	0.0770		561.4126	561.4126	4.1400e-003		561.4994
Worker	0.2754	0.3716	3.9071	0.0117	1.0172	6.8700e-003	1.0240	0.2698	6.3600e-003	0.2761		904.7453	904.7453	0.0421		905.6283
Total	**0.5884**	**3.5790**	**7.9929**	**0.0211**	**1.6404**	**0.0573**	**1.6977**	**0.4319**	**0.0527**	**0.4846**		**1,823.7584**	**1,823.7584**	**0.0489**		**1,824.7840**

3.6 Paving - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.6011	16.6884	15.6205	0.0240		0.9121	0.9121		0.8400	0.8400		2,397.3814	2,397.3814	0.7385		2,412.8894
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.6011**	**16.6884**	**15.6205**	**0.0240**		**0.9121**	**0.9121**		**0.8400**	**0.8400**		**2,397.3814**	**2,397.3814**	**0.7385**		**2,412.8894**

3.6 Paving - 2018

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0545	0.0735	0.7728	2.3100e-003	0.2012	1.3600e-003	0.2026	0.0534	1.2600e-003	0.0546		178.9606	178.9606	8.3200e-003		179.1353
Total	**0.0545**	**0.0735**	**0.7728**	**2.3100e-003**	**0.2012**	**1.3600e-003**	**0.2026**	**0.0534**	**1.2600e-003**	**0.0546**		**178.9606**	**178.9606**	**8.3200e-003**		**179.1353**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.6011	16.6884	15.6205	0.0240		0.9121	0.9121		0.8400	0.8400	0.0000	2,397.3814	2,397.3814	0.7385		2,412.8894
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.6011**	**16.6884**	**15.6205**	**0.0240**		**0.9121**	**0.9121**		**0.8400**	**0.8400**	**0.0000**	**2,397.3814**	**2,397.3814**	**0.7385**		**2,412.8894**

3.6 Paving - 2018

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0545	0.0735	0.7728	2.3100e-003	0.2012	1.3600e-003	0.2026	0.0534	1.2600e-003	0.0546		178.9606	178.9606	8.3200e-003		179.1353
Total	**0.0545**	**0.0735**	**0.7728**	**2.3100e-003**	**0.2012**	**1.3600e-003**	**0.2026**	**0.0534**	**1.2600e-003**	**0.0546**		**178.9606**	**178.9606**	**8.3200e-003**		**179.1353**

3.7 Architectural Coating - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	61.1243					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.8945	8.3860	8.6050	0.0136		0.4600	0.4600		0.4352	0.4352		1,352.2542	1,352.2542	0.3601		1,359.8162
Total	**62.0188**	**8.3860**	**8.6050**	**0.0136**		**0.4600**	**0.4600**		**0.4352**	**0.4352**		**1,352.2542**	**1,352.2542**	**0.3601**		**1,359.8162**

3.7 Architectural Coating - 2018

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0545	0.0735	0.7728	2.3100e-003	0.2012	1.3600e-003	0.2026	0.0534	1.2600e-003	0.0546		178.9606	178.9606	8.3200e-003		179.1353
Total	**0.0545**	**0.0735**	**0.7728**	**2.3100e-003**	**0.2012**	**1.3600e-003**	**0.2026**	**0.0534**	**1.2600e-003**	**0.0546**		**178.9606**	**178.9606**	**8.3200e-003**		**179.1353**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	61.1243					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.8945	8.3860	8.6050	0.0136		0.4600	0.4600		0.4352	0.4352	0.0000	1,352.2542	1,352.2542	0.3601		1,359.8162
Total	**62.0188**	**8.3860**	**8.6050**	**0.0136**		**0.4600**	**0.4600**		**0.4352**	**0.4352**	**0.0000**	**1,352.2542**	**1,352.2542**	**0.3601**		**1,359.8162**

3.7 Architectural Coating - 2018

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0545	0.0735	0.7728	2.3100e-003	0.2012	1.3600e-003	0.2026	0.0534	1.2600e-003	0.0546		178.9606	178.9606	8.3200e-003		179.1353
Total	**0.0545**	**0.0735**	**0.7728**	**2.3100e-003**	**0.2012**	**1.3600e-003**	**0.2026**	**0.0534**	**1.2600e-003**	**0.0546**		**178.9606**	**178.9606**	**8.3200e-003**		**179.1353**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.6427	1.5698	7.0529	0.0203	1.5248	0.0224	1.5473	0.4069	0.0207	0.4275		1,655.5835	1,655.5835	0.0631		1,656.9080
Unmitigated	0.6427	1.5698	7.0529	0.0203	1.5248	0.0224	1.5473	0.4069	0.0207	0.4275		1,655.5835	1,655.5835	0.0631		1,656.9080

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Condo/Townhouse High Rise	204.82	211.19	168.07	685,071	685,071
Enclosed Parking with Elevator	0.00	0.00	0.00		
Total	204.82	211.19	168.07	685,071	685,071

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Condo/Townhouse High Rise	14.70	5.90	8.70	40.20	19.20	40.60	86	11	3
Enclosed Parking with Elevator	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.510011	0.056836	0.192178	0.151564	0.041643	0.005905	0.015642	0.015146	0.001440	0.002149	0.004721	0.000504	0.002262

5.0 Energy Detail

4.4 Fleet Mix

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
NaturalGas Unmitigated	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Condo/Townhouse High Rise	2124.47	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
Total		**0.0229**	**0.1958**	**0.0833**	**1.2500e-003**		**0.0158**	**0.0158**		**0.0158**	**0.0158**		**249.9382**	**249.9382**	**4.7900e-003**	**4.5800e-003**	**251.4593**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Condo/Townhouse High Rise	2.12447	0.0229	0.1958	0.0833	1.2500e-003		0.0158	0.0158		0.0158	0.0158		249.9382	249.9382	4.7900e-003	4.5800e-003	251.4593
Total		**0.0229**	**0.1958**	**0.0833**	**1.2500e-003**		**0.0158**	**0.0158**		**0.0158**	**0.0158**		**249.9382**	**249.9382**	**4.7900e-003**	**4.5800e-003**	**251.4593**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	19.6390	0.3732	28.7136	0.0394		3.7653	3.7653		3.7647	3.7647	458.9790	889.3066	1,348.2856	1.3761	0.0312	1,386.8400
Unmitigated	19.6390	0.3732	28.7136	0.0394		3.7653	3.7653		3.7647	3.7647	458.9790	889.3066	1,348.2856	1.3761	0.0312	1,386.8400

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.8014					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	5.8711					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	12.8398	0.3258	24.6295	0.0392		3.7430	3.7430		3.7424	3.7424	458.9790	882.0000	1,340.9790	1.3688	0.0312	1,379.3802
Landscaping	0.1267	0.0474	4.0842	2.1000e-004		0.0223	0.0223		0.0223	0.0223		7.3066	7.3066	7.2900e-003		7.4597
Total	**19.6390**	**0.3731**	**28.7136**	**0.0394**		**3.7653**	**3.7653**		**3.7647**	**3.7647**	**458.9790**	**889.3066**	**1,348.2856**	**1.3761**	**0.0312**	**1,386.8400**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.8014					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	5.8711					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	12.8398	0.3258	24.6295	0.0392		3.7430	3.7430		3.7424	3.7424	458.9790	882.0000	1,340.9790	1.3688	0.0312	1,379.3802
Landscaping	0.1267	0.0474	4.0842	2.1000e-004		0.0223	0.0223		0.0223	0.0223		7.3066	7.3066	7.2900e-003		7.4597
Total	**19.6390**	**0.3731**	**28.7136**	**0.0394**		**3.7653**	**3.7653**		**3.7647**	**3.7647**	**458.9790**	**889.3066**	**1,348.2856**	**1.3761**	**0.0312**	**1,386.8400**

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation