CITY OF NEWPORT BEACH

3300 Newport Boulevard - P.O. Box 1768
Newport Beach, CA 92658-8915
(949) 644-3200

Notice of Intent to Adopt a Mitigated Negative Declaration

To:

[X] Office of Planning and Research
P.O. BOX 3044
Sacramento, CA 95812-3044

[X] County Clerk, County of Orange
Public Services Division
P.O. Box 238
Santa Ana, CA 92702

From: City of Newport Beach
Planning Department
3300 Newport Boulevard - P.O. Box 1768
Newport Beach, CA 92658-8915
(Orange County)

Date received for filing at OPR/County Clerk:

Public review period: *July XX, 2007 to August XX, 2007*

Name of Project: *Newport Executive Court*

Project Location: The proposed project is located at 20372 Birch Street (Assessor's Parcel Numbers 439-381-28, 439-381-30, 439-382-06, 439-382-07, 439-382-10, 439-382-26 and 439-382-27).

Project Description: Newport Executive Court, LLC, proposes to construct four (4) two-story medical office buildings of approximately 64,973 total square feet with an underground parking garage.

Finding: Pursuant to the provisions of City Council K-3 pertaining to procedures and guidelines to implement the California Environmental Quality Act, the City of Newport Beach has evaluated the proposed project and determined that the proposed project would not have a significant effect on the environment.

A copy of the Initial Study containing the analysis supporting this finding is ☑ attached ☑ on file at the Planning Department. The Initial Study may include mitigation measures that would eliminate or reduce potential environmental impacts. This document will be considered by the decision-maker(s) prior to final action on the proposed project. If a public hearing will be held to consider this project, a notice of the time and location is attached.

Additional plans, studies and/or exhibits relating to the proposed project may be available for public review. If you would like to examine these materials, you are invited to contact the undersigned.

If you wish to appeal the appropriateness or adequacy of this document, your comments should be submitted in writing prior to the close of the public review period. Your comments should specifically identify what environmental impacts you believe would result from the project, why they are significant, and what changes or mitigation measures you believe should be adopted to eliminate or reduce these impacts. There is no fee for this appeal. If a public hearing will be held, you are also invited to attend and testify as to the appropriateness of this document.

If you have any questions or would like further information, please contact the undersigned at (949) 644-3200.

_____ Date _____

Rosalinh Ung, Associate Planner

Newport Executive Court Project

DRAFT Initial Study and Mitigated Negative Declaration (IS/MND)

Prepared for:

City of Newport Beach

3300 Newport Boulevard

Newport Beach, California 92658

Prepared by:

PB Americas, Inc.

505 South Main Street

Suite 900

Orange, California 92868-4529

July 2007

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CITY OF NEWPORT BEACH

1.0 ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Newport Executive Court

2. Lead Agency Name and Address: **City of Newport Beach**
Planning Department
3300 Newport Boulevard,
Newport Beach, CA 92658-8915

3. Contact Person and Phone Number: Rosalinh M. Ung, Planning Department
(949) 644-3208

4. Project Location: The proposed project (Assessor's Parcel Numbers 439-381-28, 439-381-30, 439-382-06, 439-382-07, 439-382-10, 439-382-26 and 439-382-27) is located at 20372 Birch Street which is bound by Birch Street, Cypress Street, Mesa Drive, and Orchard Drive (refer to Figure 1, Regional Map and Figure 2 Project Location Map).

5. Project Sponsor's Name and Address: Newport Executive Court, LLC
4120 Birch Street, Suite 110
Newport Beach, CA 92660

6. General Plan Designation**:** The Land Use Element of the City's General Plan designates the proposed project parcel as General Commercial Office with a maximum floor area ratio of 0.50 (CO-G 0.50), which is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses.

7. Zoning: The site is zoned as Business Park [SP-7 (BP)] by the Specific Plan District 7 (Santa Ana Heights). Medical and dental office uses are permitted subject to the approval of a use permit by the Planning Director per Chapter 20.91 (use permits and variances).

8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

   The proposed project is located at 20372 Birch Street in Santa Ana Heights. The 133,324 square foot site is currently vacant. Newport Executive Court, LLC, proposes to construct four (4) two-story medical office buildings of approximately 65,205 total square feet with an underground parking garage. The areas surrounding the structures will consist of parking and drive lanes, landscape planters, and decorative concrete flatwork. There will be a six foot high wall and landscaping along the border of the property between the surrounding properties. The office buildings would be designed with obscure glazing facing the residential properties to eliminate any sightlines and provide privacy to the community. Parking is currently not allowed on Mesa Drive or Birch Street. Parking is allowed on the Birch Street cul-de-sac west of the project site. Two trash enclosures would be located at the eastern corners of the site (one at each corner). See Appendix A, Site Plan and Elevation Plans.

Figure 1 – Regional Map

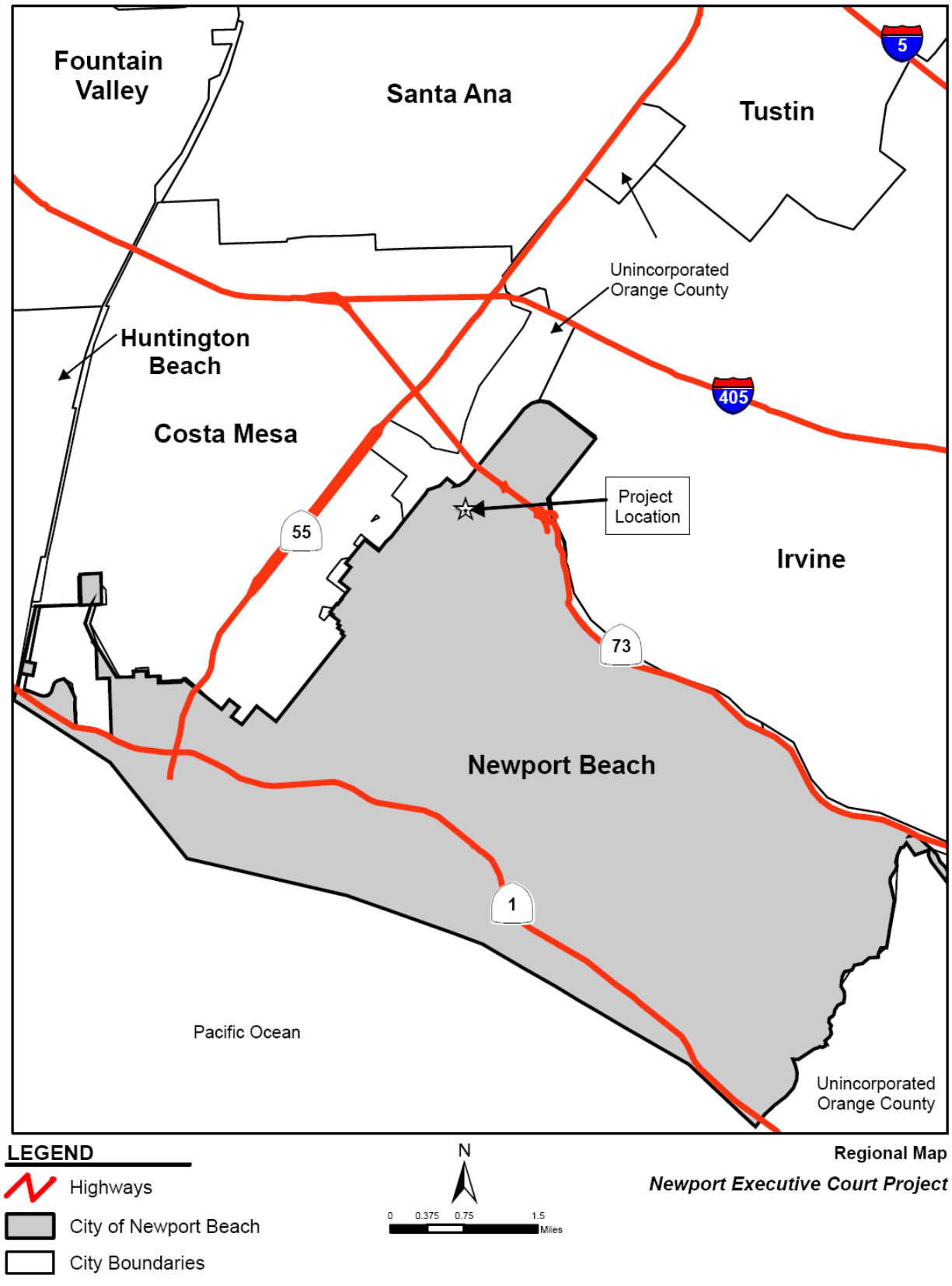

Figure 2 – Project Location Map

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)

Current Development:	Vacant
To the north:	General Commerical Office
To the east:	General Commerical Office and Single-Family Residential Detached
To the south:	Single-Family Residential Detached
To the west:	Single-Family Residential Detached and Parks and Recreation

Development adjacent to the proposed project site consists primarily of office, residential, and commercial service uses to the north, west, east, and the south. The project is bound by Birch Street to the north, a proposed park (Mesa Birch View Park) and residential uses to the west, and residential uses to the southeast, and a commercial retail use to the north east. Multi-storied commercial and medical office buildings are located directly to the north of the site. Residential uses are located west and southwest of the project site along Mesa Drive and SW Cypress Street. Commercial office buildings and single and multi-family residential uses are located along Birch Street, northeast of the project site. John Wayne Airport is approximately 0.6 mile north of the project site. The Newport Regional Park is approximately 0.3 mile south of the project site. The Newport Beach Golf Course is located 260 feet west of the project boundaries.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Newport Executive Court, LLC will require consideration of the following entitlements from the City of Newport Beach: Use Permit, Traffic Study, and Parcel Map for the development of medical office uses in a Business Park [SP-7 (BP)] zone. Project review and comments from the Federal Aviation Administration and Airport Land Use Commission are currently being coordinated. No other public agency approvals are required. The project is also required to comply with the Clean Water Act (33 U.S.C. 1344) and obtain a Section 401 Water Quality Certification and National Pollutant Discharge Elimination System (NPDES) permit from the Santa Ana Regional Water Quality Control Board.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Land Use Planning	☐ Transportation/ Circulation	☐ Public Services
☐ Population & Housing	☐ Biological Resources	☐ Utilities & Service Systems
☐ Geological Problems	☐ Energy & Mineral Resources	☐ Aesthetics
☐ Water	☐ Hazards	☐ Cultural Resources
☐ Air Quality	☐ Noise	☐ Recreation
	☐ Mandatory Findings of Significance	

DETERMINATION (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. ☑

I find that the proposed project MAY have a significant effect on the environment, and ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

Submitted by:	Rosalinh M. Ung, Associate Planner Planning Department	Date
Prepared by:	Steven Wolf, Consultant Project Manager PB Americas, Inc.	Date

CITY OF NEWPORT BEACH

2.0 ENVIRONMENTAL CHECKLIST

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
I.	**AESTHETICS.** Would the project:				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☑
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☑
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☑	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☑	☐	☐
II.	**AGRICULTURE RESOURCES.** Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☑
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☑
III.	**AIR QUALITY.** Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☑

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☑
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑
V.	**CULTURAL RESOURCES.** Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☑
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☑
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☑
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☑
VI.	**GEOLOGY AND SOILS.** Would the project:				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☑	☐
	ii) Strong seismic ground shaking?	☐	☐	☑	☐
	iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☑
	iv) Landslides?	☐	☐	☐	☑

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☑	☐
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☑	☐	☐
d)	Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☑	☐	☐
e)	Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☑
VII. HAZARDS AND HAZARDOUS MATERIALS.					
	Would the project:				
a)	Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☑
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☑	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☑
d)	Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☑

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e)	For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☑	☐
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☑
VIII. HYDROLOGY AND WATER QUALITY.					
	Would the project:				
a)	Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☑
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☑	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☑	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	☐	☐	☑	☐
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☑	☐
f)	Otherwise substantially degrade water quality?	☐	☐	☑	☐
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☑
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☑
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☑	☐
j)	Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☑
k)	Result in significant alteration of receiving water quality during or following construction?	☐	☐	☑	☐
l)	Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?	☐	☐	☑	☐
m)	Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?	☐	☐	☑	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
n)	Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?	☐	☐	☑	☐
o)	Create significant increases in erosion of the project site or surrounding areas?	☐	☐	☑	☐
IX. LAND USE AND PLANNING. Would the proposal:					
a)	Physically divide an established community?	☐	☐	☐	☑
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☑
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☑
X. MINERAL RESOURCES. Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☑
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☑
XI. NOISE. Would the project result in:					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☑	☐	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☑	☐
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☑	☐
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐
e)	For a project located within an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☑	☐	☐
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑
XII. POPULATION AND HOUSING. Would the project:					
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☑	☐
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑
XIII. PUBLIC SERVICES. Would the project:					

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☑
	Fire protection?	☐	☐	☑	☐
	Police protection?	☐	☐	☑	☐
	Schools?	☐	☐	☐	☑
	Other public facilities?	☐	☐	☐	☑
XIV. RECREATION					
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☑
b)	Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment? opportunities?	☐	☐	☐	☑
XV. TRANSPORTATION/TRAFFIC Would the project:					
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☑	☐
b)	Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☑	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☑
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☑
e)	Result in inadequate emergency access?	☐	☐	☐	☑
f)	Result in inadequate parking capacity?	☐	☐	☐	☑
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☑
XVI. UTILITIES & SERVICE SYSTEMS Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☑
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☑
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☑	☐
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☑	☐
e)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☑

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☑	☐
g)	Comply with federal, state, and local statutes and regulation related to solid waste?	☐	☐	☐	☑
h)	Include a new or retrofitted strom water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetland), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?	☐	☐	☐	☑
XVII.	**MANDATORY FINDINGS OF SIGNIFICANCE.**				
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?	☐	☑	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☑
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☑	☐	☐

XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

- Building Surveys and Architecture. Phase I Environmental Site Assessment. April 16, 2003.

- Patriot Environmental Laboratory Services, Inc. *Asbestos and Lead Clearance Sampling (PCM & AA Analysis)*. May 4, 2004.

- Patriot Environmental Laboratory Services, Inc. *Hazardous Material Inventory Investigation*. February 2, 2004.

These documents are available at the City of Newport Beach, City Hall located at 3300 Newport Boulevard, Newport Beach, CA 92626.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

The effects from the above checklist were analyzed for the proposed project to construct four (4) two-story medical office buildings. If earlier document analysis was used to address analysis, a reference to the document used is provided (see Section 3.0 Environmental Analysis).

c) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

SOURCE LIST

The following enumerated documents are available at the offices of the City of Newport Beach, Planning Department, 3300 Newport Boulevard, Newport Beach, California 92660.

1. Kimley-Horn and Associates, Inc. Traffic Impact Study. May 2007.

2. Newport Beach, City of. Final Program EIR – City of Newport Beach General Plan

3. Newport Beach, City of. General Plan, including all its elements, City of Newport Beach. November 7, 2006.

4. Newport Beach, City of. Specific Plan, District # 7, Santa Ana Heights.

5. Newport Beach, City of. Title 20, Zoning Code of the Newport Beach Municipal Code.

6. Newport Beach, City of. City Excavation and Grading Code, Newport Beach Municipal Code.

7. Newport Beach, City of. Chapter 10.28, Community Noise Ordinance of the Newport Beach Municipal Code.

8. Newport Executive Court, LLC. Environmental Information Form. January 4, 2007.

9. PB Americas, Inc. Phase I Environmental Site Assessment. May 2007.

10. South Coast Air Quality Management District, Air Quality Management Plan 1997.

11. Southern California Geotechnical. Geotechnical Investigation Proposed Newport Executive Court. January 11, 2007.

12. Walden and Associates. Preliminary Water Quality Management Plan (WQMP). February 14, 2007.

3.0 ENVIRONMENTAL ANALYSIS

This section of the Initial Study evaluates the potential environmental impacts of the medical office project and provides explanations of the responses to the Environmental Checklist.

The Environmental Checklist is based on Appendix G of the California Environmental Quality Act (CEQA) Guidelines and the City of Newport Beach CEQA guidelines (City Council Policy Manual, K-3). Appendix G of the CEQA Guidelines provides a checklist of questions that correspond directly to the legal standards for preparing Environmental Impact Reports (EIRs), Negative Declarations (NDs), and Mitigated Negative Declarations (MNDs). The environmental issues evaluated in this Initial Study include the following:

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/ Traffic
- Utilities and Service Systems

The environmental analysis in this section follows the Environmental Checklist. Under each issue area, a general discussion of the existing conditions is provided. The Environmental Checklist questions are then stated and an answer is provided according to the environmental analysis of the project's impacts. To each question, there are four possible responses:

- **No Impact.** The proposed project will not have any measurable environmental impact on the environment.

- **Less Than Significant Impact.** The proposed project will have the potential for impacting the environment, although this impact will be below thresholds that may be considered significant.

- **Less Than Significant Impact with Mitigation.** The proposed project will have potentially significant adverse impacts which may exceed established thresholds, although mitigation measures or changes to the project's physical or operational characteristics will reduce these impacts to levels that are less than significant. Measures that may reduce this impact are identified.

- **Potentially Significant Impact.** The proposed project will have impacts that are considered significant and additional analysis is required to identify mitigation measures that could reduce these impacts to insignificant levels. When an impact is determined to be potentially significant in the preliminary analysis, the environmental issue will be subject to detailed analysis in an environmental impact report (EIR).

The references and sources used for the analysis are also identified after each response.

3.1 AESTHETICS

The proposed Newport Executive Court Project would be located at 20372 Birch Street on the south side of Birch Street between Mesa Drive and Orchard Drive in the City of Newport Beach. The proposed project includes the construction of four (4) two-story medical office buildings of approximately 65,205 total square feet with an underground parking garage.

The proposed project site is currently vacant. The proposed project would remove existing vegetation and create a built environment. The surrounding areas support commercial uses including primarily two-story structures with adjacent parking lots, security lighting, and neatly manicured landscape setbacks. The general character of the project area is urbanized with commercial and residential development surrounding the project site. The residential areas are oriented away from the proposed project site with perimeter fencing and vegetation located between the homes and the project site.

The proposed project design conforms to the guidelines contained in the Santa Ana Heights Specific Plan. The proposed buildings would have a seventy-five foot setback from the residential community with building heights limited to thirty-seven feet above the existing topography on-site. The building setbacks and height restrictions would minimize the building's presence to the adjacent properties. A six foot high wall and landscaping provide separation between the surrounding properties at the perimeter of the site. The buildings have been designed with obscure glazing on the windows facing the residential properties to eliminate any sightlines from the building occupants into the residential community.

All of the parking lot light fixtures would utilize a cut-off-shield to reduce the light "spill-over" across the property lines. The buildings' architectural lighting would be concentrated on the interior courtyard features and enhanced landscaping. The buildings have been designed to shield this lighting from the adjacent properties.

A. Would the project have a substantial adverse effect on a scenic vista?

No Impact. There are no designated scenic vistas on or near the project site. The proposed project site is located in an urbanized environment surrounded primarily by residential and commercial office buildings. The Upper Newport Bay is an important scenic resource to the City; however, the nearest public viewpoint is approximately 0.25 mile away. Therefore, no impact on any scenic vista would occur from the proposed project.

B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. State Route 73 (SR-73), Mesa Drive, Cypress Street, and Birch Street are not designated as scenic highways in California's Scenic Highways Program. There are no public vistas, scenic drives, coastal views, coastal bluffs, or other natural landforms that would be impacted by the proposed project. Therefore, no impact on scenic resources or scenic highways is expected.

C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

Less than Significant Impact with Mitigation. The proposed project would convert the project site from vacant land to a two-story medical office plaza. Exterior elevations for the proposed office units are shown in the project site plans (Appendix A). The proposed project would represent a change in the existing views of the proposed project site. Although, the existing uses on-site would be converted from a vacant lot to a medical office complex, the new structures would conform with the development guidelines contained in the Santa Ana Heights Specific

Plan, which governs development within the project area, and would be consistent within the visual character of the surrounding area. The surrounding area is developed with commercial and residential uses, office structures, and parking lots. Most of the structures in the area are one-story structures between Cypress and Birch Streets. Other large-scale buildings are visible from within the project area. The nearby offices and retail structures do not currently adhere to a specific architectural theme or design and reflect a variety of building materials, colors, textures, and landscaping. With appropriate consideration of architectural details and landscaping, the new structures would remain compatible with the variety of architectural styles and urban development that characterizes the project area. The scale of the new structures, while different from the existing use, would be similar in scale to surrounding uses and consistent with other large-scale structures that are visible from within the project site.

The Santa Ana Heights Project Advisory Committee (PAC) requested that the preliminary building elevations be articulated more to reduce the "glass box" appearance of the building and to conform more closely with the architectural guidelines contained in the Santa Ana Heights Specific Plan. The Specific Plan specifies that the use of glass be subdued and in harmony with the building and the natural surroundings; glazing shall be used predominately for the purpose of lighting interior space; glazing shall not be used as a major architectural element, but may be used as an accent feature to add variety to building facades; and mirrored glazing shall not be used. The project applicant has revised the plans by articulating the buildings using more stone than glass materials to be consistent with the existing buildings in the surrounding properties. The PAC also requested that the building material facing the residences be painted using light earth tone colors with some gray to complement the other building material colors and to be more consistent with the natural surroundings and immediate equestrian neighborhood. The project applicant has revised the color palette to include "warmer tones" based on the PAC's request.

Several very mature ficus trees are located along the project perimeter on the property of 2141 Mesa Drive. The PAC has requested that these trees be protected in place when the new property line wall is constructed, if feasible. The trees appear to provide a visual barrier and shade/shadow relief from the adjoining project development site. The PAC has also requested that the project Landscape Architect coordinate the on-site landscaping immediately adjacent to the View Park with the proposed landscaping for the park. Based on the above requests, the PAC has recommended approval of the project.

During construction, views of grading activities, material stockpiles, and large construction vehicles would have temporary, short-term impacts on visual quality. Screening of the construction area and good housekeeping practices would help to minimize these impacts. With conformance to the architectural guidelines for Business Park uses, coordination of landscape materials with adjacent properties, use of a certified arborist to review and provide recommendations on the disposition of the mature ficus trees, and use of natural, earth-tone materials and colors on the building façade, long-term impacts to visual character or quality are not expected to occur as a result of the proposed project.

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

VIS-2: Exterior paint colors shall adhere to the revised color palette submitted to the City on June 19, 2007 that uses "warmer" tones.

VIS-3: The project applicant shall retain a certified arborist to determine project impacts to adjacent mature trees located on the property of 2141 Mesa Drive. The consulting

arborist shall assess and recommend appropriate and practical approaches and methods for treatment of the mature trees located on the property of 2141 Mesa Drive in consideration of the construction of the proposed property line block wall and in consistency with the City's Tree Ordinances and Policies.

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

D. Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less than Significant Impact with Mitigation. The proposed medical office plaza would result in new shade and shadow patterns. There are no sensitive plants or animal species within the project vicinity that would be affected by these new patterns. Building setbacks required by the City of Newport Beach Municipal Code would also minimize any impacts from new shade and shadow patterns on adjacent land uses. The project site, similar to the other surrounding commercial parking areas, would be lit at night for security purposes. The proposed project would include exterior lighting, which would be installed at appropriate locations in accordance with City of Newport Beach requirements for exterior lighting within commercial developments. All parking lot light fixtures would utilize a cut-off shield to reduce light spill-over across property lines and would only be used during evening hours, so it would have no impact on daytime views. Lighting within the new development is not anticipated to significantly increase nighttime lighting since Birch Street and Mesa Drive are already significant sources of ambient nighttime light within the project area. The building facades include some glass surfaces, which can have the potential to create glare from reflected light. However, the amount of glass on the building elevations facing Birch Street has been reduced to avoid impacts to the more sensitive residential areas. In addition, a less reflective glass is proposed for those areas where glass will be used. With the less reflective glass, setback requirements, and proposed landscaping, impacts to the surrounding community from glare are not anticipated.

VIS-5: The Developer shall utilize trees and landscaping to minimize the potential for glare resulting from reflective surfaces on buildings or in paved areas and to provide a sense of scale between taller structures and surrounding single-story residential or commercial facilities.

3.2 AGRICULTURAL RESOURCES

Information available from the California Department of Conservation Farmland Mapping and Monitoring Program (2004) indicate that there are no prime and/or unique farmlands in the study area. The Land Use Element of the City's General Plan designates the proposed project parcel as General Commercial Office (CO-G). The project site is located in an urban area that is developed with primarily commercial and residential uses. The site previously consisted of residential uses. All construction activities would occur within the proximity of the proposed project site.

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

B. Would the project conflict with existing zoning for agricultural use, or a Williamson Act

contract?

C. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No Impact. The project would be developed within a commercial office land use district, which is not used for agriculture. Commercial office and residential uses near the site are not designated for agricultural use and are zoned Business Park (BP) or Residential Equestrian (REQ) by the Specific Plan District 7 (Santa Ana Heights) of the City's Zoning Code. The adjacent areas are not designated as Prime, Unique, or Farmland of Statewide Importance under the Farmland Mapping and Monitoring Program of the California Department of Conservation, Division of Land Resource Protection or in the Newport Beach General Plan. There are no lands under a Williamson Act contract near the site. The proposed development project would not affect agricultural uses in the City. No impact on agricultural zones, resources, or operations in the City would result from the proposed medical office plaza.

3.3 AIR QUALITY

The surrounding atmosphere is an important element in assessing an area's ambient air quality. The study area is located in the South Coast Air Basin (SCAB), a 17,600-square-kilometer (6,800-square-mile) area bounded by the Pacific Ocean to the southwest, with the San Gabriel, San Bernardino, and San Jacinto Mountains forming the remainder of the perimeter.

Southern California's topography and climate combine to make the basin an area of high air pollution potential. During the summer months, a warm air mass frequently descends over the cool, moist, marine layer produced by the interaction between the ocean's surface and the lowest layer of the atmosphere. The warm upper layer forms a cap over the cool marine layer and inhibits the pollutants in the marine layer from dispersing upward. The region experiences more days of sunlight than any other major urban area in the nation except Phoenix. Sunlight is a critical element in the photochemical reactions that produce ozone. Southern California's usually mild climatological patterns are interrupted infrequently by periods of hot weather, winter storms, or Santa Ana winds. Hydrocarbon (HC) and nitrogen oxide (NOx) emissions from automotive sources, when exposed to sunlight, are the major components of photochemical smog. Volatile Organic Compounds (VOCs) and Reactive Organic Gases (ROG) are highly reactive HC.

Section 107 of the 1977 Clean Air Act Amendment requires the EPA to publish a list of all geographic areas in compliance with the National Ambient Air Quality Standards (NAAQS), as well as those not attaining the NAAQS. Areas not in compliance with NAAQS are deemed nonattainment areas. Areas which have insufficient data to make a determination are deemed unclassified, and are treated as being attainment areas until proven otherwise. The designation of an area is based on the data collected by the state monitoring network on a pollutant-by-pollutant basis. The EPA has identified nonattainment areas for each criteria pollutant and classified the nonattainment areas according to the extent of the pollution. The SCAB is classified as a federal and state nonattainment area for Ozone (O_3), Carbon Monoxide (CO), Particulate Matter sized 10 microns or less (PM_{10}) and sized 2.5 microns or less ($PM_{2.5}$).

A. Would the project conflict with or obstruct implementation of the applicable air quality plan?

B. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

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

No Impact. An air quality study has been conducted by PB Americas, Inc. (PB) for the proposed project (*Air Quality Technical Memorandum*, June 2007). Specific criteria for determining whether the potential air quality impacts of a project would be significant are set forth in California Environmental Quality Act (CEQA). The criteria include emissions thresholds, compliance with state and national air quality standards, and conformity with the existing State Implementation Plan (SIP) or consistency with the current air quality management plan (AQMP). The daily operational regional emissions "significance" thresholds are as follows:

- 55 pounds per day of VOC
- 55 pounds per day of NO_x
- 550 pounds per day of CO
- 150 pounds per day of PM_{10}
- 55 pounds per day of $PM_{2.5}$
- 150 pounds per day of Sulfur Oxide (SO_x)

Projects with operation-related emissions that would exceed any of the emission thresholds are considered significant. SOx, mainly associated with power plants, is not a pollutant of concern for a project such as this one.

As shown in Table 3-1, the predicted regional operational emissions for the project are below the significance threshold.

Table 3-1 – Predicted Regional Operational Emission Burdens

Pollutant	Pollutant Burden as predicted using URBEMIS 2002 (lbs./day)	Pollutant Burden with operational emissions corrected for EMFAC2007 (lbs./day)	Threshold (lbs./day)
VOC	19.05	19.6	55
NOx	33.58	35.6	55
CO	244.06	219.8	550
PM_{10} / $PM_{2.5}$	19.21	23.1	150 / 55

Microscale Air Quality

A screening analysis to determine if detailed air quality analysis was conducted based on the overall volumes and Level of Service (LOS) reported in the Traffic Impact Study (May 2007) conducted by Kimley-Horn and Associates, Inc. (Kimley-Horn) for the proposed project. The project is expected to have minimal effect on intersections within the study area. Based on the screening criteria, all intersections pass and do not require detailed air quality analysis. To ensure; however, that the project would not cause or exacerbate a violation of the applicable ambient air quality standards, a detailed air quality analysis using the CAL3QHC model was done at the intersection of Birch Street and Orchard Street, and the intersection of MacArthur Boulevard and Jamboree Road. Results of the analysis are shown in Tables 3-2 and 3-3. All predicted levels are below the NAAQS of 9 parts per million (ppm) and the SAAQS of 9.0 ppm.

Table 3-2
Predicted One-Hour CO Levels (ppm)*

Intersection	No Build		Build	
	AM	PM	AM	PM
Birch Street & Orchard Street	5.7	5.8	5.8	5.9
MacArthur Boulevard & Jamboree Road	6.2	6.1	6.2	6.0

** All values include a one-hour background of 7.3 ppm, NAAQS = 35 ppm, SAAQS = 20 ppm*

Table 3-3
Predicted Eight-Hour CO Levels (ppm)*

Intersection	No Build	Build
Birch Street & Orchard Street	4.2	4.8
MacArthur Boulevard & Jamboree Road	4.4	4.4

**All values include an eight-hour background of 4.4 ppm, persistence factor of 0.7, NAAQS = 9 ppm, SAAQS = 9.0 ppm*

The proposed Newport Executive Court Project is not predicted to cause or exacerbate any violations of the NAAQS or California AAQS during operation. A regional analysis has shown that the project's burden levels are below the daily operational regional significance thresholds. The microscale analysis has shown that the proposed project is not predicted to cause or exacerbate a violation of the ambient air quality standards. No long term impacts are anticipated.

D. Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact with Mitigation. Specific criteria for determining whether the potential air quality construction impacts of a project would be significant are set forth in the California Environmental Quality Act (CEQA). The criteria include emissions thresholds, compliance with state and national air quality standards, and conformity with the existing SIP or consistency with the current air quality management plan (AQMP). The daily operational regional emissions "significance" thresholds are as follows:

- 75 pounds per day of VOC/ROG
- 100 pounds per day of NOx
- 550 pounds per day of CO
- 150 pounds per day of PM_{10}
- 55 pounds per day of $PM_{2.5}$

Projects with construction-related emissions that would exceed any of the emission thresholds are considered significant. SOx, mainly associated with power plants, is not a pollutant of concern for a project such as this one.

According to the *Air Quality Technical Memorandum* (PB, 2007), all pollutant burdens with the exception of VOC/ROG are predicted to be below the threshold of significance level established by the SCAQMD (see Table 3-4). The following mitigation measure would reduce VOC/ROG burdens to below the level of significance threshold:

Table 3-4 – Predicted Construction-Related Emission Burdens

Pollutant (lbs./day)	2008 Unmitigated	2008 Mitigated	Threshold (lbs./day)
VOC/ROG	**116.82**	69.39	75
NOx	98.41	84.65	100
CO	123.70	123.70	550
PM_{10}/ $PM_{2.5}$	5.62	1.64	150/55

AIR-1: During construction, the contractor shall use coatings and solvents (VOC architectural coatings) with a VOC content lower than required under SCAQMD rule 1113 which allows a VOC content of 2.08 pounds per gallon (lbs/gallon). A VOC content of 1.1 lbs/gallon is recommended.

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

AIR-3: Ground cover shall be replaced quickly in disturbed areas and watering for dust control shall be conducted twice daily.

The project site is surrounded by residential and commercial activities. The residences can be considered sensitive receptors and would have the potential to be affected by short-term construction emissions, including fugitive dust during grading and emissions from construction equipment. However, dust control measures, such as daily watering would reduce fugitive dust; therefore, the following measure is required:

AIR-4: The procedures detailed in the SCAQMD's Rule 403 shall be implemented to control fugitive dust during construction as follows:

Land Clearing/Earth Moving

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

Paved Roads

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

Unpaved Staging Areas or Roads

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

Impacts are expected to be considered negligible with the implementation of dust control measures. Once the proposed project has been constructed no long-term impacts are expected.

In addition to construction emissions, there is a potential for remnants of structures that are currently not apparent. Airborne asbestos impacts could occur with the demolition of structures that contain asbestos; therefore, the following measure is required:

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

E. Would the project create objectionable odors affecting a substantial number of people?

No Impact. Air emissions or odors are not anticipated from medical office uses upon completion of the proposed project.

3.4 BIOLOGICAL RESOURCES

Regional History

The proposed project site is located approximately 0.3 miles north from the Upper Newport Bay State Marine Park (formerly Ecological Reserve), an Environmentally Sensitive Area (ESA) identified by the City's Local Coastal Program (LCP), California Coastal Commission, State Department of Fish and Game, U.S. Fish and Wildlife Service, and Southern California Association of Governments as a unique and valuable State resource. The Natural Resources Element in the City's General Plan (November 7, 2006) sets forth objectives and guidelines to carefully manage this natural resource. The upper bay is an integral part of the Pacific Flyway and provides habitat for nearly 200 species of birds, as well as numerous species of mammals, fish, and plants. The 2.4-acre San Diego Creek, located 0.75 mile east of the project site, saltwater marsh is also designated as an ESA.

The University of California (UC) Natural Reserve System and San Joaquin Wildlife Sanctuary is located approximately one mile east of the project site. The marsh is a critical stopping place for bird species using the Pacific Flyway. The reserve is used for educational class field trips, field studies, and independent study projects.

Project-specific Research

Past grading and excavation of the proposed property site has not impacted the Upper Newport Bay Ecological Reserve, San Diego Creek saltwater marsh, UC Natural Reserve, or any other known biological resources. The proposed project site is currently vacant and fenced with little mature vegetation. The project site is highly disturbed with mostly exotic and ornamental vegetation. The proposed project is currently utilized as an auto storage overflow lot, and supports landscaped vegetation. The Newport Beach General Plan does not identify the proposed property as being occupied by endangered, threatened or rare plant or animal species or their habitats. A search of the *California Department of Fish and Game Natural Diversity Database* (Newport Beach Quadrangle) identified the potential for coast woolly-heads (*Nemacaulis denudate var. denudata*) to occur onsite; however, this species is typically found on coastal dunes which is not the type of habitat found onsite. Species observed onsite includes the following: Russian thistle (*Salsola tragus*), giant reed (*Arundo donax*), California sage (*Artemisia californica*); and other mature trees. No sensitive biological resources are expected to be impacted by the implementation of the proposed project.

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

No Impact. None of the on-site tree or plant species are listed as locally or regionally important species, and since they are abundant in the vicinity as landscape vegetation, they do not have any distinctive biological values. The removal and replacement with other landscape trees and shrubs is not considered a substantial impact to biologically resources. No endangered, threatened or rare species or their habitat exists on the site. Therefore, no impacts to sensitive plant and/or animal species will occur from the implementation of the proposed project.

B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

No Impact. No sensitive plants or habitat were found on or adjacent to the project site; therefore, the proposed project would not impact any natural communities or habitats.

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

No Impact. The project is not located near any jurisdictional wetlands or Waters of the U.S.; therefore, the proposed project would not affect any of these sensitive communities.

D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact. The site is located within an intensively developed urban area in Newport Beach. As such, neither the proposed project site nor nearby areas serve as a wildlife dispersal corridor. However, since mature vegetation and trees would be removed and potential

nesting sites may be removed, the following mitigation measure is required once the construction schedule has been determined:

BIO-1: A preconstruction survey for nesting birds shall be conducted by a qualified biologist if clearing and grubbing work is conducted within the bird nesting season (March 15 to September 15). Should active nests be found during surveys or during construction, work in the vicinity of the nest shall be halted and the California Department of Fish and Game shall be contacted.

E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact with Mitigation. While the site is located within an urban setting and has minimal vegetation, mature landscape trees will be removed. The City has not designated any tree preservation areas in the project vicinity. However, the City has adopted landscape design guidelines that require the planting of landscape setback along the road frontage of the proposed project site. Tree species would be replaced with other appropriate tree and shrub species, as per the landscaping requirements of the Specific Plan District 7 (Santa Ana Heights) development standards.

In addition, the PAC has identified several very mature trees on the property of 2141 Mesa Drive near the location of the property line block wall. They are requesting that these trees be protected in place. Based on the City's Tree Ordinances and Policies, the following mitigation measures are recommended for the proper treatment of the trees in regards to installation of the block wall.

BIO-2: A preconstruction survey of the mature trees located on the property of 2141 Mesa Drive will be conducted by a certified arborist for evaluation of the trees' age, health, and consideration as either a special, problem, or other type of tree as it would relate to the City's Tree Ordinances and Policies and to the protection in place of the trees.

BIO-3 The certified arborist shall provide recommendations as outlined in Mitigation Measure VIS-3.

BIO-4 In cooperation with the City and PAC, coordination between the developer and property owner at 2141 Mesa Drive shall be conducted prior to construction to review the certified arborist's recommendations, obtain property owner input, and establish an approach for protection, replacement or other measures for treatment of the mature trees located along the property line.

F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The project site is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan. According to the Specific Plan District 7 (Santa Ana Heights) Land Use Map, the area is zoned as Business Park (BP). No locally designated natural communities exist on the subject property and no impacts are anticipated.

3.5 CULTURAL RESOURCES

Regional History

Newport Beach is a coastal community with a long history of coastal-related developments and activities. The community has been dependent upon and sensitive to a wide range of coastal resources for over 100 years. According to the City of Newport Beach *Natural Resources Element* (November 2006), Newport Beach also contains many significant archaeological sites. The Upper Newport Bay area has yielded some evidence for the earliest human occupation of Orange County and date to about 9,500 years before present. Archaeologists have established that at least two and possibly three distinct cultural groups inhabited the region including the Tongva and Acjachemem tribes; although, the boundaries of their tribal territories are unclear.

Project-specific Research

The majority of the known archaeological sites within the City have already been destroyed by development, roads, housing, and other building activities. No resources were found during past grading and excavation of the proposed project site.

A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA §15064.5?

No Impact. The proposed project site is devoid of any historical structures. As recently as 2003, the project site was utilized as residential uses with no historical significance. Therefore, no impacts on historical resources are anticipated.

B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA §15064.5?

C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

No Impact. No paleontological or archaeological resources, sites, or unique geologic features have been identified by the City of Newport Beach *General Plan* (November 2006) to occur within the proposed project area. There are no known human remains within or near the proposed project area. Grading and excavation of the property occurred when the site was developed for residential uses. As a result, it is unlikely that any cultural resources remain. Therefore, no impacts to cultural resources are anticipated by grading that will be required to accommodate the proposed medical office development. Although, no resources were found during past grading and excavation of the proposed project site, the following measure is required to avoid potential impacts to undiscovered resources:

CUL-1: Prior to the issuance of a grading permit, the Project Applicant shall submit written evidence to the satisfaction of the Director of Planning that a certified archaeologist has been retained to observe grading activities and salvage and catalogue fossils and artifacts, as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to

permit sampling, identification, and evaluation of the findings. If major archaeological resources are discovered, which require long-term halting or redirecting of grading, the archaeologist shall report such findings to the City and the Project Applicant. The archaeologist shall determine appropriate actions, in cooperation with the Project Applicant, which ensure proper exploration and/or salvage. Excavated finds shall be offered to the City, or its designee, on a first-refusal basis. The Project Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of significance, or a museum in Orange County indicates a desire to study and/or display them at the time, in which case items shall be donated to the City, or designee.

CUL-2: Prior to the issuance of a grading permit, the Project Applicant shall submit written evidence to the satisfaction of the Director of Planning that a certified paleontologist has been retained to observe grading activities and salvage and catalogue fossils and artifacts as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the findings. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the City and the Project Applicant. The paleontologist shall determine appropriate actions, in cooperation with the Project Applicant, which ensure proper exploration and/or salvage. Excavated finds shall be offered to the City, or its designee, on a first-refusal basis. The Project Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at the time, in which case items shall be donated to the City, or designee.

CUL-3: In accordance with Public Resources Code 5097.94, if human remains are found, the Orange County Coroner must be notified within 24 hours of the discovery. If the coroner determines that the remains are not recent, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento to determine the most likely descendent for the area. The designated Native American representative shall then determine in consultation with the property owner the deposition of the human remains.

3.6 GEOLOGY AND SOILS

The proposed project site is located within an area of highest risk from the Newport-Inglewood, Whittier, Elysian Park, and San Joaquin Hills fault zone systems. The site is not located within an Alquist-Priolo Earthquake Fault Zone. Based on the *Geotechnical Investigation* (January 2007) conducted by Southern California Geotechnical (SoCalGeo), soils within the project study area consist of artificial fill soils characterized by dense silty fine sands extending to a depth of approximately three to five feet. Native alluvial soils were encountered between the ground surfaces and extended to the maximum depth explored, approximately 31 feet. The near surface alluvium consisted of medium dense to silty and clayey fine to medium sands and fine sandy silts. Several zones of medium dense clayey fine sands and stiff to hard silty clays and clayey silts were encountered between depths of five and 15 feet. At greater depths, the alluvium generally consists of fine to medium sands with occasional zones of stiff to very stiff silty clays and clayey silts. Groundwater was not encountered during subsurface explorations. The site is not mapped within a zone subject to liquefaction or landslide according to the City of Newport Beach

Safety Element (November 2006). In addition, liquefaction is not anticipated due to the subsurface conditions encountered at the site (*Geotechnical Investigation*, January 2007).

A. Would the project expose people or structures to potential substantial adverse effect, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Less Than Significant Impact. The City of Newport Beach is not located within an Alquist-Priolo Earthquake Fault Zone (*Geotechnical Investigation*, January 2007). The nearest fault is the Newport-Inglewood (LA Basin) and the Newport-Inglewood (Offshore) faults, located approximately 9 and 10 miles from the site, respectively. All construction associated with the proposed project will be conducted according to the standard building design and engineering techniques required for compliance with the Uniform Building Code and California Building Code. Accordingly, hazards associated with known earthquake faults will be designed for.

ii) Strong seismic groundshaking?

Less Than Significant Impact. The City of Newport Beach, like most cities in Southern California, is located in a seismically active region. Because of this, the potential for seismic hazards exists for most development projects. It is anticipated that the most likely source of earthquake activities for the project site would be from the Newport Inglewood Fault (4 miles southwest of the site).

The proposed structures would be built to meet all applicable standards for seismic forces. All construction will be conducted according to the standard building design and engineering techniques required for compliance with the Uniform Building Code and California Building Code. The recommendations stipulated in the *Geotechnical Investigation* (SoCalGeo, 2007) prepared for the proposed project are subject to the review and approval of the City Planning Department. All earthwork and design will be performed in accordance with the recommendations of the *Geotechnical Investigation* (SoCalGeo, 2007). Accordingly, hazards associated with ground shaking would be designed for and mitigated. Therefore hazards associated with known earthquake faults will be less than significant.

iii) Seismic-related ground failure, including liquefaction?

No Impact. The potential for liquefaction to occur as a result of a seismic-related activity is low due to the presence of cohesive soils (SoCalGeo, 2007). Earthwork and foundation design will be conducted according to the recommendations found in the *Geotechnical Investigation* (SoCalGeo, 2007) and all structures and footings shall be constructed to meet requirements established by the Uniform Building Code, the California Building Code, and the City of Newport Beach. Thus, hazards associated with liquefaction are not anticipated.

iv) Landslides?

No Impact. According to the City of Newport Beach Safety Element (November 2006), the project site is not located in an area subject to landslide hazards. Therefore, no impacts are anticipated to occur as a result of implementation of the proposed project.

B. Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. During construction, surface grading activities and removal of existing vegetation could result in some loss of topsoil. This impact would be temporary, and would be confined to the excavation areas. Construction activities would be required to comply with standard erosion control measures, thus reducing potential impacts to less than significant.

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

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

Less Than Significant with Mitigation. The proposed project would involve excavation for the underground garage and building pad areas. The onsite soils generally consist of sands, silty sands, and occasional zones of clayey sands. According to the *Geotechnical Investigation* (SoCalGeo, 2007); although, testing indicates that the near-surface soils possess very low to low expansion potential, there may be a potential presence of expansive soils near the building pads. There is also a potential for minor ground subsidence (approximately 0.1 feet) in the soils below the areas of soil removal due to settlement and machinery working. The project is not within a zone subject to the hazard of landslide, lateral spreading, or liquefaction. Site grading will be conducted according to the recommendations of the *Geotechnical Investigation* (SoCalGeo, 2007) and all structures and footings shall be constructed to meet requirements established by the Uniform Building Code, California Building Code, and the City of Newport Beach.

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

The following measure would reduce the potential for settlement under the new foundation loads:

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

The following measure would reduce the potential for risks from expansive soils:

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

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The proposed project is located in an urbanized area with an existing sewer system. Therefore, implementation of the proposed project would not include the use of septic tanks or alternative waste water disposal systems. Commercial wastewater would be directed to the sewer system. Wastewater associated with stormwater runoff would be directed to proposed on-site stormwater treatment device prior to entering the City's storm drain system. During construction, the City would implement best management practices for storm water pollution control, in accordance with the National Pollutant Discharge Elimination System (NPDES).

3.7 HAZARDS AND HAZARDOUS MATERIALS

A hazardous material is defined as any substance that may be hazardous to humans, animals, or plants, and may include pesticides, herbicides, toxic metals and chemicals, volatile chemicals, explosives, and even nuclear fuels or low-level radioactive wastes. Pursuant to American Society for Testing and Materials (ASTM) E1527-05 standards, PB Americas, Inc. (PB) has performed a *Phase I Environmental Site Assessment* (ESA) in May 2007 of the property located at 20412, 20402, 20392, 20372, and 20382 Birch Street (Assessor's Parcel Numbers 439-381-28, 439-381-30, 439-382-06, 439-382-07, 439-382-10, 439-382-26, and 439-382-27) to identify recognized environmental conditions. The previous uses on these parcels were single family residential with nurseries and horse stables. The residential houses have been demolished since 2004. Any contaminated materials were properly removed or remediated prior to demolition. The County of Orange owned 20372 Birch Street from December 1990 to February 2005 and had stored construction materials at the site. According to the *Phase I ESA* (PB, 2007), the site appeared to store acoustic attenuation materials in truck trailers. Since the transfer of the site to the current property owner, the construction materials have been cleared. The project site is currently vacant with no structures onsite.

A. Would the project create a significant hazard to the public, or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. The proposed medical office project could generate hazardous wastes from medical office activities. Refuse would be collected weekly by the City or an approved vendor refuse collection service. Tenants would be educated and encouraged about recycling and proper disposal of refuse. Any hazardous wastes would require proper use, storage, and disposal per the City of Newport Beach Fire Department Hazardous Materials Disclosure Program and the Orange County Health Care Agency guidelines and regulations. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

B. Would the project create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. Activities associated with construction of the proposed project may involve some hazardous materials use, such as paints, thinners, cleaning solvents, oil, grease, etc. However, hazardous materials use, storage, and disposal would be conducted in accordance with existing federal, state and local regulations. No truck oil change, equipment maintenance or other activities that may release hazardous materials on or near the project site are proposed

within the construction area. Trucks carrying hazardous materials would be utilizing surrounding roads. Traffic safety signs and controls would be provided to create safe driving conditions and prevent vehicle accidents. During operation of the medical office plaza, pollutants may potentially be generated by general occupation, vehicular activity, and medical office uses on the site. The trash container areas would be enclosed and gated to prevent access to the general public. Thus, hazardous material accidents are expected to be less than significant.

C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. Newport Montessori, a private school located at 20221 Cypress Street in Newport Beach, is located approximately 0.15 mile northeast of the project site. The proposed project would not emit hazardous emissions. Hazardous materials, substances, or wastes, if any, would be handled or stored onsite in compliance with City of Newport Beach Fire Department Hazardous Materials Disclosure Program and the Orange County Health Care Agency guidelines and regulations and would not be accessible to the public. The project would not pose a threat to existing or proposed schools.

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

No Impact. PB performed a *Phase I ESA* (May 2007) of the property. Due to the location of the site near commercial areas, there are sites in the vicinity which handle, use, or dispose of hazardous wastes. There is a low possibility that the project site soil or groundwater would contain known hazardous materials requiring response. A review of environmental records did not indicate that any of the listed, closed, or currently investigated facilities impact the project site. As vacant land, there are no apparent operations that would negatively impact the site. Cause for concern of human health or environment due to possible contamination from current or past operations was not found. There was no evidence of past onsite activities that could contribute to hydrocarbon contamination in the soil or groundwater.

The following measures would ensure public and worker health and safety related to potential hazardous waste/materials issues associated with the proposed project:

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

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

HAZ-3: There is a potential for remnants of structures that are currently not apparent; therefore, if encountered during grading or excavation activities, any structures to be removed as part of the project shall be tested for, and include proper disposal of, any asbestos and/or lead based paint prior to demolition.

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

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

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

Less Than Significant Impact. The proposed project is within approximately 0.55 mile from John Wayne Airport (SNA), and is not within the "clear zone" of the Airport. For structures that penetrate the 100:1 Notice Surface pursuant to Federal Aviation Regulations Part 77.13, a Notice of Proposed Construction is to be submitted to the FAA to initiate an Aeronautical Study of the project by the FAA. There are other two story office buildings in the vicinity of the project site. The proposed project is not anticipated to be exposed to airport hazards, affect aircraft operations, or create an airport safety hazard for people residing in the project area. The project is anticipated to be consistent with the surrounding properties; therefore, the proposed project is anticipated to be compatible with the John Wayne Airport Airport Environs Land Use Plan (JWA AELUP). However, coordination with the Orange County Land Use Commission is required. Additional restrictions and conditions could be imposed on the project by the FAA.

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

F. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. There are no private airstrips located immediately adjacent to or near the project site.

G. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. During construction, the adjacent roadways would remain open; no obstruction to emergency response to or emergency evacuation from adjacent properties is expected. Construction would be scheduled to minimize interference with vehicular and emergency response traffic. However, the congestion that may occur along the adjacent streets during construction could impede emergency vehicles that pass along the affected segments during heavy traffic. With the availability of two-way traffic flow and emergency sirens, it is expected that impacts to emergency response would be less than significant. Access to building sites and adjacent lots would be maintained throughout the construction period, and no adverse impacts to emergency evacuation are expected.

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

No Impact. The proposed project is located in a heavily urbanized area and does not support large areas of flammable brush, grass, or trees that could pose a fire hazard. The proposed project would not increase the susceptibility of the surrounding areas to potential fire hazards.

3.8 HYDROLOGY AND WATER QUALITY

The Orange County Flood Control District is responsible for regional storm drainage facilities and the City of Newport Beach is responsible for local storm drainage. Runoff from the project site will be discharged into the City's Municipal Separate Storm Sewer System (MS4).

The proposed project is located within the vicinity of the Santa Ana Delhi Channel and Upper Newport Bay, located approximately 0.3 mile southwest of the project site. Stormwater runoff generated from the project site ultimately discharges into the bay. The Upper Newport Bay is considered as impaired receiving water body. Upper Newport Bay is listed as impaired for chlordane, copper, DDT, Polychlorinated biphenyls (PCBs), and sediment toxicity from unknown sources and metals from urban runoff or storm sewers.

A. Would the project violate any water quality standards or waste discharge requirements?

Less Than Significant Impact. The proposed project would be required to comply with all Regional Water Quality Control Board (RWQCB) water quality standards and waste discharge requirements. A *Water Quality Management Plan* (February 2007) has been developed by Walden Associates (Walden) per NPDES Permit requirements and addresses the quality and quantity of stormwater runoff generated on-site with the incorporation of temporary construction Best Management Practices (BMPs) and permanent treatment BMPs. Therefore, potential impacts to water quality or waste discharge standards would be reduced to less than significant. The following measures are required to ensure that water quality standards and waste discharge requirements are not violated:

WQ-1: Prior to issuance of grading permits, the Project Applicant shall develop and submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the Santa Ana RWQCB for compliance with the Statewide National Pollutant Discharge Elimination System permit for construction activity. The SWPPP shall contain Best Management Practices to be implemented during construction to minimize pollutants from stormwater runoff to receiving waters during construction.

WQ-2: Prior to issuance of grading permits, the *Water Quality Management Plan* (February 2007) developed by Walden Associates for the proposed project shall be approved by the Building Department and Code and Water Quality Enforcement Division. The project may be subject to additional conditions as required by the City or Santa Ana RWQCB to ensure that no violations of water quality standards or waste discharge requirements occur.

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

Less than Significant Impact. The *Geotechnical Investigation* (SoCalGeo, 2007) indicates that groundwater was not encountered during exploratory borings to a depth of approximately 31 feet below the ground surface (bgs). Excavation at the proposed project site will generally be less than 20 feet and will be necessary to prepare the underground garage and building pad areas, pavement areas, and to provide site drainage. Dewatering is not anticipated.

The proposed development would create new impervious surfaces. However, the project site does not substantially contribute to groundwater recharge. Therefore, no significant impacts to groundwater supplies would occur.

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

Less than Significant Impact. Currently, runoff on the project site sheet flows to the southwest at a grade of approximately five percent. At project completion, runoff from the paved areas would sheet flow to the west and collect in catch basins connecting to an onsite storm drain system. Changes to drainage patterns as a result of the proposed project would be limited to development of sufficient storm drain systems to carry runoff from the additional paved surfaces. The proposed project would not alter the course of a stream or river. Best management practices (BMPs) would be implemented during construction per the *Water Quality Management Plan* (Walden, 2007); therefore, no substantial erosion would result during construction of the proposed development.

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

E. Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

F. Would the project otherwise substantially degrade water quality?

Less than Significant Impact. The project site has approximately 10 percent impervious surfaces. Construction of the proposed buildings, walkways, and parking areas will introduce impermeable surfaces to the project site. At project completion, the site would be approximately 85 percent impervious. Runoff from the paved areas would sheet flow to the west and collect in catch basins connecting to an onsite storm drain system. The rooftops would drain to pipes joining the proposed storm drain. The storm drain would run south and discharge to an underground stormwater treatment device prior to joining the City's municipal storm drain at the southwest corner of the site. The municipal storm drain runs south prior to discharging to the Upper Newport Bay. Onsite storm drain facilities are subject to review by the Public Works Department and would be designed to ensure runoff quantities are maintained at levels that would

not exceed the design capacities of offsite flood control facilities. The stormwater treatment device would remove oil, grease, trash, debris, and sediments using hydrodynamic separation to remove pollutants from the stormwater. With the use of the treatment device, water quality would not be degraded. The proposed development would not alter the course of a stream or river. The source control and treatment control BMPs in the Water Quality Management Plan shall be implemented in accordance with the Orange County Area Management Plan (DAMP) and NPDES Permit for Waste Discharge Requirements in the Santa Ana Region Stormwater Runoff Management Program.

G. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of a Flood Insurance Rate Map or other flood hazard delineation map?

No impact. The proposed project is not located within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain, according to the Flood Insurance Rate Maps (FIRMs) Number 06059C0269H and 06059C0267H (revised February 18, 2004).

H. Would the project place within a 100-year flood hazard area structures, which would impede or redirect flood flows?

No Impact. The proposed project site is not located within a designated 100-year floodplain.

I. Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less than Significant Impact. The proposed project will not expose additional people or property to an unreasonable risk of flood hazard. The project site is not located downstream of a dam or levee; therefore, there would be no risk of significant loss, injury, or death involving flooding, as a result of the failure of a levee or dam or as a result of the proposed project.

J. Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?

No Impact. The proposed project does not have a significant potential to subject persons or property to seismically induced seiche or tsunami. Although the project site is located approximately 0.3 mile northeast of Upper Newport Bay, its elevation (51 feet above mean sea level), as well as various topographic and structural impedances, would restrict the movement of seismically-induced water movement.

The site and the surrounding areas can be characterized as heavily urbanized and void of any perceptible grades and/or landforms which would be subject to slope failure. The project site has been previously graded and developed with residential uses. The Newport Beach Safety Element (November 2006) indicates that the project site is not comprised of any natural or manmade slopes having the potential for failure or mudslide in the event of seismic activity or other triggering mechanism, such as rainfall. Therefore, no significant impacts would result from site development.

K. Result in significant alternation of receiving water quality during or following construction?

L. Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas loading docks or other outdoor work areas?

Less than Significant Impact. The proposed project would be required to comply with all Regional Water Quality Control Board (RWQCB) water quality standards and waste discharge requirements during construction. A *Water Quality Management Plan* (Walden, 2007) per NPDES Permit requirements and addresses the quality and quantity of stormwater runoff generated onsite with the incorporation of construction Best Management Practices (BMPs). Therefore, potential impacts to water quality or waste discharge standards from construction material storage or vehicle activity would be reduced to less than significant and would not alter the receiving water quality during construction. Following construction, a stormwater treatment device would be utilized to remove pollutants from runoff prior to discharging to the City's MS4.

M. Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?

Less than Significant Impact. The beneficial uses of the Upper Newport Bay include: Water Contact Recreation (REC1); Non-contact Water Recreation (REC2); Commercial and Sportfishing (COMM); Preservation of Biological Habitats of Special Significance (BIOL); Wildlife Habitat (WILD); Rare, Threatened or Endangered Species (RARE); Spawning, Reproduction, and Development (SPWN); Marine Habitat (MAR); Shellfish Harvesting (SHEL); and Estuarine Habitat (EST). The proposed project would be required to comply with all Regional Water Quality Control Board (RWQCB) water quality standards and waste discharge requirements during construction. A *Water Quality Management Plan* (Walden, 2007) per NPDES Permit requirements and addresses the quality and quantity of stormwater runoff generated onsite with the incorporation of construction Best Management Practices (BMPs). Following construction, a stormwater treatment device would be utilized to remove pollutants from runoff prior to discharging to the City's MS4. Therefore, potential impacts to receiving water beneficial uses would be minimized during construction and project operation.

N. Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?

Less than Significant Impact. During project occupation, a stormwater treatment device would be utilized to remove pollutants from runoff prior to discharging to the City's MS4. The discharge rates of the onsite storm drain facilities would be appropriately designed so that the flow velocities and volumes do not cause environmental harm. Therefore, potential impacts to receiving water beneficial uses would be minimized.

O. Create significant increases in erosion of the project site or surrounding areas?

Less than Significant Impact. As stated above, best management practices (BMPs) would be implemented during construction per the *Water Quality Management Plan* (Walden, 2007); therefore, no substantial erosion would result during construction of the proposed development. Construction activities would be limited to the project site. When construction is complete, the project site would have more impervious surfaces reducing the amount of potential erosion currently on the site. Any pervious surfaces would be landscaped.

3.9 LAND USE AND PLANNING

The designated land use for the project site is General Commercial Office with a maximum floor area ratio (FAR) of 0.50 (CO-G 0.50). The CO-G designation is intended to accommodate administrative, professional, and medical offices with limited accessory retail and service uses.

The site is currently vacant with no structures. The project is bound by Birch Street to the north, a proposed park (Mesa Birch View Park) and residential uses to the west, and residential uses to the southeast, and a commercial uses to the north east.

A. Would the project physically divide an established community?

No Impact. The proposed medical office project would be developed on a vacant parcel that was previously improved with residential uses. The project would not physically divide an established community.

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

No Impact. The proposed project site is located in a Business Park [SP-7 (BP)] of Specific Plan District 7 (Santa Ana Heights) that is specifically designated for administrative offices, commercial uses, specific uses related to product development, and limited light industrial uses. Medical office uses are principal uses permitted in the BP District with the approval of a use permit by the Planning Director per Chapter 20.91 (use permits and variances). The proposed project requires approval of a Parcel Map for lot consolidation and a Traffic Impact Study per the Newport Beach Traffic Phasing Ordinance (TPO). Since the Traffic Impact Study requires approval by the Planning Commission, the proposed project is subject to consideration and approval by the Planning Commission. The proposed FAR of 0.49 complies with the maximum FAR of 0.50. The proposed project would not require amendments to the General Plan or Santa Ana Specific Plan District Regulations and would not conflict with the City's plans and policies.

In addition to the requirements subject to City review, the Orange County Airport Land Use Commission (ALUC) would review the project with regard to noise, safety, and consistency with the John Wayne Airport Environs Land Use Plan (JWA AELUP). The project would not be taller than any of the surrounding two-story commercial buildings and would not conflict with airport operations.

C. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The project site is urbanized, bordered by commercial and residential development, and is not within an area covered by a habitat or natural community conservation plan.

3.10 MINERAL RESOURCES

Currently, production and reserve areas within the City include the West Newport area, located in the Banning Ranch area, and the Newport Oil Field, located under the Pacific Ocean. The project site is not

within a designated oil field identified in City of Newport Beach *Natural Resources Element* (November 2007) of the General Plan.

There are no known extensive aggregate or geothermal resources in the City of Newport Beach. The adjacent areas are not subject to oil, gas, or mining operations.

A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The proposed project is not located within a mineral extraction area or aggregate resource site. There would be no impact on the availability of mineral resources to the region or the state.

B. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. There are no recorded mining activities within the study area and it is unlikely that such resources exist because of the lack of undeveloped areas and the urbanized nature of the project area.

3.11 NOISE

The primary existing noise sources in the project area are transportation facilities. Takeoffs and landings at John Wayne Airport (SNA), a commercial airport located northwest of the project site, contribute to the intermittent aircraft noise in the project area. Vehicular traffic on State Route 73 (SR-73), Birch Street, Mesa Drive, and Cypress Street is a steady source of ambient noise.

According to the Noise Element of the Newport Beach General Plan (November 7, 2006), Land Use Noise Compatibility Matrix, Commercial, Industrial, and Institutional uses such as office building, research and development, professional offices, and city office buildings are compatible when exposed to noise levels from 65 to 75 A-weighted decibel (dBA) community noise equivalent level (CNEL) and clearly compatible at 65 dBA CNEL or less. Commercial, Industrial, and Institutional uses are incompatible within a noise level of 75 dBA or more. According to the General Plan, the allowable exterior noise levels (Leq) from 7 AM and 10 PM is 65 dBA and from 10 PM to 7 AM is 60 dBA. In addition, according to the Airport Land Use Commission for Orange County (ALUC), the proposed project is within Noise Impact Zone 1 and the proposed project needs to be sound attenuated to meet the 50 dBA threshold per the Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP).

The City of Newport Beach Municipal Code (Title 10) identifies specific noises that are prohibited in the City. These include construction noise outside the daytime hours of 7 AM to 6:30 PM on a weekday, 8 AM to 6 PM on Saturdays, and any time on Sundays and Federal holidays.

The Specific Plan also requires nonresidential structures be sound attenuated against the combined impact of all present and project noise from exterior noise sources as necessary to meet the interior noise criteria of the General Plan Noise Element.

A. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact with Mitigation. The Noise Element of the General Plan sets the exterior noise standard at 65 dBA and the JWA AELUP sets the interior noise standard at 50 dBA. The proposed project is located within the John Wayne Airport's 65 dBA aircraft noise contour.

The ALUC has determined the proposed project site is located within Noise Impact Zone 1. The proposed project must ensure that the building is sound attenuated to meet the 50 dBA threshold. The following measure is required to minimize exposing project users to noise hazards:

With windows or doors open, interior noise levels within the proposed offices would exceed the ALUC 50 dBA interior noise standard. Interior noise levels shall be reduced to below the 50 dBA standard with closed windows and doors. Therefore, the following mitigation measure shall be required to ensure windows would be kept closed:

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

In addition to being consistent with the JWA AELUP, the following measure is required for the project to be consistent with the Santa Ana Heights Specific Plan.

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

Construction activities associated with the proposed project would result in noise impacts associated with the use of construction equipment and construction vehicle trips, as well as vibration from excavation and grading activities. Temporary construction noise impacts would vary in noise level according to the type of construction equipment used and its activity level. Short-term construction noise impacts tend to occur in separate phases, with large earth-moving equipment generating 85 dBA at 50 feet from the source, and finish construction activities and equipment generating less noise.

Land uses surrounding the proposed project are office commercial and residential uses. The residential uses are considered sensitive receptors requiring mitigation of temporary construction noise effects. Sensitive land uses typically include residences, parks, churches, schools, and hospitals. The adjacent residences also have animal stables and bird coops that may be sensitive to construction noises. Construction noise impacts would be incremental and temporary throughout the construction period. In the final stages of construction, equipment such as generators, compressors, saws, etc., are perceived to be somewhat less noisy and the physical barrier created by partially completed on-site units will muffle some construction noise. The following measures shall be implemented to abate the potential nuisance from construction noise:

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

NOI-4: Construction of the block wall planned to be constructed along the property boundary lines to separate the site from adjacent properties shall be constructed during the initial stages of construction to reduce the impacts of construction noise to the residences. Construction of the block wall or other temporary noise barriers would significantly reduce construction noise impacts at sensitive receptors.

NOI-5: Mufflers and other noise attenuating devices recommended by the manufacturer shall be utilized on machinery, combustion engines, or any other noise-generating device. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

B. Would the project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. On-site construction activities would create noises from construction equipment and vibration from excavation and grading activities. Temporary construction noise impacts would vary in noise level according to the type of construction equipment used and its activity level. Short-term construction noise impacts tend to occur in separate phases, with large, earth-moving equipment generating greater noise and vibration, then finishing construction activities and equipment generating less noise and vibration. Noise levels from construction equipment range from 65 to 105 dBA at 50 feet from the noise source. These impacts may affect adjacent commercial and residential uses.

Construction activities would be required to comply with the construction time limits (7 AM to 6:30 PM on weekdays). Because impacts would be short term in duration, noise impacts to the commercial and retail uses would not be regarded as significant. Groundborne vibration and noise levels from use of the residential units are not anticipated to be significant.

C. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant Impact. The proposed project includes development of four two-story medical office buildings of approximately 65,205 total square feet with an underground parking garage. The project is expected to generate approximately 3260 daily vehicle trips, 195 vehicle trips during the morning peak hour, and 325 vehicle trips during the evening peak hour (*Traffic Impact Study*, 2007). The project is not anticipated to increase traffic noise by more than one dBA. The noise from outdoor mechanical equipment such as the air conditioner condenser units will be shielded from nearby land uses and will not affect the existing noise environment.

D. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant Impact with Mitigation. The proposed medical office project would involve construction activities, which may lead to periodic increases in ambient noise levels during the construction period. Residential uses adjacent to the project site are considered noise sensitive uses and would be exposed to temporary construction noise. However, compliance with existing noise regulations of the City of Newport Beach and implementation of mitigation measures, NOI-1 through NOI-4, described above will minimize construction noise impacts on adjacent residences.

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

Less than Significant Impact with Mitigation. Takeoffs and landings at John Wayne Airport, a commercial airport located approximately 0.6 mile north of the project site, generate intermittent aircraft noise in the project area. According to the Airport Land Use Commission for Orange County (ALUC), the proposed project is within Noise Impact Zone 1 and the buildings need to be sound attenuated to meet the 50 dBA threshold per the John Wayne Airport Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP). The proposed project is located within the John Wayne Airport's 65 dBA CNEL aircraft noise contour, which is not below the 65 dBA CNEL exterior noise standard.

With windows or doors open, interior noise levels within the proposed structures would exceed the ALUC 50 dBA CNEL interior noise standard. With closed windows and doors, interior noise levels would be reduced to below the 50 dBA CNEL standard. Therefore, the mitigation measure NOI-1, described above, would ensure all windows could be closed for prolonged periods of time by requiring all buildings to be equipped with air conditioning systems.

F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. There are no private airstrips located near the project site.

3.12 POPULATION AND HOUSING

According to the U.S. Census of Population and Housing and the California Department of Finance, the City's 2006 population was estimated at 83,361 persons and its housing stock consisted of 42,143 units in 2005. New housing construction in the City has subsided since the 1980s. Many attached housing projects were developed to maximize land usage. The net additional housing between 1990 and 2005 was 7,273 units or 21 percent. The City is almost completely built out, with little vacant land available for new housing construction. As vacant land becomes scarce, the growth rate is expected to decline.

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

Less than Significant Impact. Population and housing impacts are considered significant under CEQA if the project will substantially alter the location, distribution, density, or growth rate of the human population planned for the area and result in a demand for housing and public and private services which exceeds supply in the short- or long-term. Impacts would also be considered significant if the project's generation of population or employment is inconsistent with the regional growth management plans.

The proposed project includes development of four medical office buildings. There would be approximately 350 employees or patients during normal business hours. The proposed project is not considered growth inducing. The proposed project would not increase the number of housing units. The proposed project would provide employment opportunities to the region and help fulfill health care service needs of the community.

B. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed project would be developed on a vacant lot. The proposed project would not displace or acquire any existing homes in the area. Thus, no impacts to housing are anticipated.

C. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed project would be developed on a vacant lot. The project would not displace any people or displace any homes in the area. Thus, no impacts are expected.

3.13 PUBLIC SERVICES

Law enforcement services for the City of Newport Beach are provided by the Newport Beach Police Department. A Police Department substation is located at 870 Santa Barbara Drive, approximately 3.7 miles from the proposed project site. Response times for priority calls to this reporting district average one minute; Priority One calls average approximately 30 seconds. This is considered acceptable by the Newport Beach Police Department.

Fire protection services are provided by a total of eight fire stations within the City of Newport Beach Fire Department. A new fire station/training facility, being built at 20401 Acacia Street (expected to open in September 2007), is located approximately 600 feet east of the project site and would be the first responding station to the proposed project.

A major health care facility within the City of Newport Beach that provides health care services to the City is Hoag Hospital, located at 1 Hoag Drive, and is approximately 4.9 miles south of the project site.

Library service is provided by the Newport Beach Public Library, located at 2005 Dover Drive, approximately 2.7 miles south of the project site. The other nearest library is the Orange County Public Library (University Park Library), which is located at 4512 Sandburg Way in Irvine approximately 4.5 miles east of the project site.

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

Fire protection?

Less than Significant Impact. Although development of the site will increase the demand for fire protection services, additional facilities and manpower will not be required to meet the demands resulting from implementation of this project. The site will be designed and developed in accordance with all requirements established by the Uniform Fire Code, City of Newport Beach policies, and other applicable regulatory procedures related to fire safety.

The Fire Department may have concerns regarding access, water supply, and fire flow. Therefore, the project plans will be subject to review by the City's Fire Department. This process would

provide adequate resources for the Department to maintain its level of service in the project area and throughout the City. Design review related to square footage, building height, and location of structures; water supply for fire fighting; and access for fire apparatus is appropriately addressed during site plan review at which time specific recommendations may be made by Fire Department staff to eliminate any potential conflicts with Department policy.

During construction, Mesa Drive and Birch Street would remain open. Access to all properties located adjacent to the project site would also be available at all times. In addition, the Fire District and other service agencies would be informed of the construction schedule. This will allow emergency vehicles to use alternate routes, if necessary. Access to fire hydrants and all water gates and gas valves shall also be maintained at all times. Impacts on fire protection services would be less than significant. The following measure shall be required to ensure that there will be no significant impacts to fire protection from the proposed project:

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

Police protection?

Less than Significant Impact. The Newport Beach Police Department is equipped to handle both emergency and non-emergency situations. Staffing levels within the Police Department have traditionally been tied to population estimates and projections. The Police Department continually reevaluates its manpower and facilities needs through established planning and budgeting procedures. This process would be expected to provide adequate resources for the Department to maintain its level of service in the project area and throughout the City. The present ratio of sworn officers per 1,000 population is 1.78. This is based on a population of 83,361 with 148 sworn police officers. Therefore, the proposed project would not create an additional demand for police protection or law enforcement service.

Normal crime problems that would be associated with this type of development would center on property crimes such as thefts and burglaries from office buildings. Special attention must be paid to landscaping and lighting features in the parking areas and around the exterior of the grounds as these features can enhance security for the property. As such, the project lighting, landscape, and site plans should be reviewed by the Police Department prior to project development. In addition, the Police Department and other service agencies would also be informed of the construction schedule. This would allow emergency vehicles to use alternate routes as necessary.

Impacts on police protection services would be less than significant. Nevertheless, the following measure is required to ensure no significant impacts to police protection due to the proposed project:

PUB-2: Prior to the issuance of building permits, the applicant shall submit lighting, landscape, and site plans to the Newport Beach Police Department in order to demonstrate that employee and guest security are enhanced by site design elements.

Schools?

No Impact. No schools would be directly affected by the construction of the project.

Other public facilities?

No Impact. The proposed business development project would not generate a significant demand for library services and may alleviate some demand for medical services. Since the new medical office buildings would be privately owned, internal circulation, parking, and landscaping will be privately maintained. Public streets and roadways would be used by employees and visitors utilizing the development. Maintenance of the project properties and facilities will be the sole responsibility of the property owners and City of Newport Beach resources will not be used. Therefore, no significant impacts to other public services are expected.

3.14 RECREATION

The City of Newport Beach provides recreational services through city parks, recreational programs, and organized activities. According to the City's Recreation Element of the General Plan (November 2006), there is a total of 376.8 acres of parks and recreational facilities within the City. The vacant lot adjacent and to the east of the project site is a proposed park, Mesa Birch View Park. The park would be a gateway to the community of Santa Ana Heights. Construction of the park is anticipated to start in the Fall of 2007. The proposed project has been designed to be consistent with the park plans. The nearest existing park facilities to the project site are the Upper Newport Regional Park, located approximately 0.2 mile south of the project site, and Bayview Park, located approximately 0.35 mile southwest of the project site.

The closest public recreation resource to the project site is the Newport Beach Golf Course, located at 3100 Irvine Avenue (approximately 300 feet west of the project site).

A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

B. Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment? opportunities?

No Impact. The proposed project would not increase the use of or require the construction or expansion of parks or recreational facilities. The proposed Mesa Birch View Park is adjacent to the project. The design of proposed project has been coordinated with the proposed park facilities. In addition, landscaping will be coordinated per measure VIS-5, above. The proposed project would not conflict with any facilities of the proposed park.

3.15 TRANSPORTATION/TRAFFIC

Regional access to the project site is currently provided via the Corona del Mar Freeway (SR-73) located within approximately 0.5 mile northeast of the project site, just north of and parallel to Southeast Bristol Street. The Costa Mesa Freeway (SR-55) is located approximately 1.15 miles to the northwest. The San Diego Freeway (I-405), located approximately 2.2 miles to the north, also provides access to the site via a number of major arterials, including Jamboree Road and MacArthur Boulevard approximately 0.8 mile east of the project site. Within the project area, Birch Street operates with two lanes in each direction. Mesa Drive has one lane each direction. The project site is currently a fenced vacant lot and is not generating any traffic.

Kimley-Horn conducted a detailed traffic impact analysis (*Traffic Impact Study*, May 2007) for the proposed project. The traffic analysis was prepared in accordance with the City of Newport Beach

Traffic Phasing Ordinance (TPO). The TPO analysis includes an analysis of any primary intersection to which the project contributes one percent or more of peak hour traffic on any intersection leg. The intersection analysis was conducted using Intersection Capacity Utilization (ICU) methodology, which provides a comparison of the theoretical hourly vehicular capacity of an intersection to the number of vehicles actually passing through that intersection during a given hour.

The project site would have access at two driveways on Birch Street. The driveways are located on the northern and southern edges of the site, approximately 295 feet apart. Both driveways will be 30 feet wide to provide one exit and one entry lane, and both will allow full turning movement. The southern driveway is approximately 230 feet north of the intersection of Birch Street and Mesa Drive. A minimum of 26 feet is provided for all drive aisles. A one-way 14-foot drop-off/pick-up area is provided at the curb near the elevator of Building A. On the parking garage level, two-way access is provided through all drive aisles. A drop-off/pick-up area is also provided in the garage level near the elevator of Building A. On-site circulation and site layout appears to be simple and straight-forward. There are no other site access or circulation concerns based on the current site plan. The project would include 328 stalls, which include 33 accessible stalls.

The County of Orange is planning to widen the intersection of Irvine Avenue and Mesa Drive by the analysis year (2009); therefore all future analysis incorporates the new lane configuration for this intersection. The intersection improvements are described in the *Traffic Impact Study* (Kimley-Horn, 2007).

A. Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

Less than Significant Impact. According to the *Traffic Impact Study* (Kimley-Horn, 2007) the proposed development is projected to generate approximately 3260 daily vehicle trips, of which 195 would occur during the morning peak hour and 325 during the evening peak hour. For Newport Beach TPO analysis, the traffic generated by the project would be considered significant if the project causes an unacceptable level-of-service (LOS) or causes the ICU value at an intersection already with an unacceptable LOS to increase by one percent or more. The results of the Traffic Impact Study indicate that with the additional project traffic, all study intersections would continue to operate within acceptable standards. No traffic mitigation measures are required for the proposed project.

B. Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Less than Significant Impact. The project has been analyzed in the context of approved and cumulative projects in the study area. Approved projects consist of development that has been approved, but are not fully completed. Cumulative projects are known, but are not approved developments that are reasonably expected to be completed or nearly completed at the same time as the proposed project. According to the *Traffic Impact Study* (Kimley-Horn, 2007), the intersection of MacArthur Boulevard and Jamboree Road would continue to operate at an unacceptable LOS (LOS E) with cumulative conditions. The project impact would not change the ICU value; therefore, the impact would not be considered significant. The project traffic would not cause any other studied intersections to operate at an unacceptable LOS. Therefore, no improvements are necessary at the study area intersections due to cumulative impacts.

C. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The proposed project would not impact air traffic patterns above the site. The proposed project would not involve air transportation nor affect air traffic at John Wayne Airport. All construction procedures will comply with all Federal Aviation Administration requirements. Thus, no impact on air traffic patterns would occur with the project.

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

No Impact. The project site plans (see Appendix A) show that access to the proposed Newport Executive Court would be available from two driveways on Birch Street. The driveways would be located at the north and west corners of the site, approximately 295 feet apart. Both driveways would be 30 feet wide to provide one exist and one entry lane, each with full turning movements. The west driveway would be approximately 230 feet north of the intersection of Birch Street and Mesa Drive. According to the *Traffic Impact Study* (Kimley-Horn, 2007), the proximity of this driveway to the signalized intersection is not anticipated to create difficulties for left turns in or out of the project driveway. Therefore, the proposed project would not increase hazards due to a design feature or incompatible use.

E. Would the project result in inadequate emergency access?

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

F. Would the project result in inadequate parking capacity?

No Impact. The City's Municipal Code Chapter 20.66.030 specifies one stall per 200 square feet for medical office buildings. The proposed project contains 65,205 square feet, which requires 327 stalls. The American Disability Act (ADA) Accessibility Guidelines for Buildings and Facilities specifies that outpatient medical care facilities devote ten percent of the total number of parking spaces to handicap accessible parking (33 stalls for the proposed project). The project would include 328 stalls, which include 33 accessible stalls. The proposed parking supply is adequate to meet the needs of the proposed medical office use. Therefore, no significant impacts to parking capacity are anticipated.

G. Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact. There are no alternative transportation services within the project vicinity. The nearest Orange County Transportation Authority (OCTA) Bus Routes (178, 57, and 71) run along Irvine Avenue, North and South Bristol Street, and Red Hill Avenue. The northbound Bus Route 178 runs along Irvine Avenue. There are no bus turnouts or signage that would be impacted by the proposed project. The proposed project would not impact the existing equestrian trail on the eastbound side of Mesa Drive. There are no designated bicycle or equestrian trails on Birch Street. The construction of the proposed project would not impact Birch Street and no bicycle racks or lanes would be

impacted. Therefore, construction on the project site would have no impact on alternative transportation services. The Newport Beach General Plan does not designate any planned bus routes or bike routes/bike paths along Birch Street or Mesa Drive. Therefore, the proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

3.16 UTILITIES AND SERVICE SYSTEMS

The following utilities are currently provided in the area:

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

There is a sewer trunk line maintained by the City of Newport Beach and a buried gas line maintained by Southern California Gas Company is currently located at the northwest corner of the site.

A. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

B. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. The proposed project site previously supported residential uses, but is currently vacant. The proposed project would consolidate the vacant lots for development of four, two-story medical office buildings with a parking garage below and surface parking with associated landscaping and hardscape, surrounding the buildings. Based on preliminary engineering, each building is anticipated to require water and sewer service as outlined in Table 3-5.

Table 3-5 – Water and Wastewater Requirements

Building	Water Line	No. of fixtures	GPM	Wastewater Meter	Sewer Line	No. of fixtures
A	2 ½”	274	80	1 ½”	6”	488
B	3 ½”	548	132	2”	6”	976
C	3”	454	115	2”	6”	811
D	3”	524	127	2”	6”	936

The Irvine Regional Water District (IRWD) provides water, recycled water, and wastewater services to the proposed project site. The IRWD has a water resources master plan (WRMP) that identifies existing and future water supply and demand. The WRMP is periodically reviewed in relationship to current and future development projects within the IRWD districts. The applicant is required to obtain a “will serve” or “statement of certification” letter from IRWD stating that adequate water and wastewater treatment capacity is available to serve the project. Reclaimed water will not be available for landscape irrigation at the project site due to the lack of

conveyance facilities in the project area. The following measure is required to ensure that no significant impacts will result from project water demand or the generation, conveyance, or treatment of project-generated wastewater:

UTL-1: The project applicant shall submit utility improvement plans to the Irvine Ranch Water District (IRWD) for review and approval. The project may be subject to additional conditions as required by IRWD in order to be compliant with system design criteria and to accommodate capacity.

C. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than Significant Impact. Currently, runoff on the project site sheet flows to the southwest at a grade of approximately five percent. At project completion, runoff from the paved areas would sheet flow to the west and collect in catch basins connecting to an onsite storm drain system. Changes to drainage patterns as a result of the proposed project would be limited to development of sufficient storm drain systems to carry runoff from the additional paved surfaces. The onsite storm drain system would discharge into the City's MS4. With the incorporation of treatment BMPs (see Section 3.8), significant environmental effects from connection of the storm drainage facilities on the project site to the City's MS4 are not anticipated.

D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

Less than Significant Impact. The applicant's engineer is required to calculate an accurate water demand figure based on the City's 1994 "Design Criteria, Standard Special Provisions and Standard Drawings for Public Works Construction." Regarding adequate facility sizing, the applicant's engineer would estimate the required water demands expected of the proposed development and calculate facility sizing within the development. IRWD would review these estimates and evaluate the current and future capacity of the system at the time the estimates are received. It is anticipated that the system will be adequate to provide water service to the proposed residential uses.

Given the previous consumptive uses on the project property and the existence of water facilities to serve the project, no significant impacts are anticipated.

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

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

UTL-4: Water leaving the project site due to over-irrigation of landscape shall be minimized. Once a week in conjunction with maintenance activities, the water sensors shall be checked to function properly, irrigation heads shall be properly adjusted to eliminate overspray, and irrigation timing and cycle lengths shall be verified and adjusted in accordance with water demand, season, weather, and time of day temperatures. If an

accident from over-irrigation is reported, a representative from the Code of Water Quality and Enforcement Division of the City Manager's Office shall visit the location, investigate, inform the site manager, if possible, leave a note, and in some cases shut off the water.

UTL-5: Watering shall be done during the early morning or evening hours to minimize evaporation (between 4:00 P.M. and 9:00 A.M. the following morning.

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

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

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

E. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. The applicant's engineer will estimate the sewage flow generation expected of the proposed development and calculate facility sizing within the development. IRWD will review these estimates and evaluate the current and future capacity of the system at the time the estimates are received. It is anticipated that the system will be adequate to provide sewer service to the proposed project. The applicant is may be required to provide written verification from Orange County Sanitation District that adequate wastewater treatment capacity is available to serve the project. Reclaimed water will not be available for landscape irrigation at the project site due to the lack of conveyance facilities in the project area. No significant impacts will result from the generation, conveyance, or treatment of project-generated wastewater.

F. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less than Significant Impact. The operator of the proposed project would contract a licensed solid waste hauler franchise to haul refuse from the site. The Bowerman Landfill is the nearest landfill disposal facility to the project site. The Bowerman Landfill has a life expectancy of 10 to 15 years. The other landfills are Prima Deshecha in San Juan Capistrano and the Brea-Olinda Landfill in Brea. Within the County, there are also a number of privately operated transfer stations/materials recovery facilities utilized by the various refuse haulers. As a matter of practicality and cost efficiency, it is in the interests of the applicant and the construction contractor to minimize construction waste. The proposed project is not anticipated to generate large amounts of solid waste other than the soil to be excavated from the site. Clean soil could be used as fill on the project site or on other construction sites. The project applicant is encouraged to coordinate with other projects in the area so that soil disposal to the landfill could be reduced. With implementation of that solid waste source-reduction and/or separation plan, the impacts from solid waste generation are expected to be less than significant.

G. Would the project comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. Construction of the proposed improvements will be administered to comply with federal, state, and local solid waste regulations.

H. Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetland), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?

Less Than Significant Impact with Mitigation. The *Water Quality Management Plan* (Walden, 2007) recommends an underground stormwater treatment device that utilizes hydrodynamic separation to remove pollutants from stormwater. The unit is designed to remove oil, grease, trash, debris, and sediments discharged from impervious surfaces on the project site. The following measure is required to prevent debris buildup and ponding in the treatment device that may cause increased vectors or odors.

UTL-9: The underground stormwater treatment device and catch basins on the project site shall be inspected and maintained immediately prior to the fall season (October) first "first flush" storm and after all major rain events. During the rainy season, an inspection of the treatment device shall be conducted every 30 days and cleaned out when necessary. The treatment device and catch basins shall be cleaned out at the end of the rainy season.

3.17 MANDATORY FINDINGS OF SIGNIFICANCE

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

Less than Significant Impact with Mitigation. The proposed project would not degrade the quality of the environment. There were no rare or endangered plant or animal species identified on the project site. However, since mature vegetation and trees will need to be removed, a preconstruction survey for nesting birds shall be conducted by a qualified biologist if clearing and grubbing work is conducted within the bird nesting season (March 15 to September 15). (See Section 3.4)

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

No Impact. The proposed project would not have environmental impacts which are individually limited but cumulatively considerable, when considering planned or proposed development in the immediate vicinity of the site. The proposed development would be an infill project and would not directly lead to development in the project area. The improvement project would not cumulatively lead to significant adverse impacts, when added to proposed, planned or anticipated development in the area.

C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact with Mitigation. The proposed project would not have environmental impacts which may have adverse effects on humans, either directly or indirectly. The project may create short-term noise impacts. However, with incorporation of city standards for construction projects, significant impacts are not expected and would reduce these impacts to less than significant levels. The proposed project may expose residences to high interior noise levels due to air traffic from John Wayne Airport; however, with the incorporation of air conditioning systems, windows and doors can remain closed for prolonged periods of time and reduce noise levels below interior standards (see Section 3.11). In addition, there may be short-term construction air quality impacts due to VOC/ROG; however the use of low VOC content architectural coatings, use of ultra low sulfur diesel fuel in applicable construction equipment, and implementation of fugitive dust controls will minimize air quality impacts.

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5.0 List of Preparers

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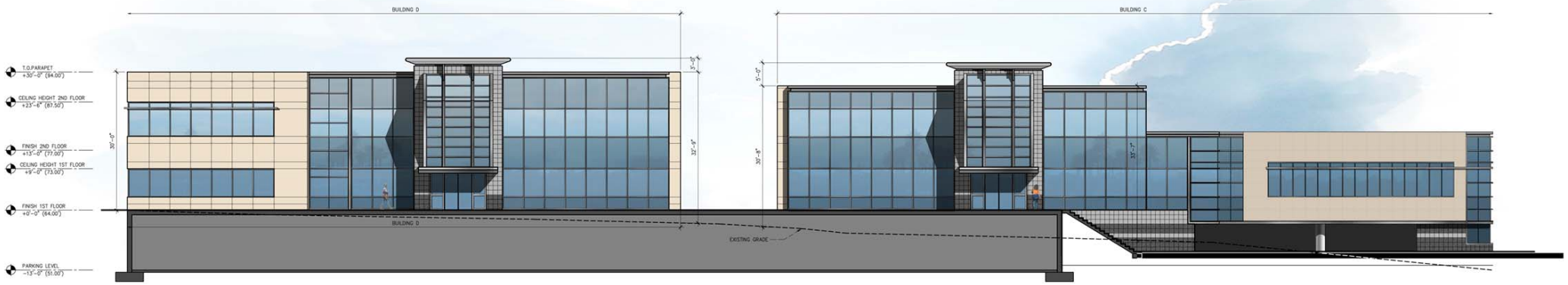
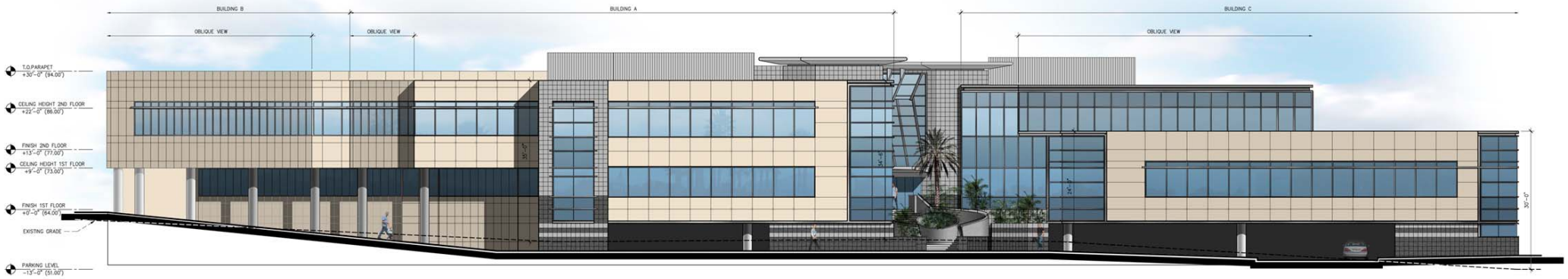
Appendix A
Site Plan, Floor Plans, and Elevations



NORTH FACING COURTYARD ELEVATION (A)

SCALE: 1/8"=1'-0"



WEST EXTERIOR ELEVATION - FACING BIRCH STREET (B)

SCALE: 1/8"=1'-0"

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newport beach, california

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scale: 1/8" = 1' - 0"
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05-10-07

PROJECT DATA

LOT: 133,479 SQ.FT. (3.06 ACRES) GROSS

ZONING BP (BUSINESS PARK) SP-7
GENERAL PLAN.: COG 0.5 (GENERAL COMMERCIAL OFFICE)
MAXIMUM ALLOWABLE FAR: 0.5
PROPOSED FAR: 0.49
MAXIMUM ALLOWABLE BUILDING SITE COVERAGE: 40% (53,392 SF)
PAD AREA: 32.3% (43,125 SF)

PROPOSED SET BACKS:

FRONT	72'-8"
SIDE (NORTH)	48'-0"
SIDE (SOUTH)	75'-0"
REAR (EAST)	75'-0"

MAXIMUM ALLOWABLE BUILDING HEIGHT: 37'-0" AT 75 FT SET BACK
PROPOSED BUILDING HEIGHT:

BUILDING A	35'-0"
BUILDING B	33'-11"
BUILDING C	36'-11"
BUILDING D	35'-5"

BUILDING AREA: 64,973 S.F.

BUILDING A	
1ST FLOOR	4,762 S.F.
2ND FLOOR	5,275 S.F.
TOTAL	10,037 S.F.
BUILDING B	
1ST FLOOR	9,121 S.F.
2ND FLOOR	10,981 S.F.
TOTAL	20,102 S.F.
BUILDING C	
1ST FLOOR	9,960 S.F.
2ND FLOOR	6,012 S.F.
TOTAL	15,972 S.F.
BUILDING D	
1ST FLOOR	9,692 S.F.
2ND FLOOR	9,170 S.F.
TOTAL	18,862 S.F.

TOTAL BUILDING AREA: 64,973 S.F.

COVERED PARKING AREA: 43,125 S.F.
(CONSIDERED BASEMENT AND NOT INCLUDED IN THE TOTAL BUILDING AREA PER CBC 504.5)

SPRINKLED BUILDING THROUGHOUT

BUILDING OCCUPANCY: B

TYPE OF CONSTRUCTION: II-1 HOUR

MEDICAL OFFICE RATIO: 5 STALL / 1,000 S.F.
PARKING REQUIRED: 325 STALLS

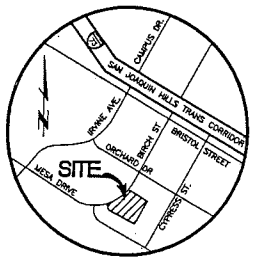
PARKING PROVIDED:

ON SITE	222 STALLS
IN PARKING GARAGE	104 STALLS
TOTAL	326 STALLS

ACCESSIBLE PARKING PROVIDED: 36 STALLS

-------- ACCESSIBLE PATH OF TRAVEL, 1:20 MAX. SLOPE, 2% MAX. CROSS SLOPE, SEE CIVIL DRAWINGS.

TABLE OF CONTENT:



VICINITY MAP
N.T.S.

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COVER SHEET

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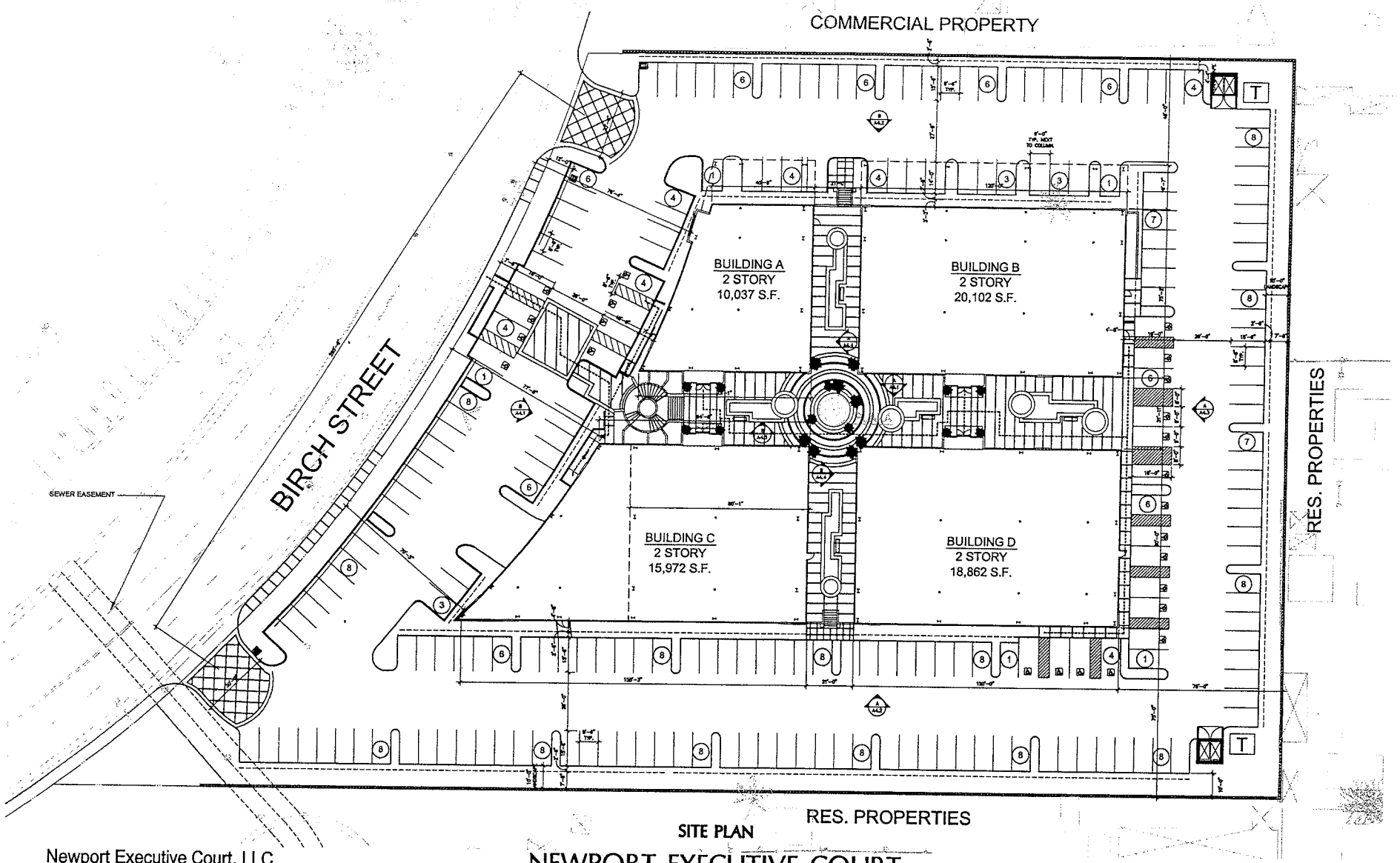
SHEET 1.0



SITE PLAN

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NEWPORT EXECUTIVE COURT

NEWPORT BEACH, CALIFORNIA

NORTH

1/16"=1'-0"
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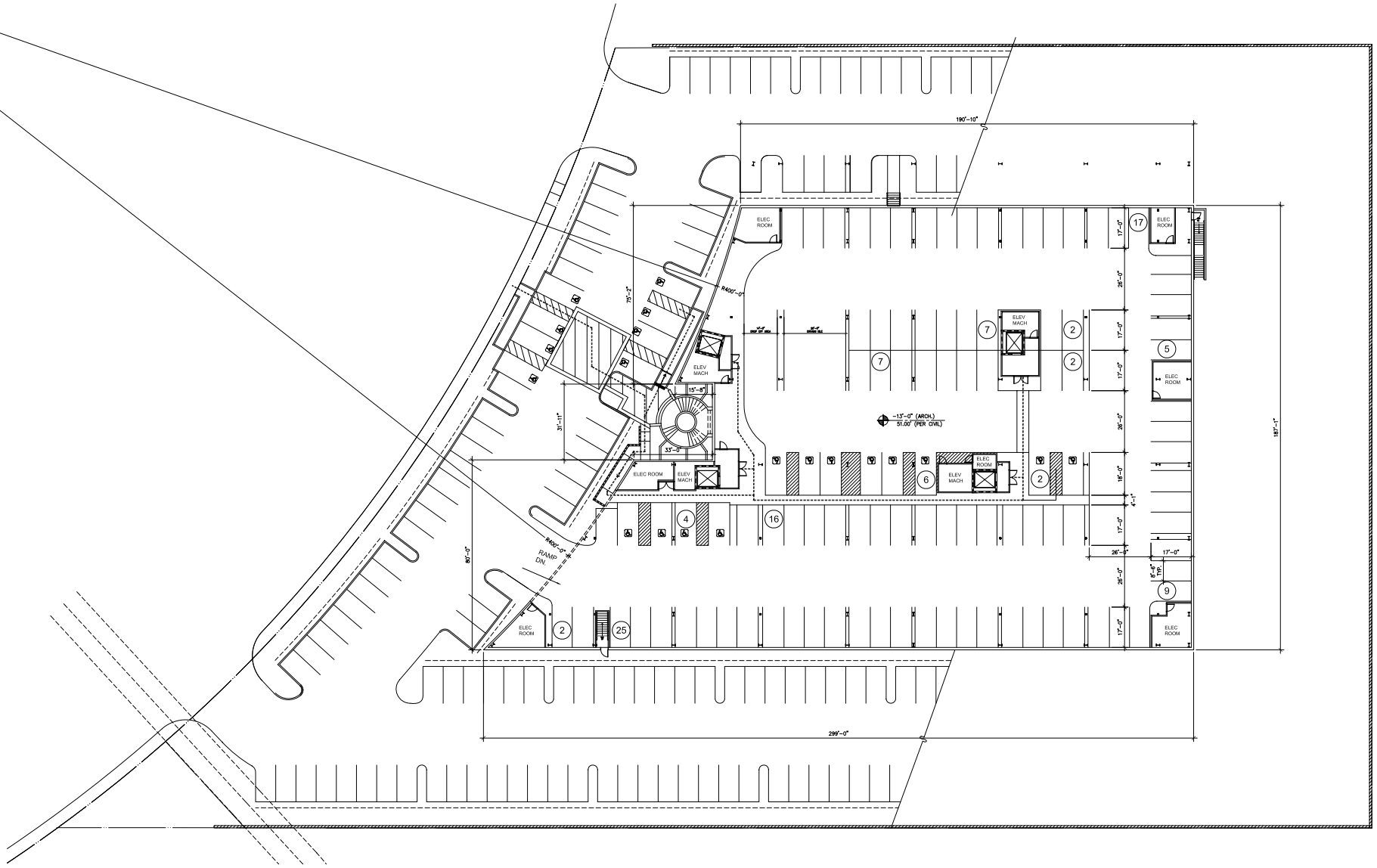
SHEET 1.1



PARKING GARAGE LEVEL

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NEWPORT EXECUTIVE COURT

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NORTH

1/16"=1'-0"

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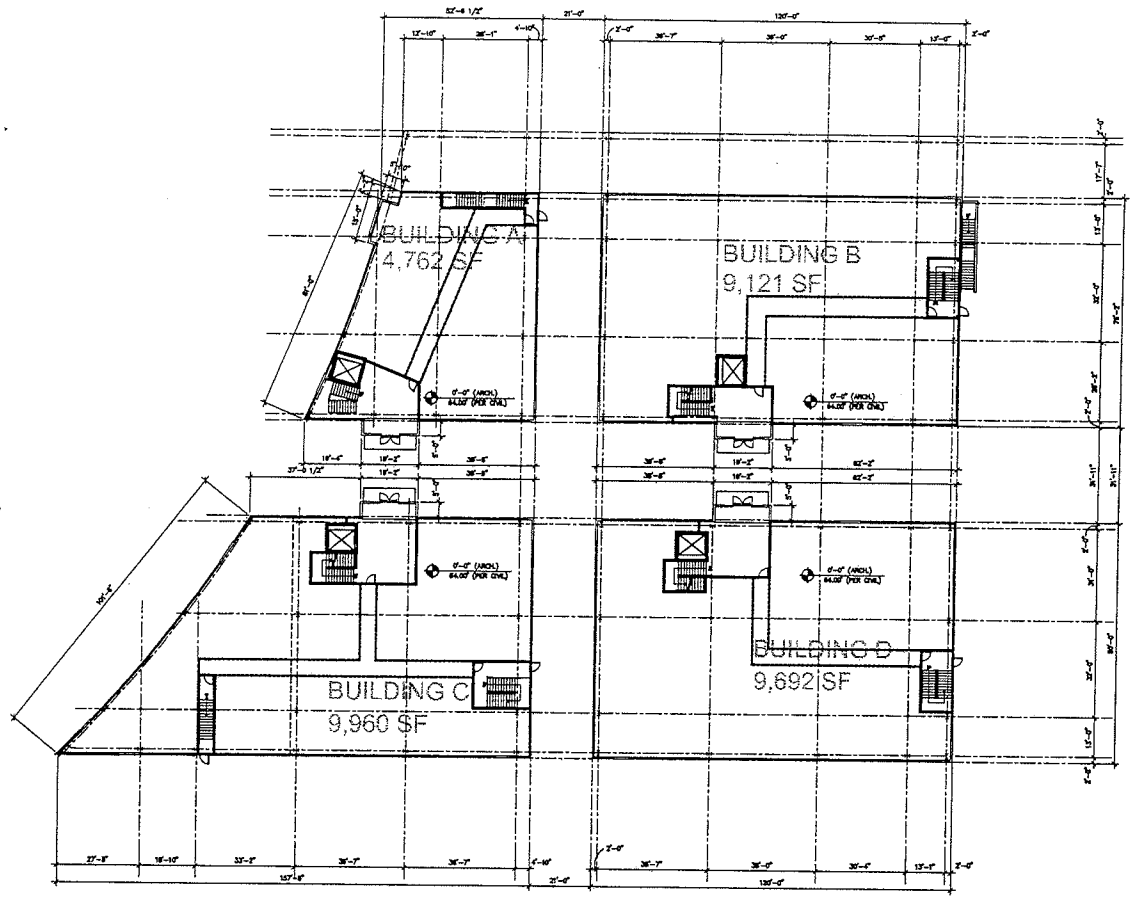
SHEET 2.0



FIRST FLOOR PLAN

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NEWPORT EXECUTIVE COURT

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NORTH

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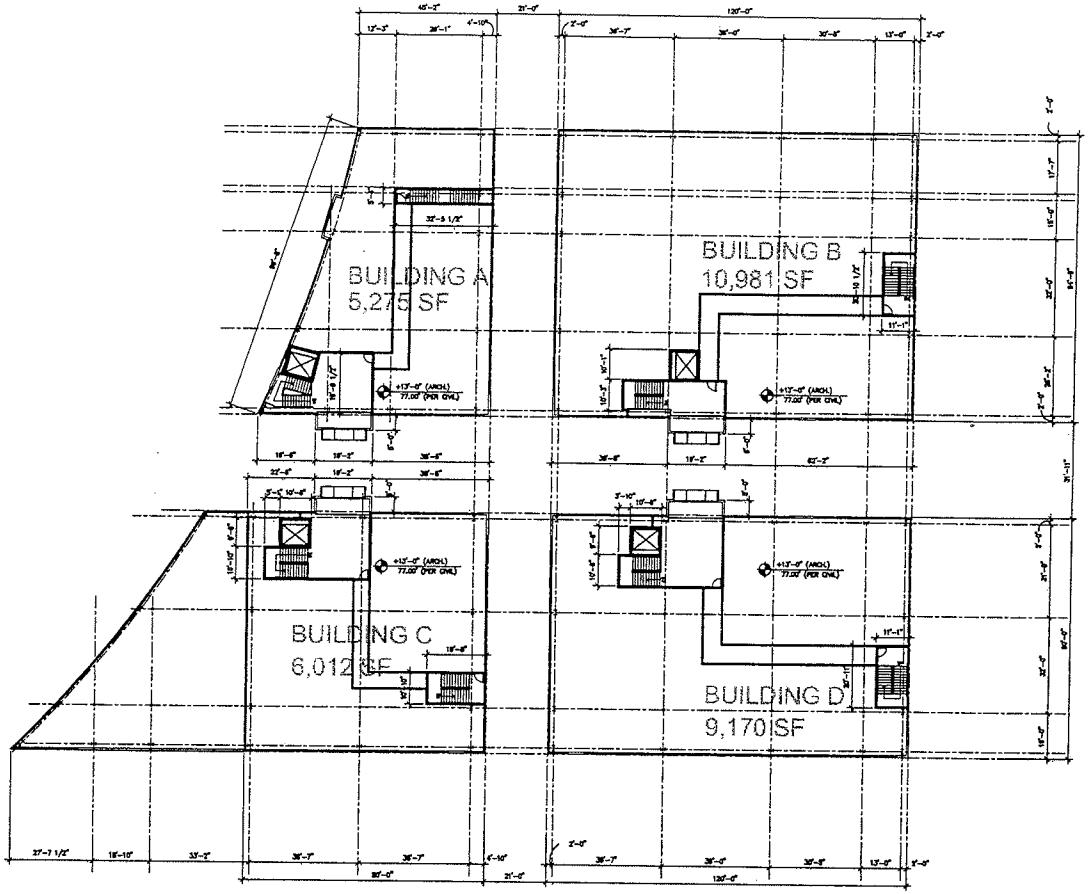
SHEET 2.1



SECOND FLOOR PLAN

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NORTH

1/16"=1'-0"
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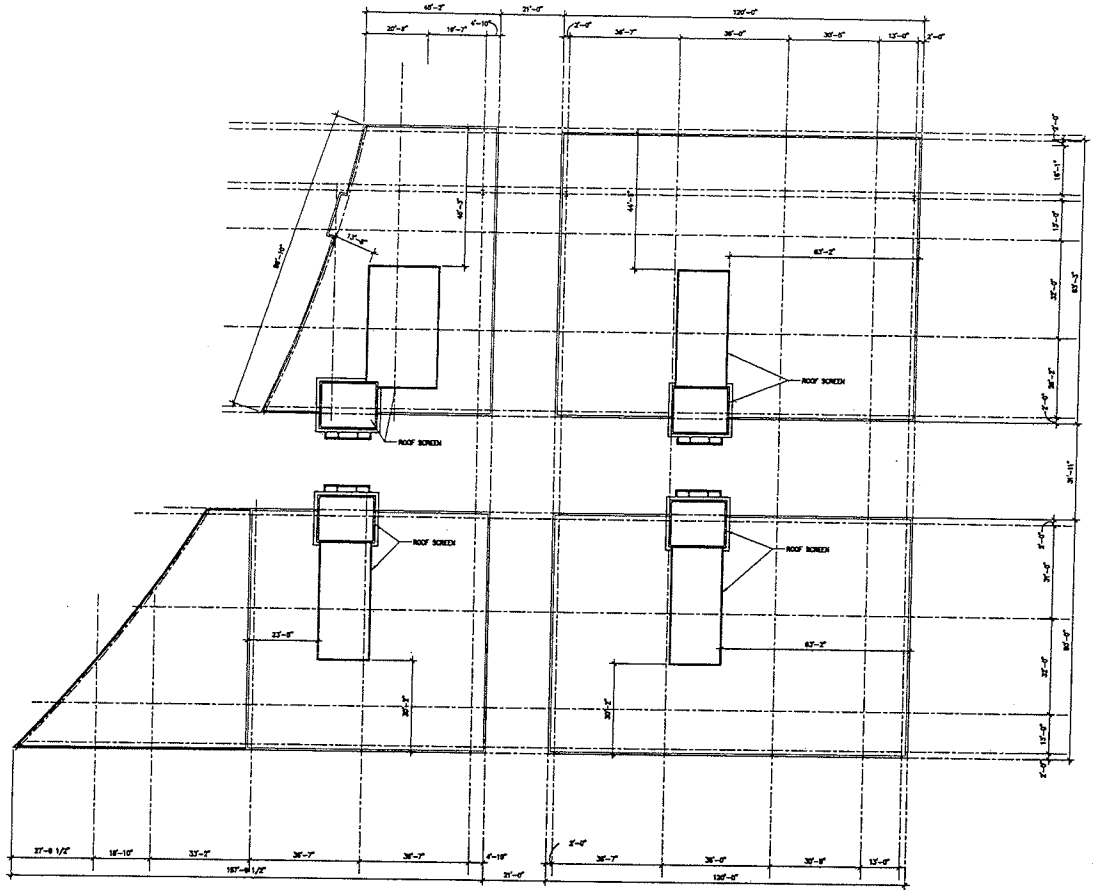
SHEET 2.2



ROOF PLAN

Newport Executive Court, LLC

NEWPORT EXECUTIVE COURT

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NORTH

1/16"=1'-0"
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SHEET 3.1

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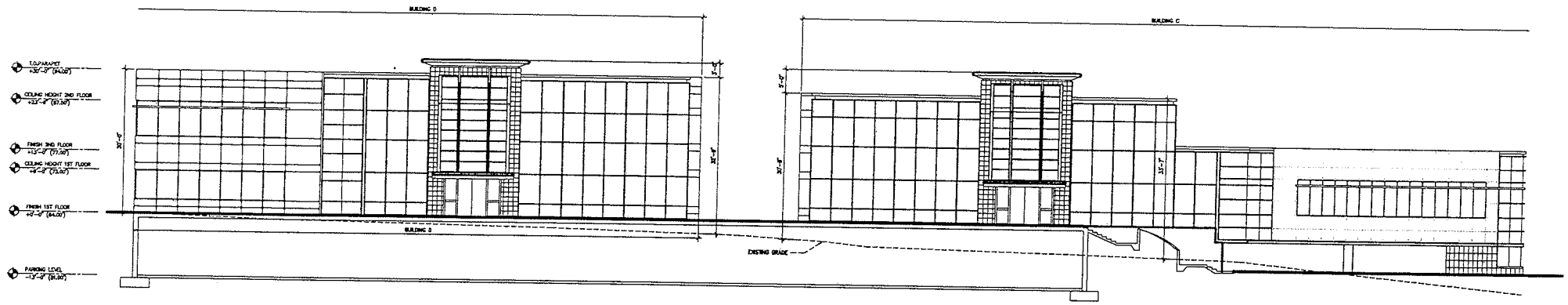
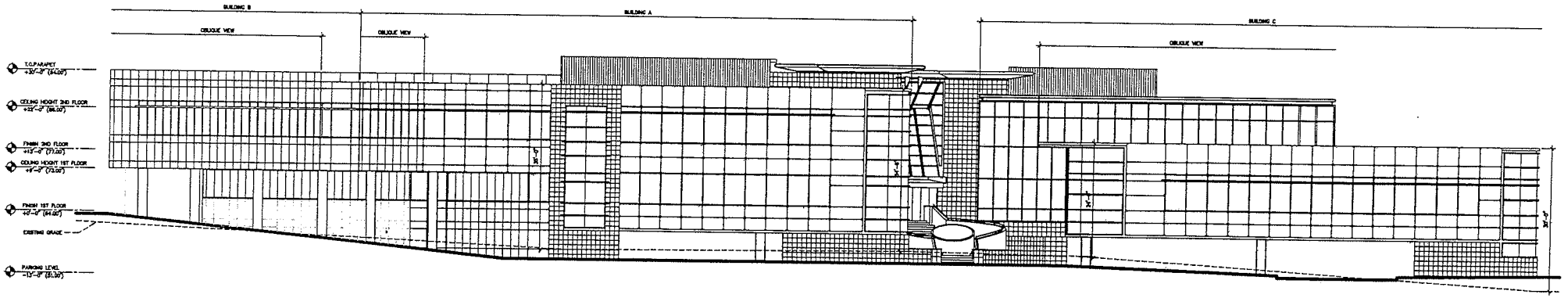


NORTH FACING COURTYARD ELEVATION (A)



WEST EXTERIOR ELEVATION - FACING BIRCH STREET (B)

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EXTERIOR ELEVATIONS

NEWPORT EXECUTIVE COURT

NEWPORT BEACH, CALIFORNIA

ELEVATION NOTES

1. PLASTER OR PANELIZED SYSTEM
2. CLEAR ANODIZED ALUMINUM STOREFRONT
3. HIGH PERFORMANCE GLASS - GRAY
4. SPACE SCULPTING SYSTEM W/ FLASH MESH
5. MECHANICAL EQUIPMENT ROOF SCREEN

1/8"=1'-0"

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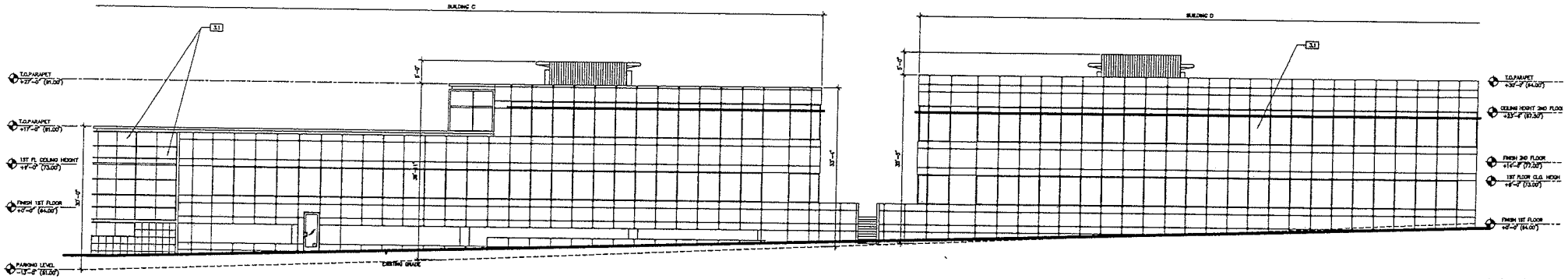
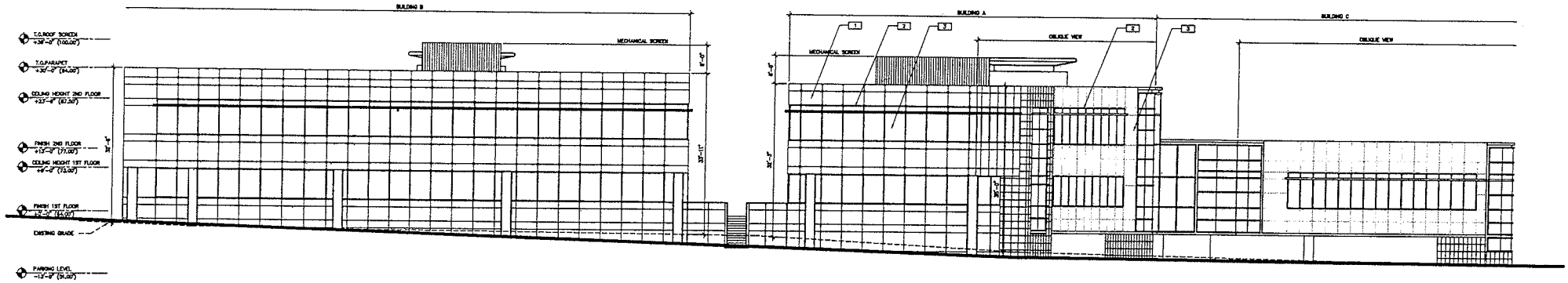
SHEET 4.1



SOUTH EXTERIOR ELEVATION (A)



NORTH EXTERIOR ELEVATION (B)

EXTERIOR ELEVATIONS

Newport Executive Court, LLC

NEWPORT EXECUTIVE COURT
NEWPORT BEACH, CALIFORNIA

ELEVATION NOTES

1. PLASTER OR PANELIZED SYSTEM
2. CLEAR ANODIZED ALUMINUM STOREFRONT
3. HIGH PERFORMANCE GLASS – GRAY
3.1 SPANDREL GLASS – GRAY FACING RESIDENTIAL ZONE
4. SPACE SCULPTING SYSTEM W/ PLAIN MESH

1/8"=1'-0"

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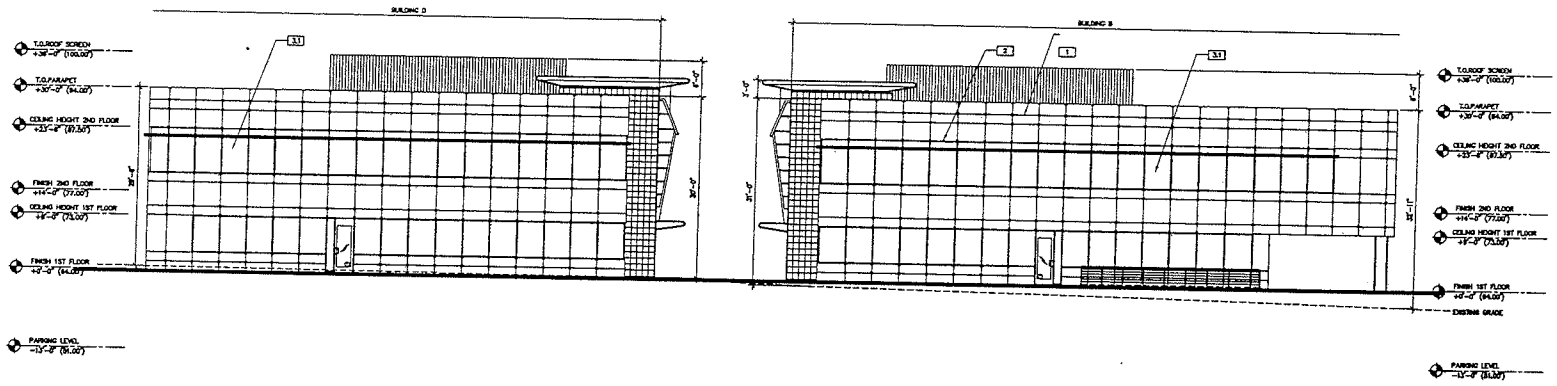
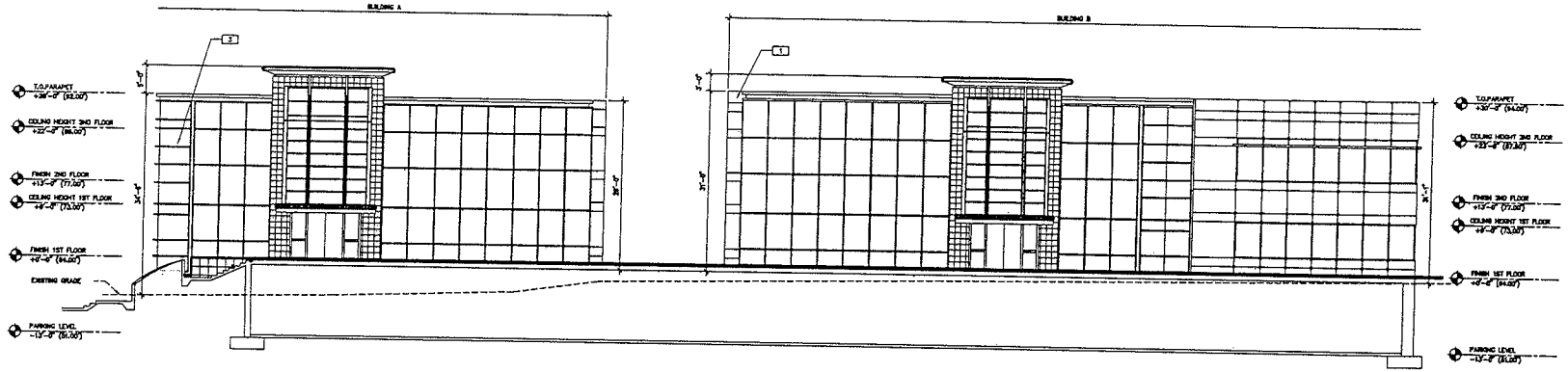
SHEET 4.2



EAST EXTERIOR ELEVATION (A)



SOUTH FACING COURTYARD ELEVATION (B)

ELEVATION NOTES

1. PLASTER OR PANELIZED SYSTEM
2. CLEAR ANODIZED ALUMINUM STOREFRONT
3. HIGH PERFORMANCE GLASS - GRAY
3.1 SPANDREL GLASS - GRAY FACING RESIDENTIAL ZONE
4. SPACE SCULPTING SYSTEM W/ PLANE MESH
6. MECHANICAL EQUIPMENT ROOF SCREEN

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EXTERIOR ELEVATIONS

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1/8"=1'-0"

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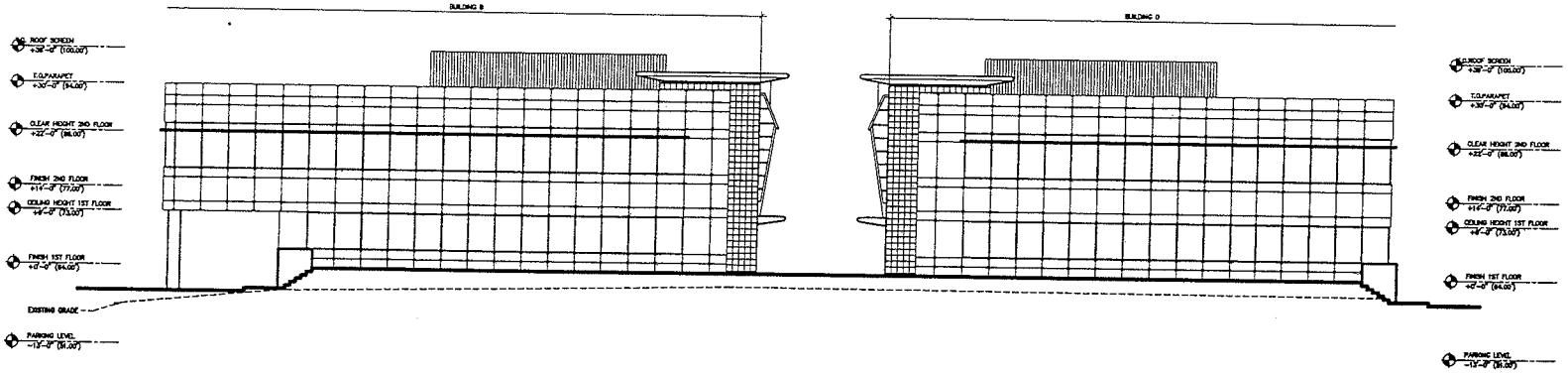
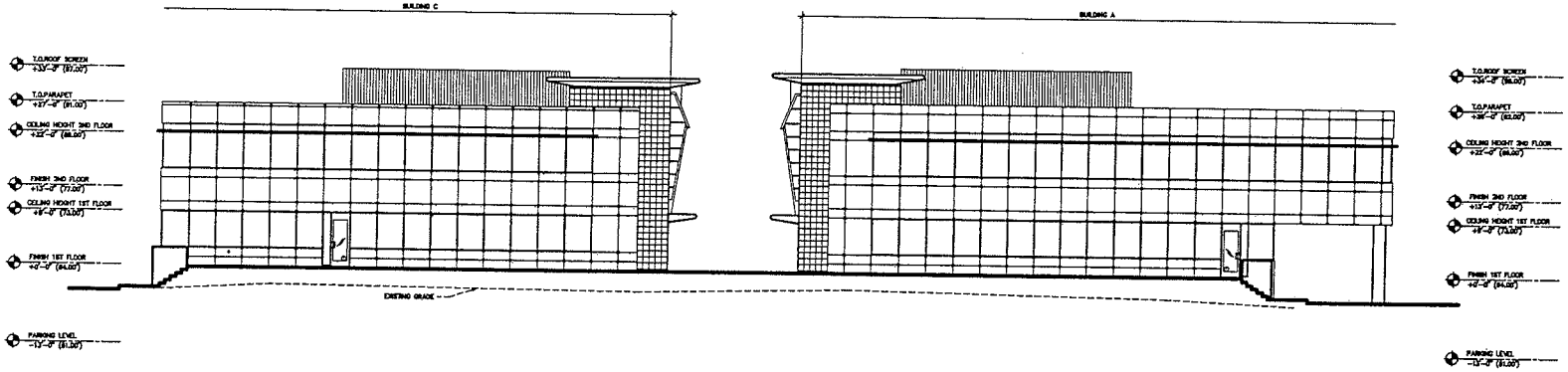
SHEET 4.3



WEST FACING COURTYARD ELEVATION (A)



EAST FACING COURTYARD ELEVATION (B)

ELEVATION NOTES

1. PLASTER OR PANELIZED SYSTEM
2. CLEAR ANODIZED ALUMINUM STOREFRONT
3. HIGH PERFORMANCE GLASS - GRAY
3.1 SPANDREL GLASS - GRAY FACING HORIZONTAL ZONE
4. SPACE SCULPTING SYSTEM W/ PLAIN MESH
8. MECHANICAL EQUIPMENT ROOF SCREEN

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EXTERIOR ELEVATIONS

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1/8"=1'-0"

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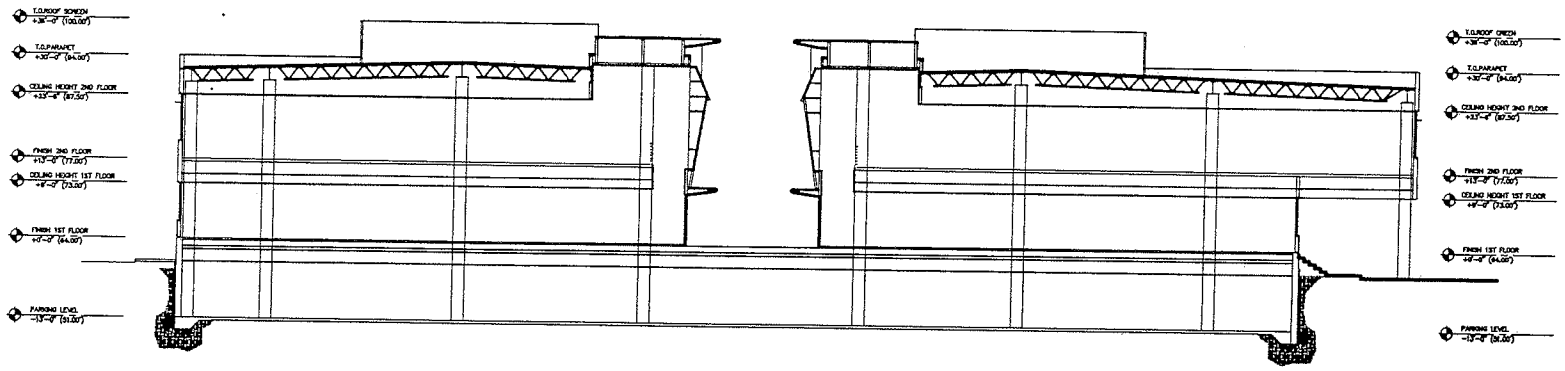
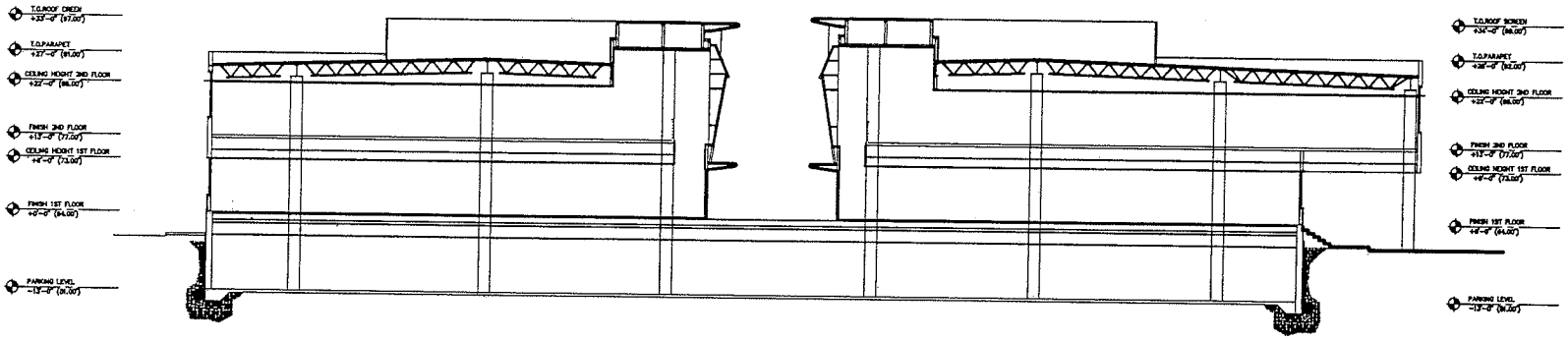
SHEET 4.4



BUILDINGS B & D SECTION (A)
SCALE: 1/8"=1'-0"



BUILDINGS A & C SECTION (B)
SCALE: 1/8"=1'-0"

BUILDING SECTIONS

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NEWPORT EXECUTIVE COURT
NEWPORT BEACH, CALIFORNIA

1/8"=1'-0"
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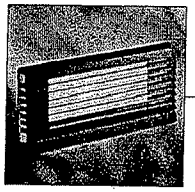
SHEET 5.1

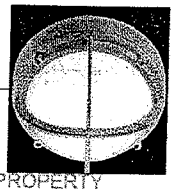
LIGHTING FIXTURE SCHEDULE				
TYPE	SYM	FIXTURE MANUFACTURE	LAMP MANUFACTURER LAMP MODEL#	LIGHTING FIXTURE DESCRIPTION
S1	□	GARDCO #419-1-4X-250MH-208-SC POLE #SRS-17.5'	PHILIPS #MS250/BU/PS	SINGLE HEAD H.I.D. LUMINAIRE MOUNTED ON A ROUND STEEL POLE AT 20'-0" AFG.
S1A	◨	GARDCO #419-1-4X-250MH-208-SC-HS POLE #SRS-17.5'	PHILIPS #MS250/C/HOR	SINGLE HEAD H.I.D. LUMINAIRE WITH HOUSE-SIDE SHIELD MOUNTED ON A ROUND STEEL POLE AT 20'-0" AFG.
S2	○	LOUIS POULSEN #KSP-1/150W/CMH/T-6012-120 NAT PAINT ALU-CUTOFF	PHILIPS #CDM150/TB/830	POST TOP H.I.D. LUMINAIRE MOUNTED ON ROUND STRAIGHT ALUMINUM POLE AT 12'-0" AFG.
S3	◈	LOUIS POULSEN #SKT-MAX-1/70W/CMH/T-6 012-120/NAT PAINT ALU SYMMETRIC	PHILIPS #CDM75/TB/830	SURFACE/CEILING MOUNTED H.I.D. WITH SYMMETRIC DISTRIBUTION.
S4	▭	GARDCO #942-C-260F-PD-120-NP	PHILIPS #PLT-26W/830/4P/ALTO	RECESSED WALL-MOUNTED COMPACT FLUORESCENT STEP LIGHTS WITH PRISMATIC GLASS AND ELECTRONIC BALLAST.

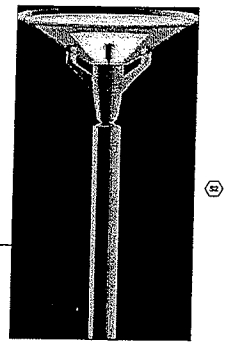
SITE PHOTOMETRIC STATS:

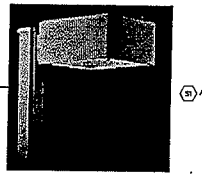
MAX.	9.3 FC
AVG.	2.0 FC
MAX./MIN.	46.5:1
AVG./MIN.	10.0:1

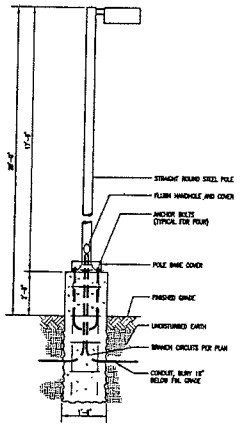
THIS LIGHTING CALCULATION REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATION ENGINEERING SOCIETY APPROVED METHODS.











POLE AND BASE DETAIL S1 S1A

COMMERCIAL PROPERTY

BUILDING A
4,834 SF

BUILDING B
9,121 SF

BUILDING C
10,137 SF

BUILDING D
9,692 SF

BIRCH STREET

RES. PROPERTIES

RES. PROPERTIES

SITE LIGHTING PHOTOMETRIC STUDY

H.D.S. PARTNERSHIP

NEWPORT EXECUTIVE COURT

NEWPORT BEACH, CALIFORNIA

1" = 20'-0"
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12/18/06

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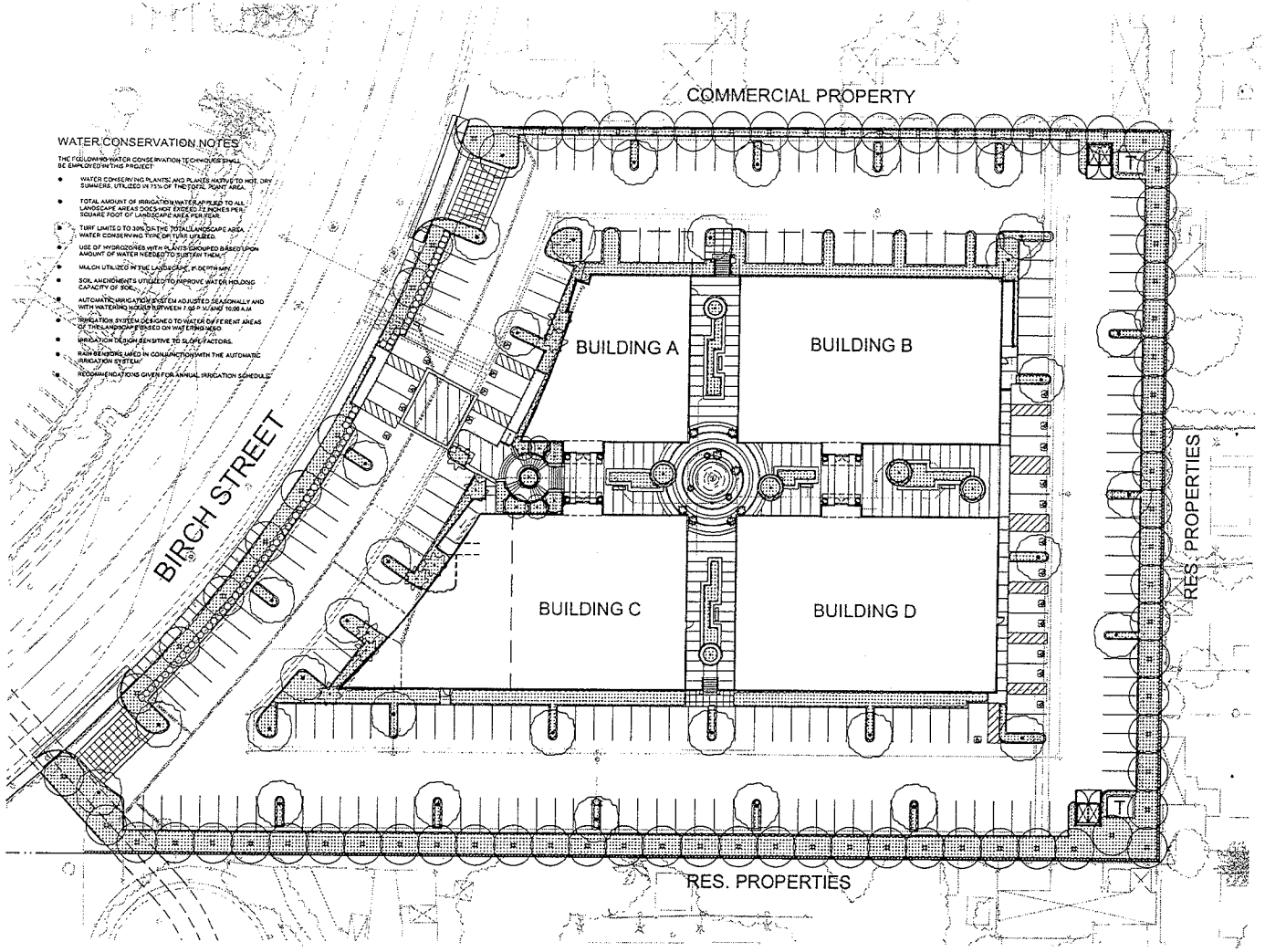
SHEET E1.0



WATER CONSERVATION NOTES

THE FOLLOWING WATER CONSERVATION TECHNIQUES SHALL BE EMPLOYED IN THIS PROJECT

- WATER CONSERVING PLANTS, AND PLANTS NATIVE TO HOT, DRY SUMMERS, UTILIZED IN 75% OF THE TOTAL PLANT AREA.
- TOTAL AMOUNT OF IRRIGATION WATER APPLIED TO ALL LANDSCAPE AREAS DOES NOT EXCEED 72 INCHES PER SQUARE FOOT OF LANDSCAPE AREA PER YEAR.
- TURF LIMITED TO 30% OR LESS OF THE TOTAL LANDSCAPE AREA. WATER CONSERVING TYPE OF TURF UTILIZED.
- USE OF HYDROZONES WITH PLANTS GROUPED BASED UPON AMOUNT OF WATER NEEDED TO SUSTAIN THEM.
- MULCH UTILIZED IN THE LANDSCAPE, 3" DEPTH MIN.
- SOIL AMENDMENTS UTILIZED TO IMPROVE WATER HOLDING CAPACITY OF SOIL.
- AUTOMATIC IRRIGATION SYSTEM ADJUSTED SEASONALLY AND WITH WATERING HOURS BETWEEN 7:00 P.M. AND 10:00 A.M.
- IRRIGATION SYSTEM DESIGNED TO WATER DIFFERENT AREAS OF THE LANDSCAPE BASED ON WATERING NEED.
- IRRIGATION DESIGN SENSITIVE TO SLOPE FACTORS.
- RAIN SENSORS USED IN CONJUNCTION WITH THE AUTOMATIC IRRIGATION SYSTEM.
- RECOMMENDATIONS GIVEN FOR ANNUAL IRRIGATION SCHEDULE.

PRELIMINARY PLANTING PALETTE

SYMBOL	BOTANICAL / COMMON NAME	MIN. SIZE / SPACING	COMMENTS
TREES			
	UMBELLULARIA CALIFORNICA / CALIFORNIA LAUREL	24" BOX	LARGE EVERGREEN SCREENING TREE
	TRISTANIA CONFERTA / BRISBANE BOX	24" BOX	VERTICAL SCREENING
	MAYTENUS BOARIA / MAYTEN TREE	24" BOX	SMALL LACY TREE
	BRAHEA EDULIS / GUADALUPE PALM	10' BTH	ACCENT PALM
FOREGROUND SHRUBS			
	AGAPANTHUS A. 'QUEEN ANNE' / LILY OF THE NILE	1 GAL / 24" O.C.	FLOWERING ACCENT
	DIETES BICOLOR / DIETES	1 GAL / 30" O.C.	FLOWERING PERENNIAL
	HEMEROCALLIS HYBRID 'YELLOW' / DAYLILY	1 GAL / 24" O.C.	PERENNIAL ACCENT
	LANTANA MONTEVIDENSIS / PURPLE TRAILING LANTANA	5 GAL / 36" O.C.	FLOWERING MASS
	PITTOSPORUM T. 'WHEELER'S DWARF' / DWARF MOCK ORANGE	5 GAL / 30" O.C.	LOW MOUNDING SHRUB
	RHAPHIOLEPSIS I. 'BALLERINA' / COMPACT PINK INDIA HAWTHORN	5 GAL / 30" O.C.	LOW FLOWERING SHRUB
MIDGROUND SHRUBS			
	PITTOSPORUM T. 'VARIEGATA' / VARIEGATED MOCK ORANGE	5 GAL / 36" O.C.	INFORMAL HEDGE
	RHAPHIOLEPSIS I. 'CLARA' / WHITE INDIA HAWTHORN	5 GAL / 36" O.C.	FLOWERING MASS
	STRELITZIA REGINAE / BIRD OF PARADISE	5 GAL / 36" O.C.	SPIKY ACCENT
BACKGROUND SHRUBS			
	BUXUS M. J. 'BOXWOOD BEAUTY' / BOXWOOD	3 GAL / 24" O.C.	BACKGROUND SHRUB
	LIGUSTRUM J. 'TEXANUM' / TEXAS PRIVET	5 GAL / 36" O.C.	EVERGREEN SCREEN
	XYLOSMA CONGESTUM / SHINY XYLOSMA	5 GAL / 42" O.C.	INFORMAL HEDGE
GROUNDCOVER			
	GAZANIA MITSUA YELLOW / GAZANIA	FLATS / 8" O.C.	FLOWERING GROUNDCOVER
	HEDERA HELIX 'HANNAH' / HANNS IVY	FLATS / 6" O.C.	SHADE GROUNDCOVER
	MYOPORUM 'PACIFICUM' / MYOPORUM	FLATS / 18" O.C.	EVERGREEN GROUNDCOVER
	ROSMARINUS OFFICINALIS / PROSTRATE ROSEMARY	FLATS / 12" O.C.	FLOWERING GROUNDCOVER
	TRACHELOSPERMUM JASMINOIDES / STAR JASMINE	FLATS / 8" O.C.	FLOWERING GROUNDCOVER
VINES			
	FICUS REPENS / CREEPING FIG	5 GAL / 10'-0" O.C.	SCREENING VINE

PRELIMINARY LANDSCAPE PLAN

NEWPORT EXECUTIVE COURT

NEWPORT BEACH, CALIFORNIA

H.D.S. PARTNERSHIP

0 10 20 40 60

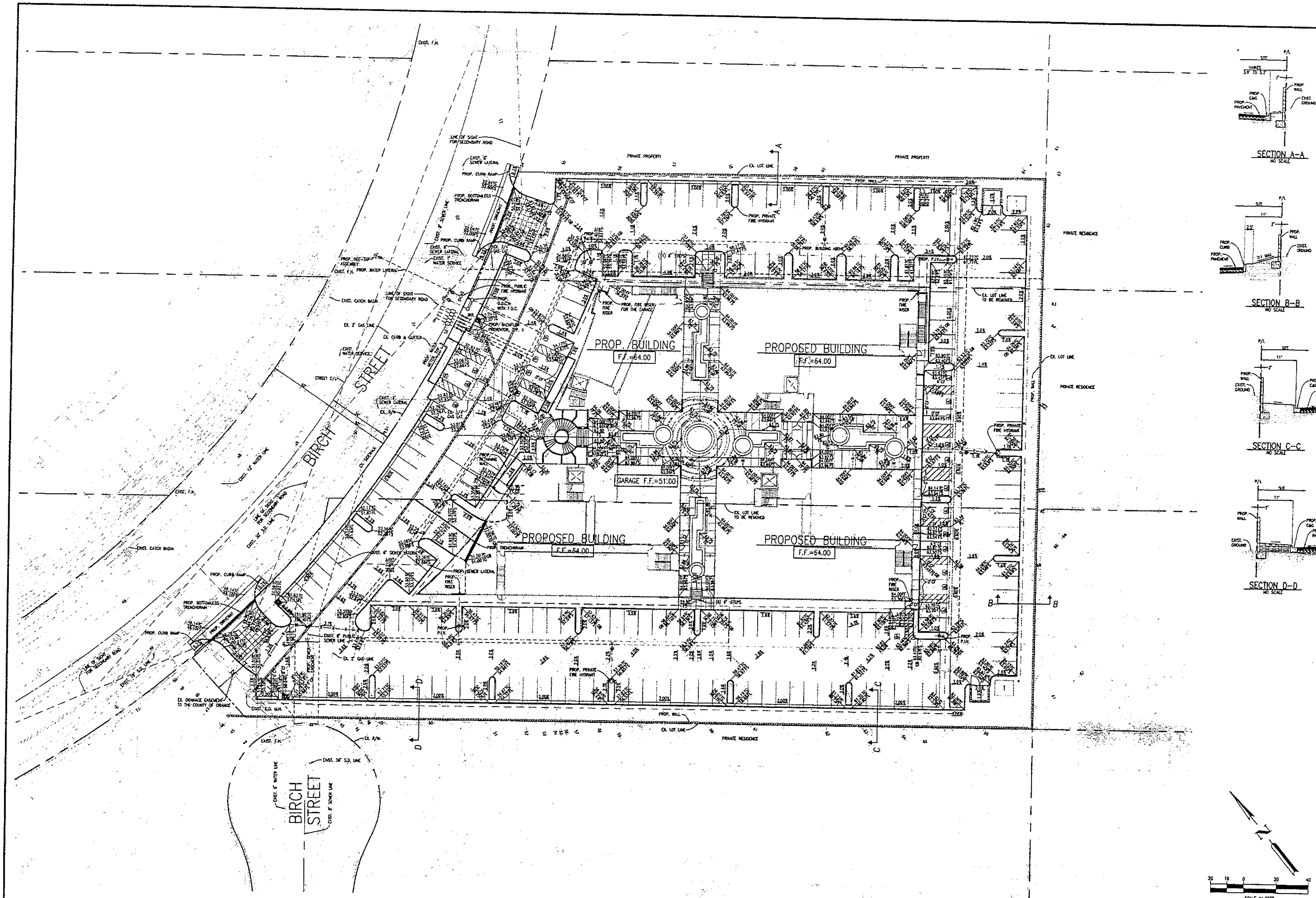
1"=20'-0"

051-313-00

06.06.07

L1.1

WARE MALCOMB
architecture
planning
interiors
www.waremalcomb.com
p 949.660.9128



BENCHMARK:

B.M.# CM-57-03 EL = 28.347
COUNTY OF ORANGE BENCHMARK
3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "CM-57-03", SET IN THE WESTERLY CORNER OF A 4 FT. BY 13.5 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE SOUTHERLY CORNER OF THE INTERSECTION IRVINE AVENUE AND MESA DRIVE, 44.8 FT. SOUTHEASTERLY OF THE CENTERLINE OF IRVINE, 79.8 FT. SOUTHWESTERLY OF THE CENTERLINE OF MESA AND 0.6 FT. SOUTHEASTERLY OF THE SOUTHEASTERLY CURB ALONG IRVINE AVENUE. MONUMENT IS SET LEVEL WITH THE SIDEWALK.

PRELIMINARY EARTHWORK:

EXCAVATION	19,000 C.Y.
EMBANKMENT	1,000 C.Y.
EXPORT	18,000 C.Y.

WALDEN & ASSOCIATES
CIVIL ENGINEERS
PLANNERS
LAND SURVEYORS
2032 WHITE ROAD, SUITE D, IRVINE, CA 92614
(949) 660-0110 FAX: 660-0418

PRELIMINARY GRADING PLAN
FOR
NEWPORT EXECUTIVE COURT
BIRCH STREET
NEWPORT BEACH, CA

JOB NUMBER 1547-790-001
DATE: 6/11/07
DRAWN: MV
CHECKER: DB
SHEET 1 OF 1

TENTATIVE

PARCEL MAP NO. 2006-298

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE
STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF LOTS 99, 125, 126 AND 127
OF TRACT NO. 706, AS SHOWN ON THE MAP FILED IN BOOK 21, PAGE 25
OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY.

FOR CONDOMINIUM PURPOSES

WALDEN & ASSOCIATES
JEFFREY A. WALDEN, P.L.S. 7914
DECEMBER 2006

SCALE: 1" = 50'

RECORD OWNER:
NEWPORT EXECUTIVE COURT, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY
4120 BIRCH ST. SUITE 110
NEWPORT BEACH, CA 92660

SUBDIVIDER:
NEWPORT EXECUTIVE COURT, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY
4120 BIRCH ST. SUITE 110
NEWPORT BEACH, CA 92660
(949) 852-1358

MAP PREPARER:
WALDEN & ASSOCIATES
2552 WHITE RD., SUITE B
IRVINE, CA 92614
(949) 660-0110

PROFESSIONAL LAND SURVEYOR
JEFFREY ALLEN WALDEN
No. 7914
Exp. 12-31-07
STATE OF CALIFORNIA

EASEMENT NOTES:

(A) INDICATES AN EASEMENT FOR STREET RIGHT OF WAY, PIPE LINES, TELEPHONE, TELEGRAPH AND POWER LINES RESERVED FOR THE IRVINE COMPANY AND FOR BRYAN BRADFORD & W.M. McCOY OR THEIR GRANTEES, ON TRACT NO. 706, M.M. 21/25. (PORTION OF EASEMENT WITHIN MAP BOUNDARY TO BE QUITCLAIMED BY SEPARATE DOCUMENT).

(B) INDICATES AN EASEMENT FOR STREETS, ALLEYS, PIPE LINES, ELECTRICAL POWER, LIGHT, TELEPHONE LINES AND ELECTRIC RAILWAYS AS RESERVED BY TITLE GUARANTEE AND TRUST COMPANY IN THE DEED RECORDED JULY 27, 1929 IN BOOK 297, PAGE 147 OFFICIAL RECORDS. (PORTION OF EASEMENT WITHIN MAP BOUNDARY TO BE QUITCLAIMED BY SEPARATE DOCUMENT).

(C) INDICATES AN EASEMENT FOR PUBLIC UTILITIES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY RECORDED SEPTEMBER 3, 1953 IN BOOK 2568, PAGE 582 OFFICIAL RECORDS. (EASEMENT TO BE QUITCLAIMED BY SEPARATE DOCUMENT).

(D) INDICATES AN EASEMENT FOR SLOPE, GRADING AND DRAINAGE PURPOSES IN FAVOR OF THE COUNTY OF ORANGE, RECORDED FEBRUARY 15, 1996 AS INSTRUMENT NO. 19960071077 OFFICIAL RECORDS.

(E) INDICATES AN EASEMENT FOR SEWER PURPOSES IN FAVOR OF COSTA MESA SANITARY DISTRICT TO BE RECORDED BY SEPARATE DOCUMENT.

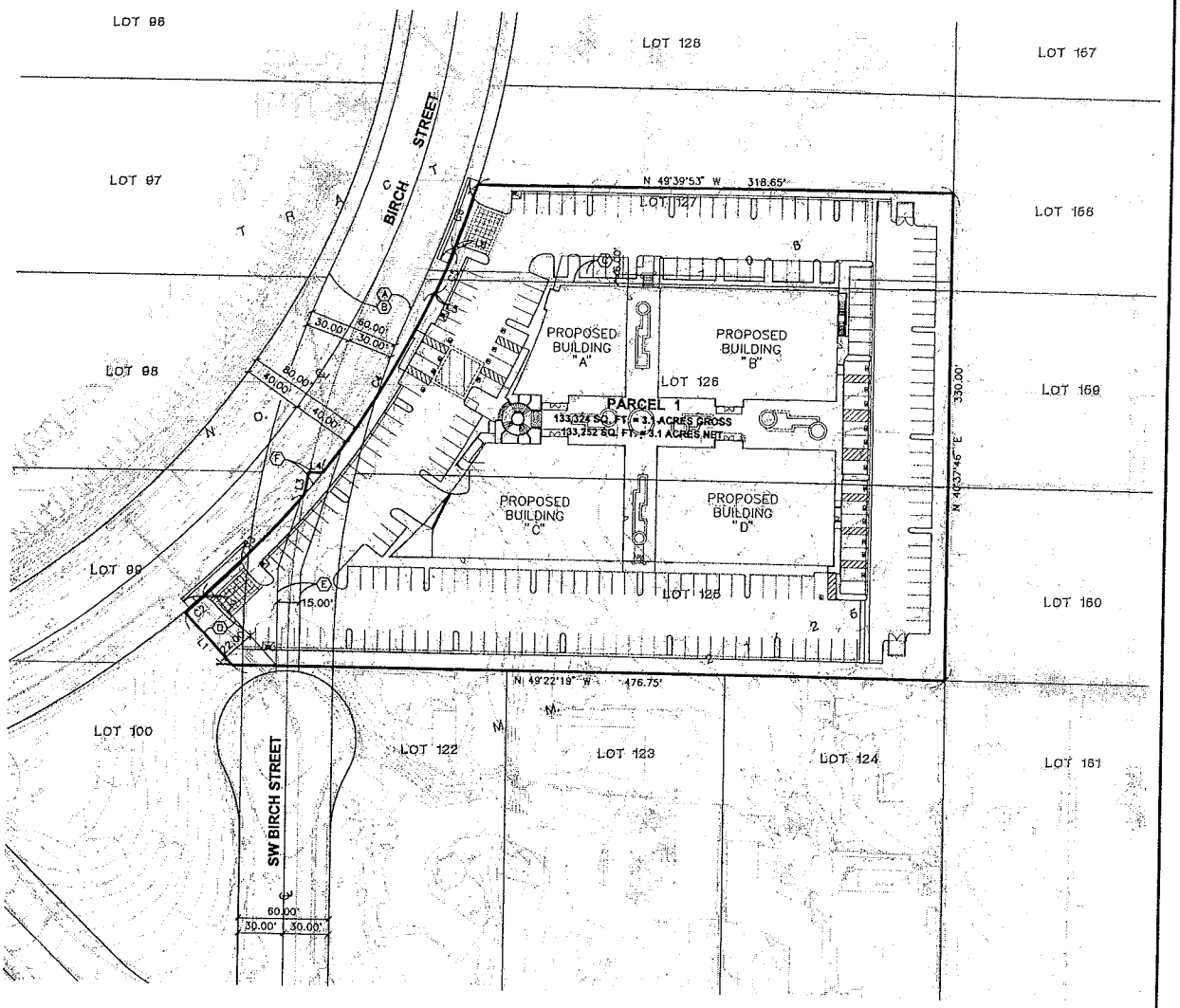
(F) INDICATES AREA TO BE DEDICATED TO THE CITY OF NEWPORT BEACH PER THIS FINAL MAP.

NOTES:

ASSESSOR'S PARCEL NUMBERS: 439-381-28 & 30
439-382-06, 07, 10, 26 & 27

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 01°32'00" W	47.10'
L2	N 01°54'38" W	1.00'
L3	N 51°12'59" E	15.65'
L4	N 49°22'19" W	9.12'
L5	N 25°06'55" W	1.00'
L6	N 27°58'48" W	1.00'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C2	01°24'34"	641.00'	15.77'
C3	08°39'05"	640.00'	96.64'
C4	12°48'25"	640.00'	143.05'
C5	01°47'56"	1020.67'	32.05'
C6	04°10'56"	640.00'	46.72'



Appendix B
Distribution List

Kari Rigoni
Airport Land Use Commission
3160 Airway Avenue
Costa Mesa, CA 92626

Richard A. Dayton (SAH-PAC)
Dayton Associates-Architects
2900 Silver Lane
Newport Beach, CA 92660

Southern California Edison
Mike Bohen
7333 Bolsa Avenue
Westminster, CA 92683

Orange County Sanitation District
10844 Ellis Ave
Fountain Valley, CA 92708

Environmental Quality Affairs Committee
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Liz Canales
Southern California Edison
14155 Bake Parkway
Irvine, CA 92618

California Department of Transportation, District 12
Cindy Quon, Director
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894

Theodora Attanassova
Ware Malcomb
10 Edelman
Irvine, CA 92618

South Coast Air Quality Management District
Attn: Mr. Steve Smith
21865 East Copley Drive
Diamond Bar, CA 91765

City of Costa Mesa
Attn: Donald D. Lamm, Director
P. O. Box 1200
Costa Mesa, CA 92628-1200

City of Irvine
Attn: Tina Christiansen, Director
P. O. Box 19575
Irvine, CA 92623-9575

Southern California Gas Company
Attn: Kris Keas
1919 South State College Blvd.
Anaheim, CA 92805

Rosalinh Ung
Planning Department
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

County of Orange
Director of Planning
300 No. Flower
Santa Ana Ca. 92705

State Clearinghouse
Office of Planning and Research
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

Professional Native American Cultural Resource Monitors
P. O. Box 1391
Temecula, CA 92593

Patricia Martz
California Cultural Resource Preservation Alliance
1 Song Sparrow
Irvine, CA 92604

Gabrielino Tongva Tribal Council
Gabrielino Tongva Nation
501 Santa Monica Boulevard, #500
Santa Monica, CA 90401-2415

Metropolitan Water District of Southern California
P. O. Box 54153
Los Angeles, CA 90054

Newport Beach Public Library
Central Library
1000 Avocado Avenue
Newport Beach, CA 92660

Public Works Department
3300 Newport Boulevard
PO Box 1768
Newport Beach, CA 92658

Appendix C
Agency Coordination

Early Comments and Coordination

This section includes notices published and comments received:

- Notice of Initiation of Studies Letter (Dated April 17, 2007)
- Comments received in response to Notice of Initiation of Studies Letter

Comments:

COMMENT #1:
From: *Airport Land Use Commission for Orange County*
Letter Dated: *May 15, 2007*

"Please note that the proposed project site is within the Federal Aviation Regulation (FAR) Part 77 Imaginary Surfaces aeronautical obstruction area in the vicinity of JWA, the AELUP Height Restriction Zone for JWA, and is also located within the approach surface for JWA. To determine the proposed project's impact to these surfaces, please provide the proposed project height above mean sea level (AMSL) using National Geodetic Vertical Datum of 1929 (NGVD29) and/or North Americal Vertical Datum 1988 (NAVD88) and the project coordinates (longitude and latitude). Depending on the heights of the proposed buildings, the project applicant may be required to file Form 7460-1 with the Federal Aviation Administration (FAA)."

RESPONSE#1:
The maximum height of the project would be approximately 100.00 feet above mean sea level (NAVD88). The project site is located at latitude 33.655966° and longitude -117.877850°.

COMMENT #2:
"Per the JWA AELUP the proposed project site is located within Noise Impact Zone 1. The project proponent must ensure that the building be sound attenuated to meet the 50 dB(A) threshold. When available, the environmental document should include mitigation measures to ensure that the proposed structure is sufficiently sound attenuated to allow conduct of normal work activities."

RESPONSE #2:
Section 3.11, Noise, Question A, recommends that all units on the project site be equipped with air conditioning systems to ensure that windows and doors can remain closed for prolonged periods of time. This would allow interior noise levels to be reduced to below the 50 dBA standard.

COMMENT #3:
From: *City of Costa Mesa*
Letter Dated: *May 8, 2007*

"The City recommends the project traffic analysis include analysis of all intersections in the City of Costa Mesa that would experience an increase of 50 more vehicle trips in any peak hour."

RESPONSE #3:
According to the Traffic Impact Study (Kimley-Horn, 2007), the project would not increase traffic by 50 or more vehicle trips in any peak hour in at any of the intersections closest to the City of Costa Mesa.

CITY OF NEWPORT BEACH

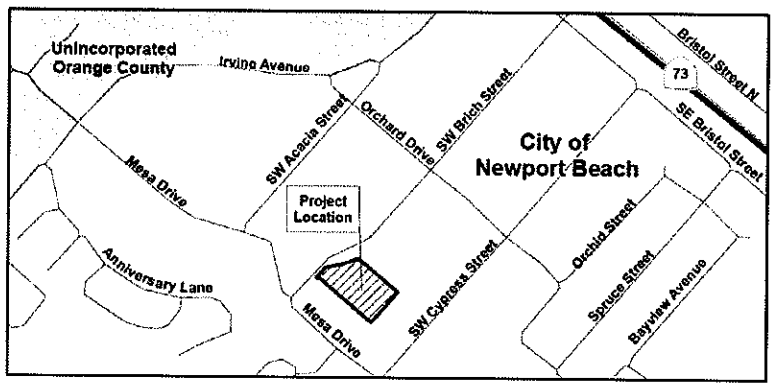
3300 Newport Boulevard - P.O. Box 1768
Newport Beach, CA 92658-8915
(949) 644-3200

April 17, 2007

To: Affected State, Federal, Regional and Municipal Agencies

RE: Proposed Newport Executive Court, APN 439-381-28, 439-381-30, 439-382-06, 439-382-07, 439-382-10, and 439-382-26

The project applicant, Newport Executive Court, LLC, proposes to construct four (4) two-story medical office buildings of approximately 65,000 total square feet over a parking garage level in the City of Newport Beach. The map below shows the general limits of the proposed study.



We would appreciate being advised within 30 days if you have any facilities or plans for development which might be affected by the proposal. We would also welcome any other comments or suggestions you may have concerning the proposed development to be studied or any significant social, economic, and environmental factors. It is requested at this time that you furnish any information on the locations of historic or cultural resources that may be in the project vicinity and your agency's views on the effects that this proposal may have on such properties. Please submit your comments by the deadline, May 17, 2007.

When sufficient engineering, environmental, and socioeconomic data have been developed, a Notice of Availability will be advertised at which time the environmental document will be available for public comment.

Please contact me with any questions you may have in regard to this project at the City of Newport Beach, (949) 644-3208.

Sincerely,

Rosalinh Ung
Associate Planner
City of Newport Beach, Planning Department

AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

May 15, 2007

Rosalinh Ung, Associate Planner
Planning Department
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Subject: Executive Court Medical Office Buildings

Dear Ms. Ung:

Thank you for the opportunity to review the proposed Executive Court Medical Office Building Project in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP)*. We understand that once sufficient project data is gathered, a Notice of Availability will be advertised and an environmental document will be available for further review and comment.

Please note that the proposed project site is within the Federal Aviation Regulation (FAR) Part 77 Imaginary Surfaces aeronautical obstruction area in the vicinity of JWA, the AELUP Height Restriction Zone for JWA, and is also located within the approach surface for JWA. To determine the proposed project's impact to these surfaces, please provide the proposed project height above mean sea level (AMSL) using National Geodetic Vertical Datum of 1929 (NGVD29) and/or North American Vertical Datum 1988 (NAVD88) and the project coordinates (longitude and latitutde). Depending on the heights of the proposed buildings, the project applicant may be required to file Form 7460-1 with the Federal Aviation Administration (FAA).

Per the *JWA AELUP* the proposed project site is located within Noise Impact Zone 1. The project proponent must ensure that the building be sound attenuated to meet the 50 dB(A) threshold. When available, the environmental document should include mitigation measures to ensure that the proposed structure is sufficiently sound attenuated to allow conduct of normal work activities.

Thank you for the opportunity to comment on the proposed project. Please contact Lea Umnas at 949.252.5123 or via email lumnas@ocair.com if you require additional information.

Sincerely,

Kari A. Rigoni
Executive Officer

S:\ALUC\Newport Beach\Executive Court Prelim Comments.doc

CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

May 8, 2007

Ms. Rosalinh Ung, Associate Planner
City of Newport Beach, Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

SUBJECT: NOTICE OF PREPARATION FOR NEWPORT EXECUTIVE COURT 20401-20411 SW BIRCH STREET, NEWPORT BEACH

Dear Ms. Ung:

The City of Costa Mesa has reviewed the Notice of Preparation for Newport Executive Court, located at 20401-20411 SW Birch Street. The proposed project involves the construction of four two-story medical office buildings of approximately 65,000 total square feet over a one-story parking garage. Following are the City's comments on the proposed project.

- *TRANSPORTATION/CIRCULATION*

  - The City recommends the project traffic analysis include analysis of all intersections in the City of Costa Mesa that would experience in increase of 50 more vehicle trips in any peak hour.

  - The City would like to review the environmental document and may require additional analysis.

Thank you for the opportunity to comment on this Notice of Preparation. We hope to continue to have close communication on this project and an opportunity to fully understand any significant impacts. If you have any questions or need additional information, please contact me at (714) 754-5610.

Sincerely,

R. MICHAEL ROBINSON, AICP
Assistant Dev. Svs. Director

cc: Kimberly Brandt, Principal Planner
Peter Naghavi, Transportation Mgr.
Raja Sethuraman, Assoc. Engineer
Rebecca Robbins, Assistant Planner

Appendix D
Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

In accordance with the California Environmental Quality Act (CEQA), the City of Newport Beach prepared a Mitigated Negative Declaration (MND) and Initial Study for the proposed Newport Executive Court project located in the City of Newport Beach. The MND indicated that the potential adverse environmental impacts of the project in terms of Air Quality, and Utilities/Service System could be mitigated to below levels of significance. The mitigation measures have been incorporated into the project and the MND is scheduled for adoption by the City of Newport Beach, in conjuction with the approval for the project.

Assembly Bill (AB) 3180 [California Public Resources Code (PRC), Section 21081.6] became law in California on January 1, 1989. This bill requires all public agencies to adopt mitigation or reporting plans when they approve projects with Mitigated Negative Declarations or Environmental Impact Reports which identify significant environmental impacts. The Mitigation Monitoring and Reporting Program (MMRP) must be adopted when a public agency makes its findings pursuant to the California Environmental Quality Act (CEQA) so that the program can be made a condition of project approval. The program must be designed to ensure project compliance with mitigation measures during project implementation. If certain project impacts extend beyond the project implementation phase, long-term mitigation monitoring must be provided in the monitoring plan.

PURPOSE

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to track compliance with mitigation measures and conditions of approval outlined in the Environmental Document (Initial Study/Mitigated Negative Declaration) prepared for the Newport Executive Court Project. This MMRP has been prepared in conformance with PRC, Section 21081.6 and CEQA Guidelines Section 15097.

MITIGATION MATRIX

In order to effectively track and document the status of each mitigation measure, a MMRP matrix (Table 1) has been prepared and includes the following components:

- Mitigation Measure
- Performance Objective
- Time Frame for Implementation
- Person/Party Responsible
- Compliance Verification (signature and date)
- Comments

Mitigation Monitoring and Reporting Matrix **Table 1**			
Mitigation Measures	**Time Frame for Implementation**	**Person/Party Responsible**	**Department or Agency Responsible for Monitoring**
AESTHETICS			
VIS-1 Building materials and finishes in the exterior design of the buildings shall be built in accordance to plans and material sample board submitted to the City on June 19, 2007.	During Final Design.	Project Applicant	Planning Department
VIS-2 Exterior paint colors shall adhere to the revised color palette submitted to the City on June 19, 2007 that uses "warmer" tones.	During Final Design.	Project Applicant	Planning Department
VIS-3 The project applicant shall retain a certified arborist to determine project impacts to adjacent mature trees located on the property of 2141 Mesa Drive. The consulting arborist shall assess and recommend appropriate and practical approaches and methods for treatment of the mature trees located on the property of 2141 Mesa Drive in consideration of the construction of the proposed property line block wall and in consistency with the City's Tree Ordinances and Policies.	During Final Design.	Project Applicant	Planning Department
VIS-4 The project Landscape Architect shall contact the Landscape Architect for the proposed Mesa Birch View Park to coordinate the on-site landscaping immediately adjacent to the park with the proposed landscaping for the park.	During Final Design.	Project Applicant	Planning Department
VIS-5 The Developer shall utilize trees and landscaping to minimize the potential for glare resulting from reflective surfaces on buildings or in paved areas and to provide a sense of scale between taller structures and surrounding single-story residential or commercial facilities.	During Final Design.	Project Applicant	Planning Department
AIR QUALITY			
AIR-1 During construction, the contractor shall use coatings and solvents (Volatile Organic Compound [VOC] architectural coatings) with a VOC content lower than required under South Coast Air Quality Management District (SCAQMD) rule 1113 which allows a VOC content of 2.08 pounds per gallon (lbs/gallon). A VOC content of 1.1 lbs/gallon is recommended.	During Construction.	Project Applicant and Construction Contractor	Building material approval by Building Department

Mitigation Monitoring and Reporting Matrix **Table 1**			
Mitigation Measures	**Time Frame for Implementation**	**Person/Party Responsible**	**Department or Agency Responsible for Monitoring**
AIR QUALITY (Continued)			
AIR-2 Ultra low sulfur diesel fuel shall be used in all applicable construction equipment.	During Construction.	Project Applicant and Construction Contractor	Site inspection by Building or Public Works Department
AIR-3 Ground cover shall be replaced quickly in disturbed areas and watering for dust control shall be conducted twice daily.	During Construction.	Project Applicant and Construction Contractor	Site inspection by Building or Public Works Department
AIR-4 The procedures detailed in the SCAQMD's Rule 403 shall be implemented to control fugitive dust during construction as follows: *Land Clearing/Earth Moving* -Exposed pits (i.e., gravel, soil, dirt) with five percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufactures' specifications. -All other active sites shall be watered twice daily. -All grading activities shall cease during second stage smog alerts and periods of high winds (greater than 25 miles per hour) if soil is being transported offsite and cannot be controlled by watering. -All trucks hauling dirt, sand, soil, or other loose materials offsite shall be covered or wetted and shall maintain at least two feet of freeboard between the top of the load and the top of the trailer. -Portions of the construction site that remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or stabilized in a manner acceptable to the City. -All vehicles on the construction site shall travel at speeds less than 15 miles per hour. -All diesel-powered vehicles and equipment shall be properly operated and maintained. -All diesel- and gasoline-powered vehicles shall be turned off when not in use for more than five minutes.	During Construction.	Project Applicant and Construction Contractor	Site inspection by Building or Public Works Department

Mitigation Monitoring and Reporting Matrix **Table 1**			
Mitigation Measures	**Time Frame for Implementation**	**Person/Party Responsible**	**Department or Agency Responsible for Monitoring**
AIR QUALITY (Continued)			
AIR-4 (Continued) -The construction contractor shall utilize electric or natural gas-powered equipment instead of gasoline or diesel-powered engines where feasible. *Paved Roads* -All construction roads internal to the construction site that have a traffic volume of more than 50 daily trips by construction equipment, or 150 total daily trips for all vehicles, shall be surfaced with base material or decomposed granite, or shall be paved. -Streets shall be swept hourly when visible soil material has been carried onto adjacent public paved roads. -Construction equipment shall be visually inspected prior to leaving the site and loose dirt shall be washed off with wheel washers, as necessary. *Unpaved Staging Areas or Roads* -Water or non-toxic soil stabilizers shall be applied, according to manufacturers' specifications, as needed to reduce offsite transport of fugitive dust from all unpaved staging areas and unpaved road surfaces.			
AIR-5 An asbestos study of any structures found shall be conducted. SCAQMD's Rule 1403 - Asbestos emissions from demolition/renovation activities shall be followed for all relevant activities.	Prior to construction and during construction.	Project Applicant and Construction Contractor	Site inspection by Building or Public Works Department
BIOLOGICAL RESOURCES			
BIO-1 A preconstruction survey for nesting birds shall be conducted by a qualified biologist if clearing and grubbing work is conducted within the bird nesting season (March 15 to September 15). Should active nests be found during surveys or during construction, work in the vicinity of the nest shall be halted and the California Department of Fish and Game shall be contacted.	Prior to issuance of grading permit and during construction.	Project Applicant	Building or Planning Department

Mitigation Monitoring and Reporting Matrix **Table 1**			
Mitigation Measures	**Time Frame for Implementation**	**Person/Party Responsible**	**Department or Agency Responsible for Monitoring**
BIOLOGICAL RESOURCES (Continued)			
BIO-2 A preconstruction survey of the mature trees located on the property of 2141 Mesa Drive will be conducted by a certified arborist for evaluation of the trees' age, health, and consideration as either a special, problem, or other type of tree as it would relate to the City's Tree Ordinances and Policies and to the protection in place of the trees.	Prior to construction.	Project Applicant	Building or Planning Department
BIO-3 The certified arborist shall provide recommendations as outlined in Mitigation Measure VIS-3.	Prior to Construction.	Project Applicant	Building or Planning Department
BIO-4 In cooperation with the City and PAC, coordination between the developer and property owner at 2141 Mesa Drive shall be conducted prior to construction to review the certified arborist's recommendations, obtain property owner input, and establish an approach for protection, replacement or other measures for treatment of the mature trees located along the property line.	Prior to Construction.	Project Applicant	Building or Planning Department
CULTURAL RESOURCES			
CUL-1 Prior to the issuance of a grading permit, the Project Applicant shall submit written evidence to the satisfaction of the Director of Planning that a certified archaeologist has been retained to observe grading activities and salvage and catalogue fossils and artifacts, as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the findings. If major archaeological resources are discovered, which require long-term halting or redirecting of grading, the archaeologist shall report such findings to the City and the Project Applicant. The archaeologist shall determine appropriate actions, in cooperation with the Project Applicant, which ensure proper exploration and/or salvage. Excavated finds shall be offered to the City, or its designee, on a first-refusal basis. The Project Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of significance, or a museum in Orange County indicates a desire to study and/or display them at the time, in which case items shall be donated to the City, or designee.	Prior to issuance of grading permit and during construction.	Project Applicant, Construction Contractor, and Archaeologist (if resources encountered)	Planning Department

Mitigation Monitoring and Reporting Matrix Table 1			
Mitigation Measures	**Time Frame for Implementation**	**Person/Party Responsible**	**Department or Agency Responsible for Monitoring**
CULTURAL RESOURCES (Continued)			
CUL-2 Prior to the issuance of a grading permit, the Project Applicant shall submit written evidence to the satisfaction of the Director of Planning that a certified paleontologist has been retained to observe grading activities and salvage and catalogue fossils and artifacts as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the findings. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the City and the Project Applicant. The paleontologist shall determine appropriate actions, in cooperation with the Project Applicant, which ensure proper exploration and/or salvage. Excavated finds shall be offered to the City, or its designee, on a first-refusal basis. The Project Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at the time, in which case items shall be donated to the City, or designee.	Prior to issuance of grading permit and during construction.	Project Applicant, Construction Contractor, and Paleontologist (if resources encountered)	Planning Department
CUL-3 In accordance with Public Resources Code 5097.94, if human remains are found, the Orange County Coroner must be notified within 24 hours of the discovery. If the coroner determines that the remains are not recent, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento to determine the most likely descendent for the area. The designated Native American representative shall then determine in consultation with the property owner the deposition of the human remains.	During Construction.	Project Applicant and Construction Contractor.	Planning Department
GEOLOGY AND SOILS			
GEO-1 Prior to issuance of a grading permit, a qualified geotechnical engineer shall be retained by the Project Applicant to be present on the project site during excavation, grading, and general site preparation activities to monitor the implementation of the recommendations as specified in the Geotechnical Investigation (SoCalGeo, 2007). Whenever appropriate, the geotechnical engineer shall provide structure specific geologic and geotechnical recommendations which shall be documented in a report to be appended to the project's Geotechnical Investigation.	Prior to issuance of grading permit and during construction.	Project Applicant and Construction Contractor	Building or Planning Department

Mitigation Monitoring and Reporting Matrix Table 1			
Mitigation Measures	**Time Frame for Implementation**	**Person/Party Responsible**	**Department or Agency Responsible for Monitoring**
GEOLOGY AND SOILS (Continued)			
GEO-2 Remedial grading shall be performed to remove potentially collapsible fill and possible fill soils from the proposed building area and replace them with compacted structural fill per the Geotechnical Investigation. The depth of overexcavation should be sufficient to remove all existing undocumented fill and possible fill soils.	Prior to issuance of grading permit and during construction.	Project Applicant and Construction Contractor	Building or Planning Department
GEO-3 Adequate moisture content within all subgrades and new fill soils shall be maintained per the Geotechnical Investigation. Additional expansion index testing shall be conducted at the completion of rough grading to verify the expansion potential of the as-graded building pad.	Prior to issuance of grading permit and during construction.	Project Applicant and Construction Contractor	Building or Planning Department
HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1 Should dewatering activities be necessary by the proposed project, then groundwater analyses shall be performed to determine the type and extent of hazardous materials/waste contamination, if any, that may exist in the groundwater at the proposed project site.	During Construction.	Project Applicant and Construction Contractor	Building or Planning Department, OCHCA, and RWQCB
HAZ-2 Should hazardous waste/materials be found, such as lead based paint, asbestos, traffic striping, contaminated soil, or contaminated groundwater, materials shall either be remediated within the project site or disposed off-site per applicable regulations. Hazardous waste/materials shall be reported to the City of Newport Beach Fire Department and Orange County Health Care Agency within 24 hours of discovery.	During Construction.	Construction Contractor	Fire Department and OCHCA
HAZ-3 There is a potential for remnants of structures that are currently not apparent; therefore, if encountered during grading or excavation activities, any structures to be removed as part of the project shall be tested for, and include proper disposal of, any asbestos and/or lead based paint prior to demolition.	During Construction.	Construction Contractor	Site inspection by Building or Public Works Department
HAZ-4 A health and safety plan, construction containment management plan, and construction contingency plan shall be developed by the contractor prior to the commencement of construction for worker safety during construction.	Prior to Construction.	Construction Contractor	Building Department

Mitigation Monitoring and Reporting Matrix Table 1			
Mitigation Measures	**Time Frame for Implementation**	**Person/Party Responsible**	**Department or Agency Responsible for Monitoring**
HAZARDS AND HAZARDOUS MATERIALS (Continued)			
HAZ-5 Remediation of hazardous waste issues/materials (such as removal of leaking underground storage tanks and associated soil, and groundwater contamination, dewatering issues, etc.) shall be addressed in accordance with all applicable local, state, and federal guidelines and regulations, if necessary.	During Construction.	Project Applicant and Construction Contractor	Building or Planning Department, OCHCA, and RWQCB
HAZ-6 Prior to issuance of a building permit, the Applicant shall file a Form 7460-1 with the Federal Aviation Administration (FAA). Upon receiving the FAA determination, the project shall be submitted to the Orange County Land Use Commission (ALUC) for determination and consistency. The project may be subject to additional conditions as required by the FAA and/or ALUC in order to be compliant with the John Wayne Airport Environs Land Use Plan.	Prior to issuance of building permit.	Project Applicant	Planning Department
HYDROLOGY AND WATER QUALITY			
WQ-1 Prior to issuance of grading permits, the Project Applicant shall develop and submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the Santa Ana RWQCB for compliance with the Statewide National Pollutant Discharge Elimination System permit for construction activity. The SWPPP shall contain Best Management Practices to be implemented during construction to minimize pollutants from stormwater runoff to receiving waters during construction.	Prior to issuance of grading permits and during construction.	Project Applicant and Construction Contractor	Building Department and Code and Water Quality Enforcement Division
WQ-2 Prior to issuance of grading permits, the Water Quality Management Plan (February 2007) developed by Walden Associates for the proposed project shall be approved by the Building Department and Code and Water Quality Enforcement Division. The project may be subject to additional conditions as required by the City or Santa Ana RWQCB to ensure that no violations of water quality standards or waste discharge requirements occur.	Prior to issuance of grading permits and during construction.	Project Applicant and Construction Contractor	Building Department and Code and Water Quality Enforcement Division
NOISE			
NOI-1 All buildings shall be equipped with air conditioning systems to ensure that windows and doors can remain closed for prolonged periods of time.	During Final Design.	Project Applicant.	Planning Department
NOI -2 Prior to issuance of building permits, an Acoustical Analysis Report is required describing in detail the exterior noise environment and the acoustical design features incorporated into the design of the proposed project to meet the interior noise standards of the Noise Element of the General Plan.	Prior to issuance of building permits.	Project Applicant.	Planning Department

Mitigation Monitoring and Reporting Matrix Table 1			
Mitigation Measures	**Time Frame for Implementation**	**Person/Party Responsible**	**Department or Agency Responsible for Monitoring**
NOISE (Continued)			
NOI-3 The City of Newport Beach Municipal Code limits hours of construction activities to 7 AM to 6:30 PM on weekdays, 8 AM to 6 PM on Saturdays, and no time on Sundays and Federal holidays.	During Construction	Construction Contractor.	Planning Department and Code and Water Quality Enforcement Division
NOI-4 Construction of the block wall planned to be constructed along the property boundary lines to separate the site from adjacent properties shall be constructed during the initial stages of construction to reduce the impacts of construction noise to the residences. Construction of the block wall or other temporary noise barriers would significantly reduce construction noise impacts at sensitive receptors.	During Construction	Construction Contractor.	Building Department
NOI-5 Mufflers and other noise attenuating devices recommended by the manufacturer shall be utilized on machinery, combustion engines, or any other noise-generating device. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.	During Construction	Construction Contractor.	Planning Department and Code and Water Quality Enforcement Division
PUBLIC SERVICES			
PUB-1 Prior to the issuance of building permits, the applicant shall submit site plans and engineering plans to the Newport Beach Fire Department in order to demonstrate that adequate emergency access and water supply/pressure are available to the project.	Prior to issuance of building permits.	Project Applicant	Fire Department
PUB-2 Prior to the issuance of building permits, the applicant shall submit lighting, landscape, and site plans to the Newport Beach Police Department in order to demonstrate that employee and guest security are enhanced by site design elements.	Prior to issuance of building permits.	Project Applicant	Police Department
UTILITIES AND SERVICE SYSTEMS			
UTL-1 The project applicant shall submit a development sewer and development water master plan for the project to the Irvine Ranch Water District (IRWD). The project may be subject to additional conditions as required by IRWD in order to be compliant with the design standards and accommodate capacity..	Prior to issuance of building permits.	Project Applicant	Utilities Department and IRWD
UTL-2 Standard water conservation measures will be implemented and the final design of any structures on the project site will provide for the incorporation of water-saving devices for the irrigation, lavatories, and other water-using facilities in accordance with applicable laws.	Prior to issuance of building permits.	Project Applicant	Utilities Department and IRWD

Mitigation Monitoring and Reporting Matrix **Table 1**			
Mitigation Measures	**Time Frame for Implementation**	**Person/Party Responsible**	**Department or Agency Responsible for Monitoring**
UTL-3 New landscaping shall incorporate drought-tolerant plant materials and drip irrigation systems where possible. Plants shall be grouped according to similar watering requirements to reduce excess irrigation runoff.	Prior to issuance of building permits.	Project Applicant	Planning Department or General Services Department
UTL-4 Water leaving the project site due to over-irrigation of landscape shall be minimized. Once a week in conjunction with maintenance activities, the water sensors shall be checked to function properly, irrigation heads shall be properly adjusted to eliminate overspray, and irrigation timing and cycle lengths shall be verified and adjusted in accordance with water demand, season, weather, and time of day temperatures. If an accident from over-irrigation is reported, a representative from the Code of Water Quality and Enforcement Division of the City Manager's Office shall visit the location, investigate, inform the site manager, if possible, leave a note, and in some cases shut off the water.	On-going.	Project Applicant	Planning Department and Code and Water Quality Enforcement Division
UTL-5 Watering shall be done during the early morning or evening hours to minimize evaporation (between 4:00 P.M. and 9:00 A.M. the following morning.	On-going.	Project Applicant	Planning Department and Code and Water Quality Enforcement Division
UTL-6 All leaks shall be investigated by a representative from the Code of Water Quality Enforcement Division of the City Manager's Office and the site manager shall complete all required repairs.	On-going.	Project Applicant.	Code and Water Quality Enforcement Division
UTL-7 Water shall not be used to clean paved surfaces such as sidewalks, driveways, parking areas, etc. except to alleviate immediate safety or sanitation hazards. Water used in this manner shall not be disposed of in the storm drains and shall be disposed of per applicable health, safety, and waste disposal regulations.	On-going.	Project Applicant.	Code and Water Quality Enforcement Division
UTL-8 Reclaimed water shall be used whenever available, assuming it is economically feasible.	On-going.	Project Applicant.	Code and Water Quality Enforcement Division
UTL-9 The underground stormwater treatment device and catch basins on the project site shall be inspected and maintained immediately prior to the fall season (October) first "first flush" storm and after all major rain events. During the rainy season, an inspection of the treatment device shall be conducted every 30 days and cleaned out when necessary. The treatment device and catch basins shall be cleaned out at the end of the rainy season.	On-going.	Project Applicant.	Code and Water Quality Enforcement Division