

**ADDENDUM
TO THE:**

**ECHO BEACH
RESIDENTIAL
PROJECT
MITIGATED
NEGATIVE
DECLARATION

(FORMER
SEASHORE
VILLAGE)**

SCH NO.

2008021075

prepared for:

**CITY OF
NEWPORT BEACH**

*Contact:
Mr. Jaime Murillo
Senior Planner*

prepared by:

PLACEWORKS

*Contact:
Elizabeth Kim
Associate*

MARCH 2014

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*City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660
949-644-3209*

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CNB-16.0E

MARCH 2014

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1. Introduction

1.1 BACKGROUND, PURPOSE, AND SCOPE

This document is an addendum to the previously adopted Mitigated Negative Declaration (Adopted MND), State Clearinghouse Number (SCH) 2008021075, for the approved Seashore Village residential project (Approved Project, now known as Echo Beach residential project) and serves as the environmental review for the Echo Beach residential project (Modified Project), as required pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the State CEQA Guidelines. Notice of Determination (NOD) for the Approved Project was posted with the County of Orange Clerk-Recorder on February 19, 2008.

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the City of Newport Beach (City) is the Lead Agency charged with the responsibility of deciding whether or not to approve the requested action. This Addendum addresses minor changes to the Approved Project.

1.2 ENVIRONMENTAL PROCEDURES

Pursuant to CEQA and the State CEQA Guidelines, the Addendum focuses on the proposed change in project design and site layout and any change in circumstances or new information of substantial importance, which might cause a change in the conclusions of the Adopted MND.

Pursuant to Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines, when an Environmental Impact Report (EIR) has been certified or a negative declaration adopted for a project, no subsequent EIR or negative declaration shall be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

- Substantial project changes are proposed that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the negative declaration was adopted shows any of the following:
 - A The project will have one or more significant effects not discussed in the previous EIR or negative declaration.

1. Introduction

- B Significant effects previously examined will be substantially more severe than identified in the previous EIR.
- C Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.
- D Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Where none of the conditions specified in Section 15162 are present, the lead agency must determine whether to prepare a supplement to the EIR, an addendum, or no further CEQA documentation (CEQA Guidelines Section 15162[b]). An addendum is appropriate where some minor technical changes or additions to the previously adopted negative declaration are necessary, but there are no new or substantially greater potentially significant impacts.

In accordance with the CEQA Guidelines, the City has determined that an Addendum to the Adopted MND is the appropriate environmental clearance for the Modified Project. This Addendum reviews the changes proposed by the Modified Project and any changes to the existing conditions that have occurred since the Adopted MND was adopted. It also reviews any new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time that the Adopted MND was adopted. It further examines whether, as a result of any changes or any new information, a subsequent MND may be required. This examination includes an analysis of the provisions of Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines and their applicability to the Modified Project. This Addendum relies on use of the attached Environmental Analysis, which addresses environmental checklist issues section by section.

The City of Newport Beach Environmental Checklist Form has been completed by the City and included in Section 4. The checklist includes findings as to the environmental effects of the Modified Project in comparison with the findings of the Adopted MND.

1.3 ENVIRONMENTAL DOCUMENTATION

This Addendum relies on the environmental analysis in the Adopted MND. The public review period for the Adopted MND was from February 20, 2008 to March 20, 2008. The City of Newport Beach City adopted the Adopted MND on June 10, 2008 and filed the NOD on June 11, 2008 with the County of Orange Clerk-Recorder and the State Clearinghouse, approving the following entitlements.

- Approval of Tentative Tract Map No. NT2007-001 (County Tentative Tract Map No. TTM 17194). Request to approve a tentative tract map for condominium purposes, creating 24 air-space condominium units for individual sale.
- Modification Permit No. MD2007-044. Request to reduce the minimum building separation distance required by the MFR zoning designation from 10 feet to 6 feet and to reduce the

1. Introduction

minimum front setback distances along Seashore Drive and River Avenue required by the MFR zoning designation from 20 feet to 10 feet. A modification permit for a 10-foot and 4-foot side setback where the MFR zone requires 25 feet based on lot width.

- Use Permit No. UP2007-011. Request to exceed the midpoint height limitation of 28 feet for the duplex structures by 1 foot and 6 inches, whereas the maximum permitted ridge height of 33 feet would not be exceeded.
- Coastal Residential Development Permit (CRDP). Required to ensure compliance with California Government Code Section 65590 et. Seq. and Chapter 20.86 of the City of Newport Beach Municipal Code for projects located within the Coastal Zone.
- Coastal Development Permit (CDP). Coastal Development Permits are obtained through the California Coastal Commission and are generally required for improvements, demolition, or construction of any structure located within the Coastal Zone boundary.

This Addendum incorporates by reference the Adopted MND and the technical documents that relate to the Modified Project or provide additional information concerning the environmental setting of the Modified Project. The information disclosed in this Addendum is based on the Adopted MND for the approved Seashore Village residential project and the related technical appendices contained therein.

The Adopted MND/IS and the related documents are available for review at the City of Newport Beach Planning Division office, 100 Civic Center Drive, Newport Beach, CA 92660.

1. Introduction

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2. Environmental Setting

2.1 PROJECT LOCATION

The project site is located at 5515 River Avenue in the City of Newport Beach, Orange County, California. The project site is generally bordered by River Avenue to the north, Seashore Drive to the south residential units, including vacation rentals, to the east, and a City-owned park to the west. Figure 1, *Regional Location*, and Figure 2, *Local Vicinity*, show the location of the project site in the regional and local context of Orange County and Newport Beach, respectively.

2.2 ENVIRONMENTAL SETTING

2.2.1 Existing Land Use

The approximately 1.49-acre project site (APN No. 424-471-03) is relatively flat and has a trapezoidal shape. The project site is currently developed with a 54-unit apartment complex (Las Brisas Apartments) (see Figure 3, *Aerial Photograph*). The main building of the Las Brisas Apartment is an L-shaped, three-story building with carports on the first level. Other associated uses include a swimming pool, paved parking area, and planters. The project site is currently accessed via two driveways on River Avenue. Access from and to Seashore Drive and Neptune Avenue is blocked by a wooden fence.

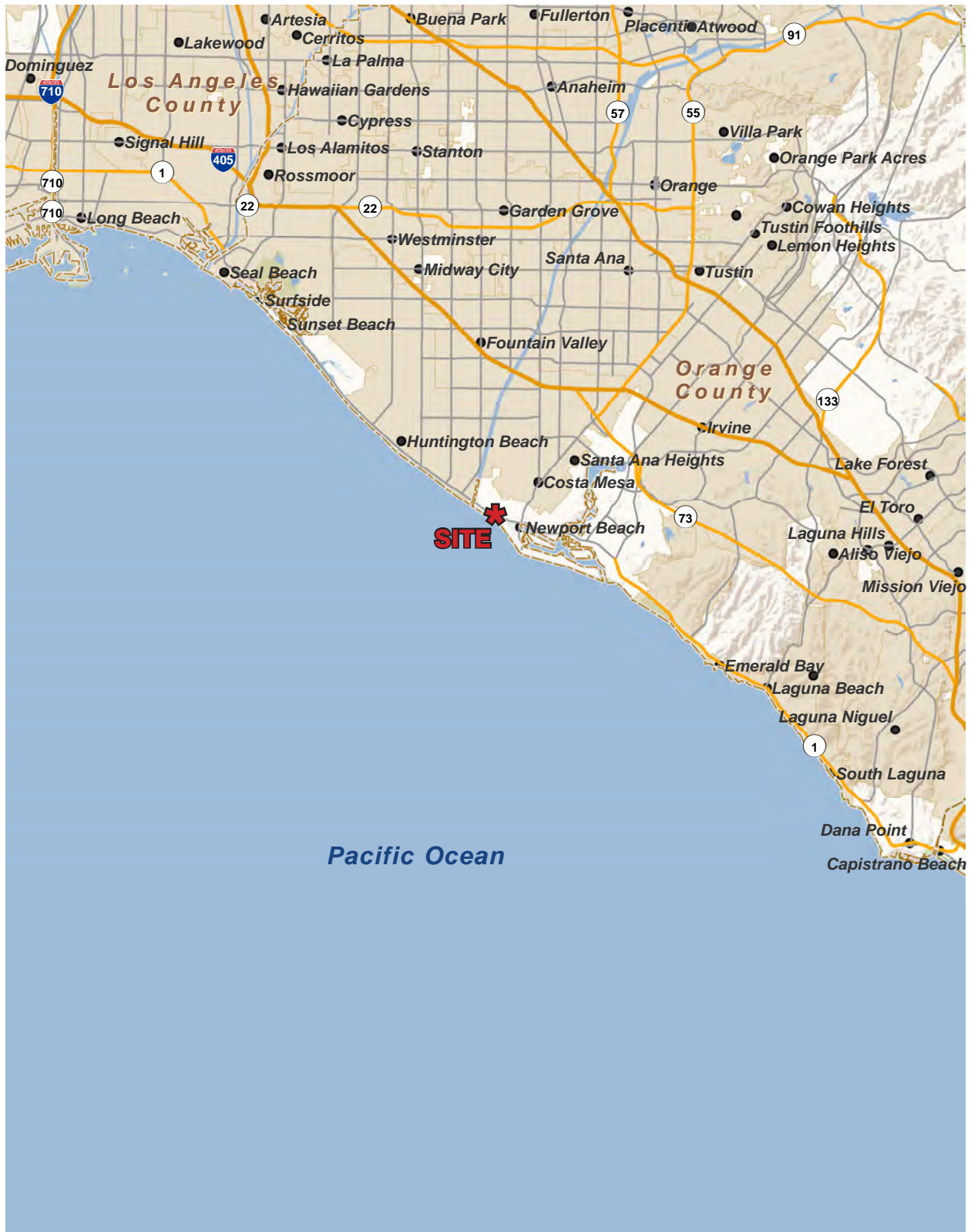
2.2.2 Surrounding Land Use

The project site is surrounded by residential uses, including vacation rental units to the north, south, and east, and a city park to the west. The West Newport Park is located immediately west of the project site and is equipped with a play area, water fountains, tennis courts, racquetball courts, a basketball half court, and restroom facilities. The Pacific Ocean is one block to the southwest, less than 200 feet from the project site, and the Pacific Coast Highway runs adjacent to the residential properties to the north, behind an alley and an approximately nine-foot tall block wall.

2. Environmental Setting

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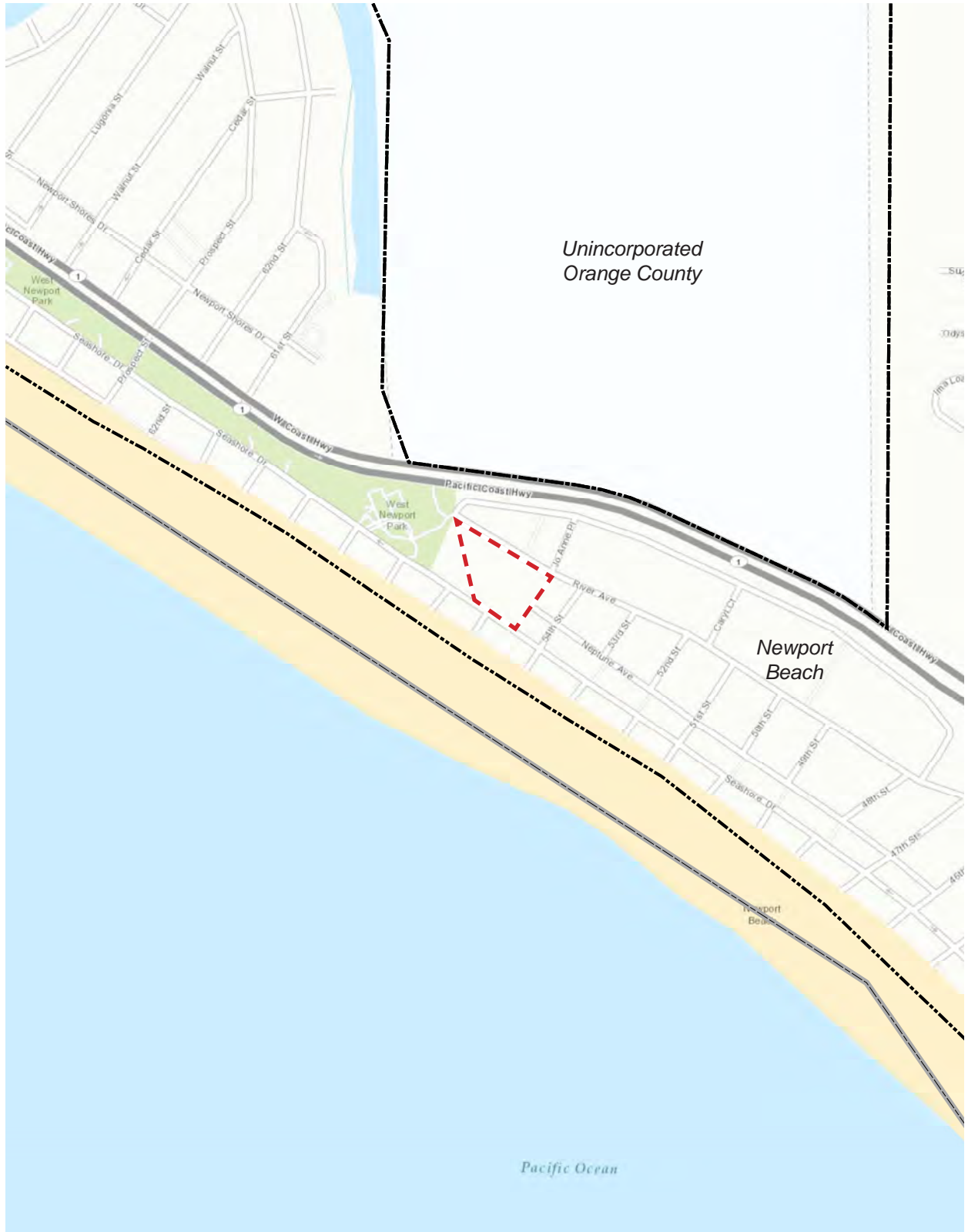
Figure 1 - Regional Location
2. Environmental Setting



2. Environmental Setting

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Figure 2 - Local Vicinity
2. Environmental Setting



--- Project Boundary - - - - - City Boundary

0  500
Scale (Feet)



Source: PlaceWorks, 2014; ESRI, 2014

March 2014

PlaceWorks

2. Environmental Setting

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Figure 3 - Aerial Photograph
2. Environmental Setting



— Project Boundary - - - - - City Boundary

0 200
Scale (Feet)



Source: Google Earth Pro, 2014

March 2014

PlaceWorks

2. Environmental Setting

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3. Project Description

3.1 PROJECT BACKGROUND

The Approved Project involved development of 12 single-family detached units and 6 duplex units, for a total of 24 units on a 1.49-acre site at 5515 River Avenue in Newport Beach. See Figure 4, *Approved Project Site Plan*. The Approved Project was to be completed in four phases: 1) asbestos abatement; 2) building demolition; 3) site grading; and 4) building construction. The Approved Project anticipated a balanced site with no import or export of soils.

During the building construction phase, the Approved Project was to be completed in three subphases and two building styles—Craftsman and Plantation. Four floor plans ranged in size from 1,770 square feet to 3,248 square feet, including attached garages, patios, and decks. Figures 5 and 6, *Approved Project Building Elevations*, illustrate building styles for the Approved Project. The 24 units totaled gross floor area of 50,706¹ square feet and a floor area limit of 1.23. The maximum ridgeline height ranged from 31 feet to 31 feet 6 inches, and the maximum midpoint height ranged from 25 feet 6 inches to 28 feet 10 inches. The single-family units would front Seashore Drive, and duplex units would front River Avenue.

Access and Parking

Access to the project site was to be provided by two driveways on River Avenue and a driveway from Neptune Avenue. The western driveway on River Avenue exclusively served one single-family unit, and one internal driveway connecting River Avenue and Neptune Avenue provided access for all other units. The Approved Project included 63 parking spaces.

The Approved Project anticipated approximately 18 months of project construction schedule as listed below.

- Asbestos abatement (2 weeks to 1 month)
- Building demolition (approximately 30 days)
- Site grading (approximately 30 days)
- Building construction in three subphases (approximately 16 months)

¹ Per Section 20.10.30(M) of former Zoning Code, 200 square feet of floor area per required parking devoted to enclosed parking shall not be included in the calculation of gross floor area.

3. Project Description

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Figure 4 - Approved Project Site Plan
3. Project Description



—— Project Boundary

Source: Todd Schooler & Associates, Inc. 2007

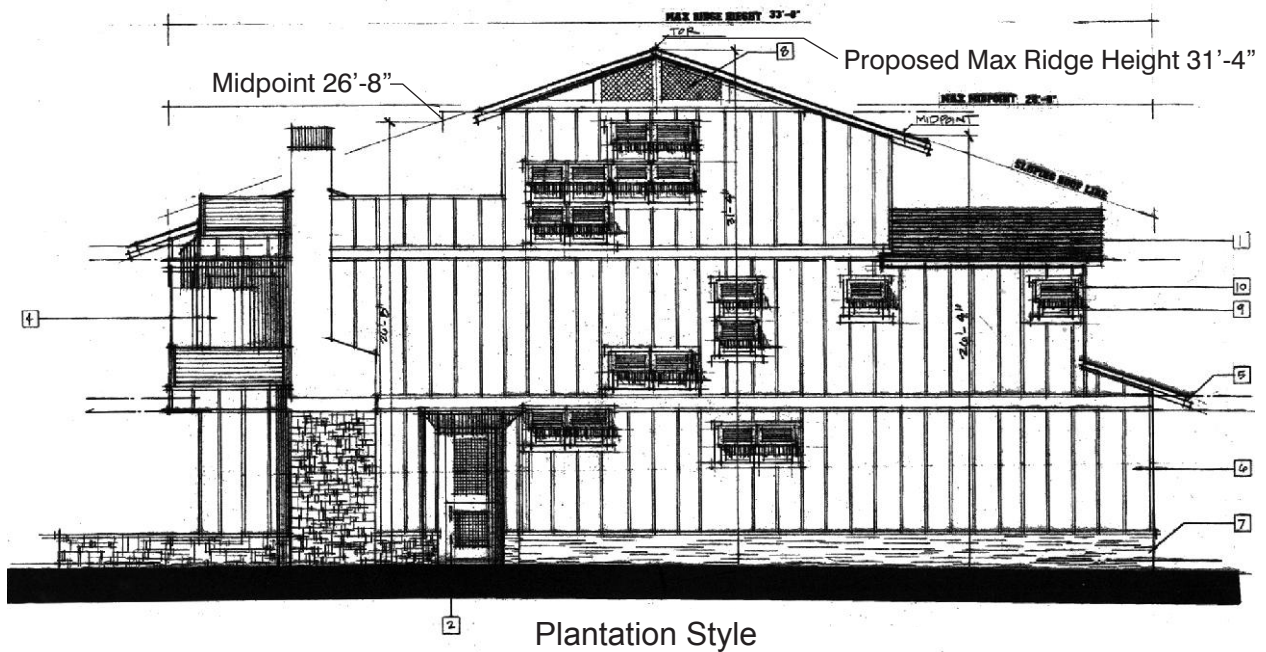
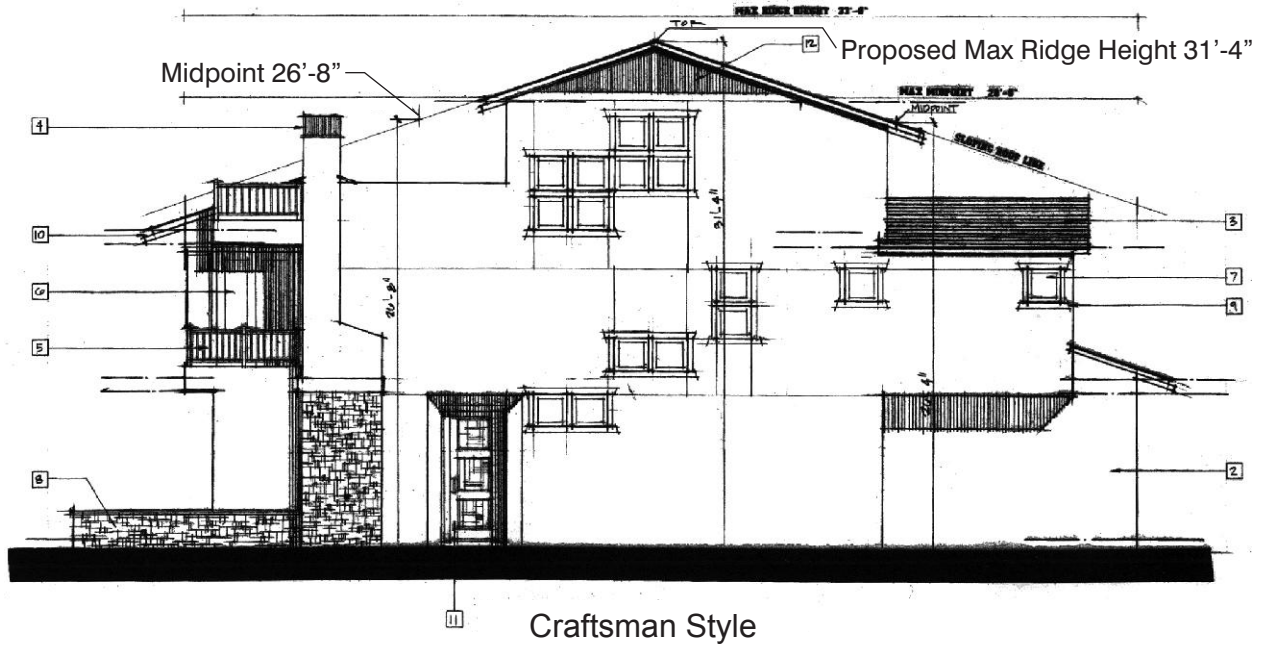
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3. Project Description

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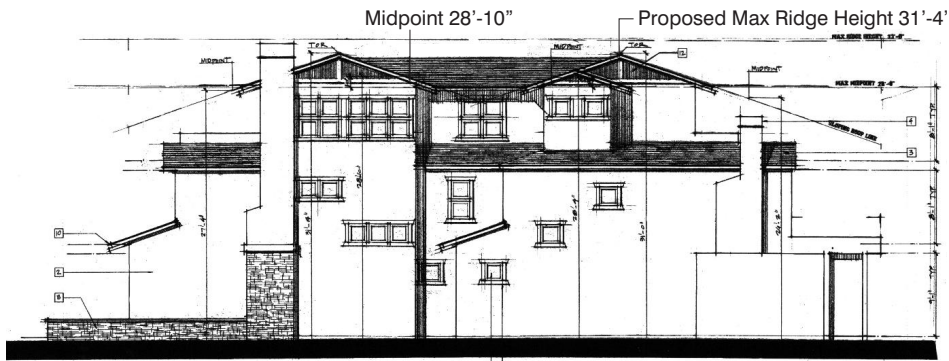
Figure 5 - Approved Project SF Building Elevations
3. Project Description



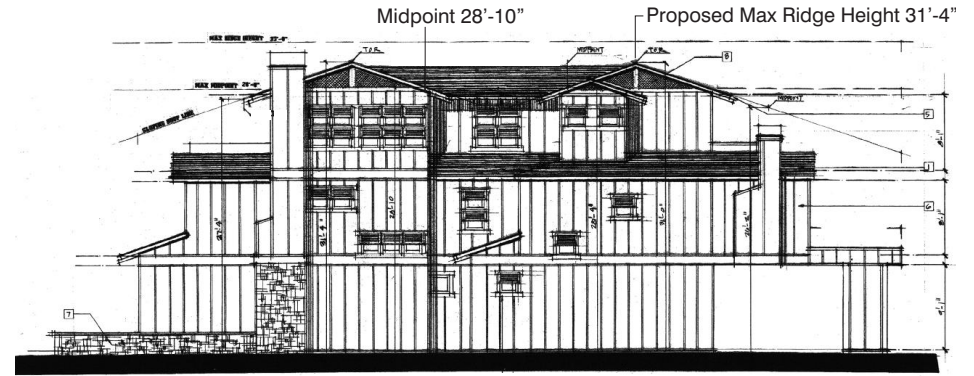
3. Project Description

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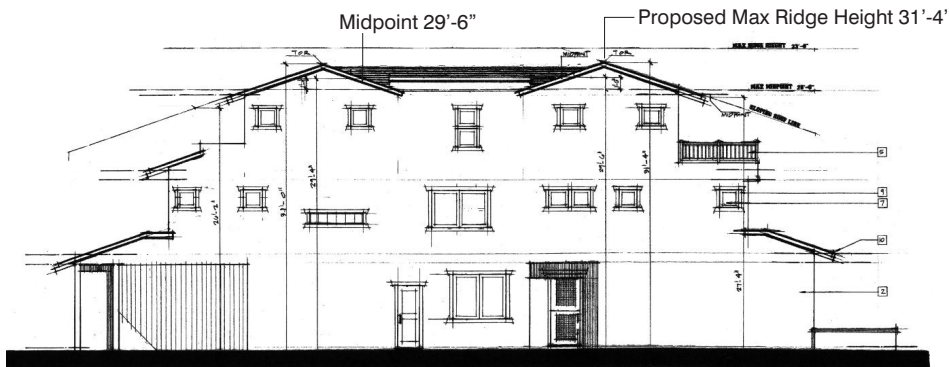
Figure 6 - Approved Project Duplex Building Elevations
3. Project Description



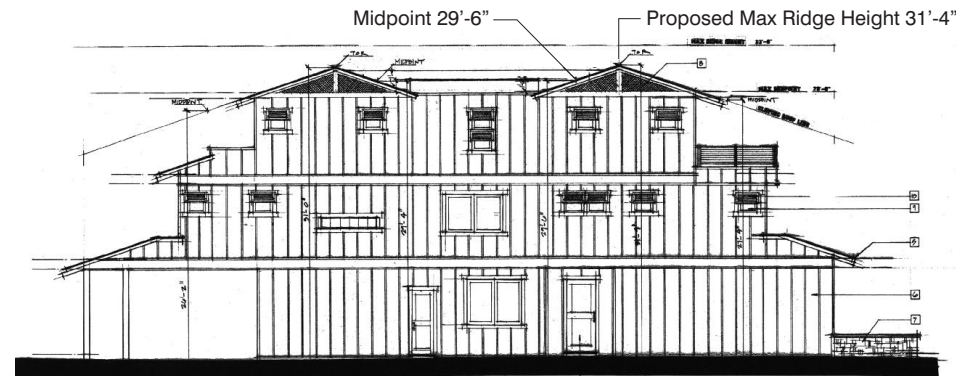
Craftsman Style



Plantation Style



Craftsman Style



Plantation Style



3. Project Description

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3. Project Description

3.2 MODIFIED PROJECT DESCRIPTION

The property owner/developer proposes to redevelop the project site in substantial conformance with the Approved Project. As with the Approved Project, the proposed project would involve asbestos abatement, demolition of the existing 54-unit apartment complex, grading, and construction of a 24-unit detached condominium development. However, the Modified Project would modify the approved site layout and change the architectural styles. Instead of 12 single-family units and 6 duplex units, the Modified Project would provide 24 detached units. The changes in development summary are described in Table 3-1, *Approved Project and Modified Project Comparison Development Summary*. The revised site plan is shown in Figure 7, *Modified Project Site Plan*, and building elevations are shown in Figure 8, *Building Elevations*, and Figure 9, *Visual Simulation*. The Modified Project would provide three building plans plus enhanced building elevations for structures along River Avenue.

The new development plan would provide a total of 50,916² square feet of building area, an increase of 210 square feet from the Approved Project (50,706 square feet), and change the architectural style from Craftsman and Plantation styles to Modern contemporary style. The new development would have a front setback of 10 feet for Seashore Avenue, River Avenue, and the west side. The east side setback would range from 6 feet to 12 feet. These setbacks are within the range of or exceed the respective values established for the Approved Project. The maximum midpoint height would range from 28 feet 11 inches to 30 feet 9 inches, exceeding the ridgeline height set for the Approved Project.

The revised site layout would slightly reduce the total building footprint from 35.9 percent (Approved Project) to 34.6 percent (Modified Project) and pavement coverage from 35.4 percent (Approved Project) to 27.3 percent (Modified Project). The total landscaping area would increase from 28.2 percent (Approved Project) to 37.1 percent (Modified Project) and incorporate design features such as turf blocks, pervious parking, pervious pavers, and water-conserving plants. The proposed landscaping plan is shown in Figure 10, *Conceptual Landscape Plan*.

Parking and Access

As with the Approved Project, the project site would continue to be accessed from River Avenue and Neptune Avenue. However, the Modified Project would eliminate the west driveway on River Avenue, allowing one additional on-street parking space on River Avenue. This driveway originally provided an exclusive access to one single-family unit in the Approved Project. A total of 62 parking spaces would be provided onsite, including 2 garage spaces per unit and 14 off-street guest parking spaces. Coastal access compliant with the American Disabilities Act (ADA) would be provided from River Avenue to Seashore Drive.

² Per Section 20.10.30(M) of former Zoning Code, 200 square feet of floor area per required parking devoted to enclosed parking shall not be included in the calculation of gross floor area.

3. Project Description

Table 3-1 Approved Project and Modified Project Comparison Development Summary

Development Standards	Prior Zoning Code (Required)	Current Zoning Code (Required)	As Approved	As Modified
Lot Size	5,000 SF.	5,000 SF	1.49 acres (64,904 SF)	No Change
Min. Lot Size Per Unit	1,200 SF.	1,200 SF.	2704 SF	No Change
Max. FAL	1.75 (72,133 SF)	1.75 (72,133 SF.)	1.23 (50,706 SF) ¹	1.24 (50, 916 SF) ¹
Total Unit			24	24
Small lot detached			2,797 SF (x6)	2,075 SF (x11)
Small lot detached			3,248 SF(x6)	2,653 SF (x5)
Small lot detached			--	3,114 SF (x8)
Duplex			1,770 SF (x6)	0
Duplex			1,836 SF (x6)	0
Total Building Area			57,906 SF ²	61,002 SF ²
Front Setback:				
Seashore Ave	20'	5'	10' to 12'	10'
River Ave	20'	10' (rear)	10' to 15'	10'
Side Setback:				
West	25'	15'	10' to 12'	10'
East	25'	15'	4' to 7'-6"	6' to 12'
Maximum Height	28' Midpoint/Flat Roof 33' Ridge	28' Flat Roof/ Parapet 33' Ridge (3:12 pitch)	Plan A (SFR): 25'-6" Midpoint (31' Ridge) Plan B (SFR): 26'-8" Midpoint (31'-4" Ridge) Plan C (Duplex): 28'-10" Midpoint (31'-6" Ridge)	Plan 1: 28'-11" Midpoint (31'-10" Ridge) Plan 2: 30'-3" Midpoint (32'9" Ridge) Plan 3: 30'-9" Midpoint (32'-11" Ridge)
Min. Distance B/w Bldg	10'	No Minimum	6'	6'
Minimum Open Space	247,313 cu. ft.	Common: 75 SF/unit (1,800 SF) Min. dimension of 15 ft Private: 5% of the GFA for each unit. Min dimension of 6 ft	675,415 cu. ft.	559,768 cu. ft.
Parking				
Resident (2 per unit)	48 spaces	48 spaces	48 spaces	48 spaces
Guest (0.5 per unit)	12 spaces	12 spaces	15 spaces	14 spaces
Total Parking	60 spaces	60 spaces	63 spaces	62 spaces ³
Additional Information			As Approved	Proposed
Drive Aisle Width			26'	26'
Paving			35.4% (23,357 SF)	27.3% (17,754 SF)
Landscaping			28.2% (18,390 SF)	37.1% (24,176 SF)

FAL = Floor Area Limit; GFA = Gross Floor Area; SF = square feet; ft = feet; SFR = Single-family residence; cu. ft. = cubic feet

¹ Per Section 20.10.30(M), 200 square feet of floor area per required parking devoted to enclosed parking shall not be included in the calculation of gross floor area.

² Includes enclosed parking area excluded per Section 20.10.30(M) former Zoning Code.

³ Eliminated 12 pairs of tandem parking spaces, and 1 additional on-street parking space has been gained through the elimination of a driveway and curb cut onto River Avenue.

3. Project Description

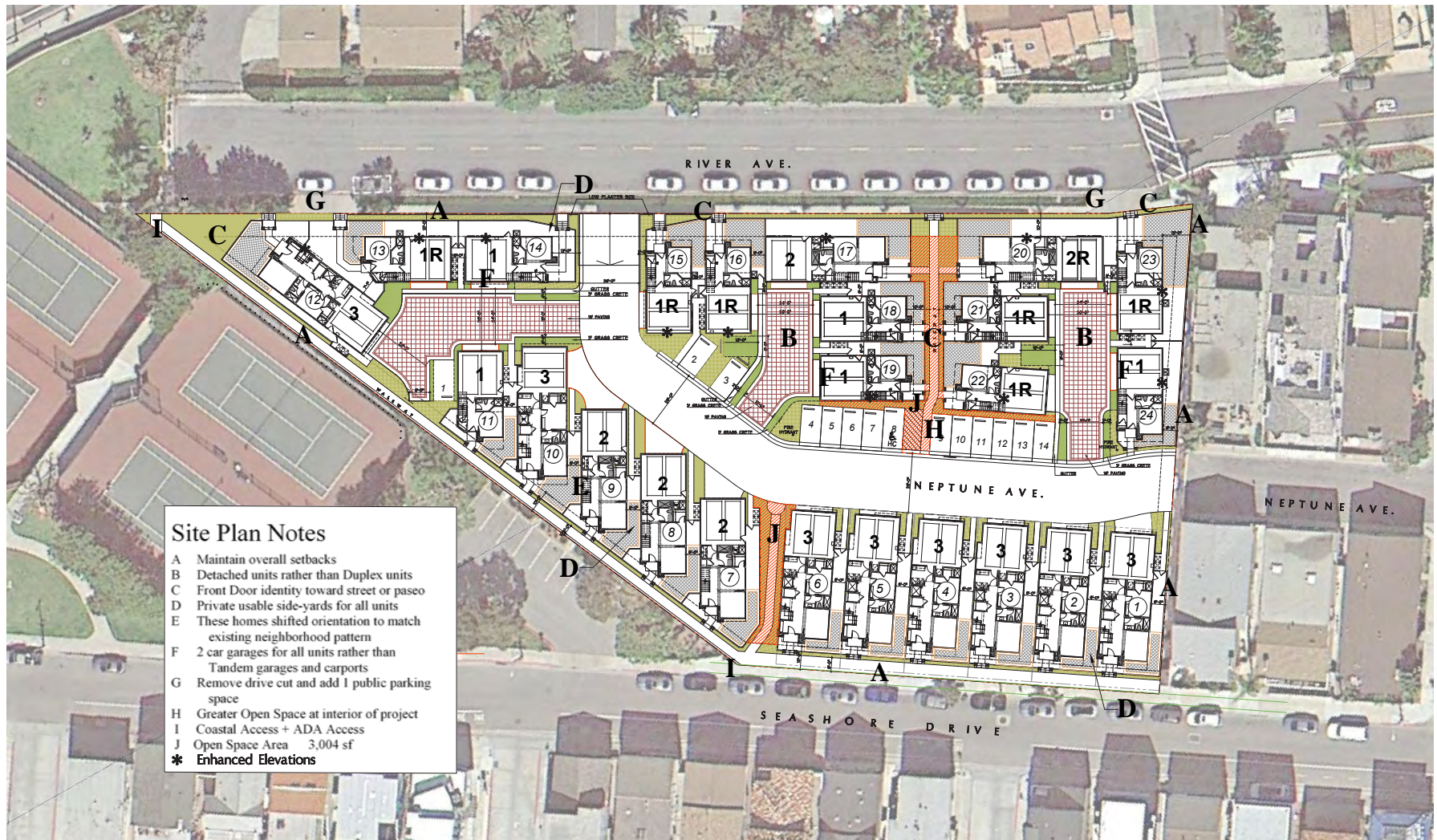
3.3 EXISTING ZONING AND GENERAL PLAN

The General Plan designation for the project site is RM (Multiple Unit Residential), and the project site is zoned RM (Multiple-Unit Residential). The project site was formerly zoned Multiple-Family Residential (MFR) under the Approved Project prior to the zoning updates in 2010. The project site is located in the Coastal Zone and is designated as Multiple Unit Residential (RM-E) in the Coastal Land Use Plan.

3. Project Description

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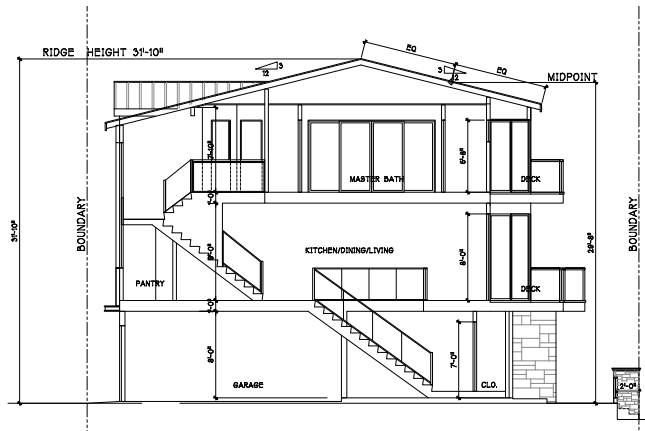
Figure 7 - Modified Project Site Plan
3. Project Description



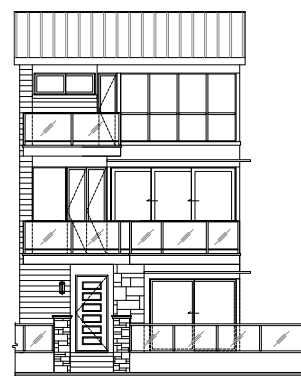
3. Project Description

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Figure 8a - Modified Project Building Elevations (1 of 2)
3. Project Description



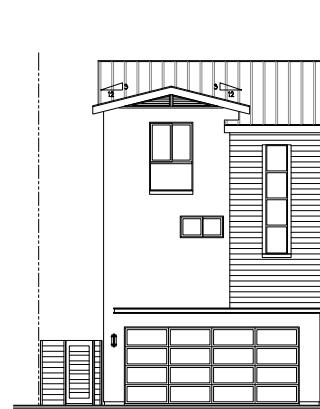
CROSS SECTION



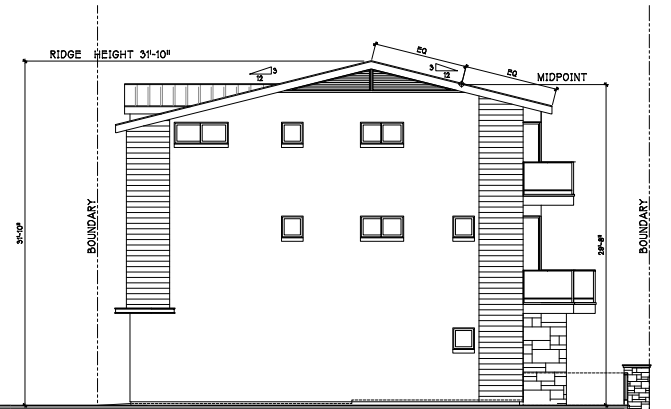
FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

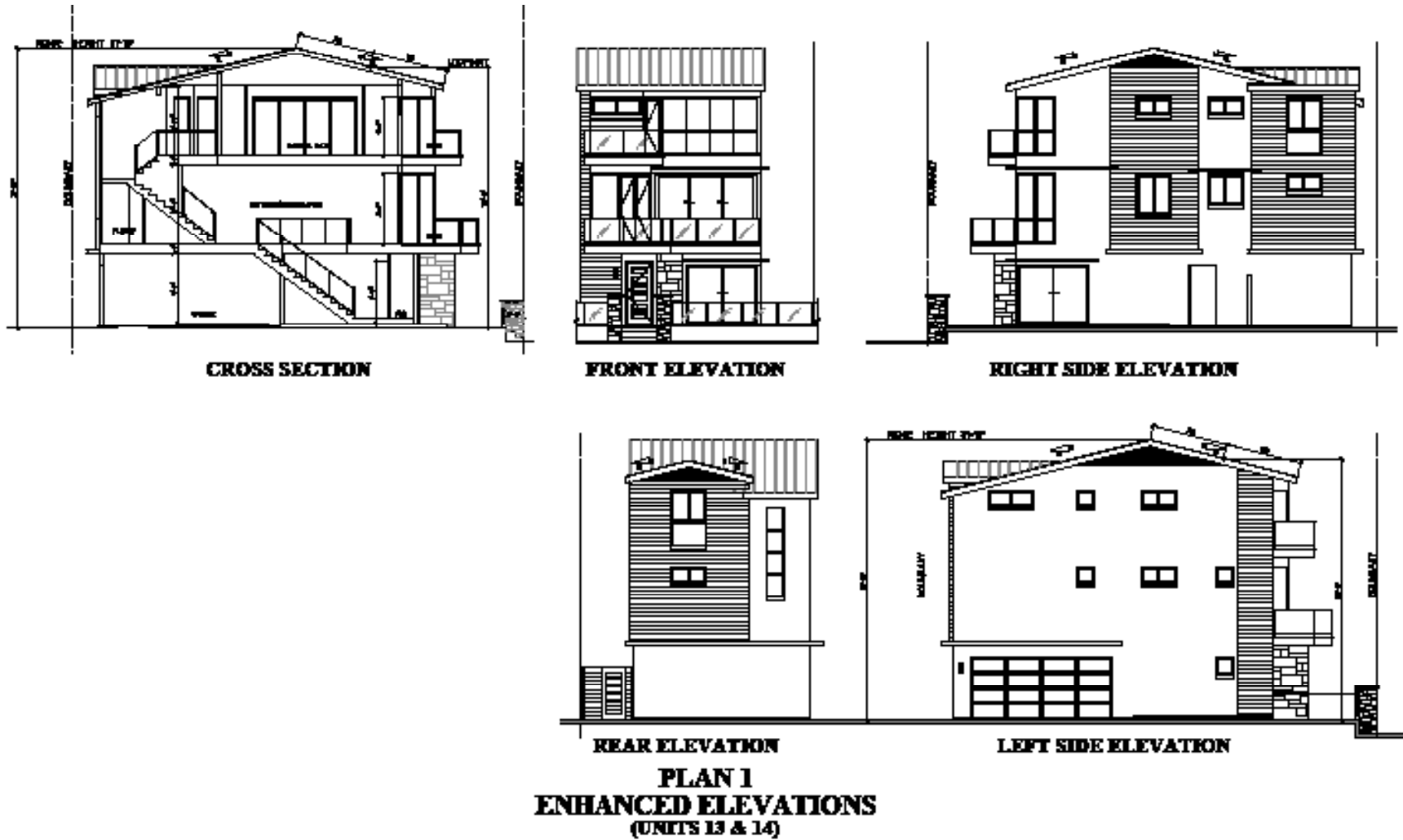
PLAN 1
ELEVATIONS



3. Project Description

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Figure 8a - Modified Project Building Elevations (2 of 2)
3. Project Description

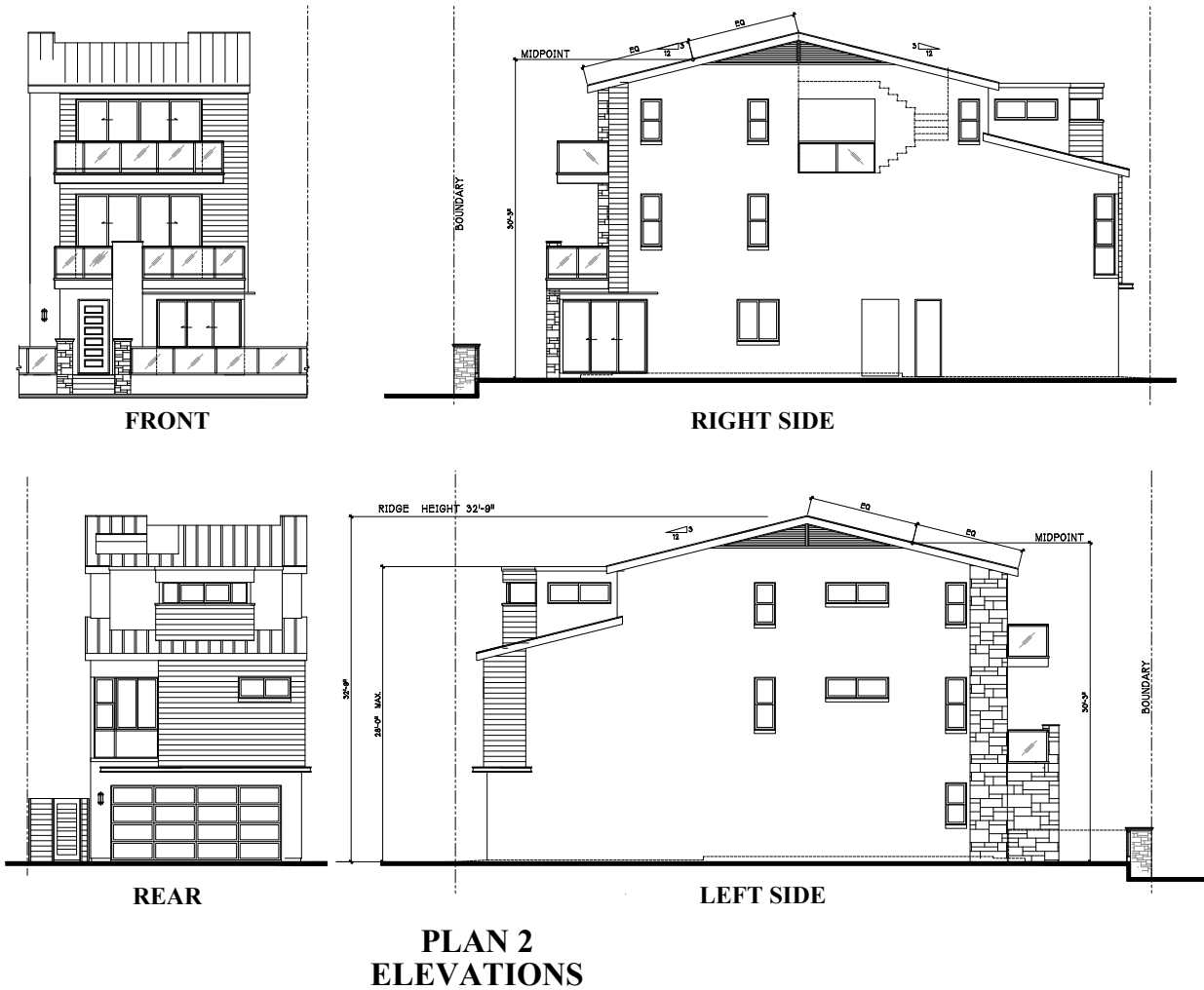


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Scale (Feet)

3. Project Description

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Figure 8b - Modified Project Building Elevations (1 of 2)
3. Project Description



3. Project Description

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Figure 8b - Modified Project Building Elevations (2 of 2)
3. Project Description



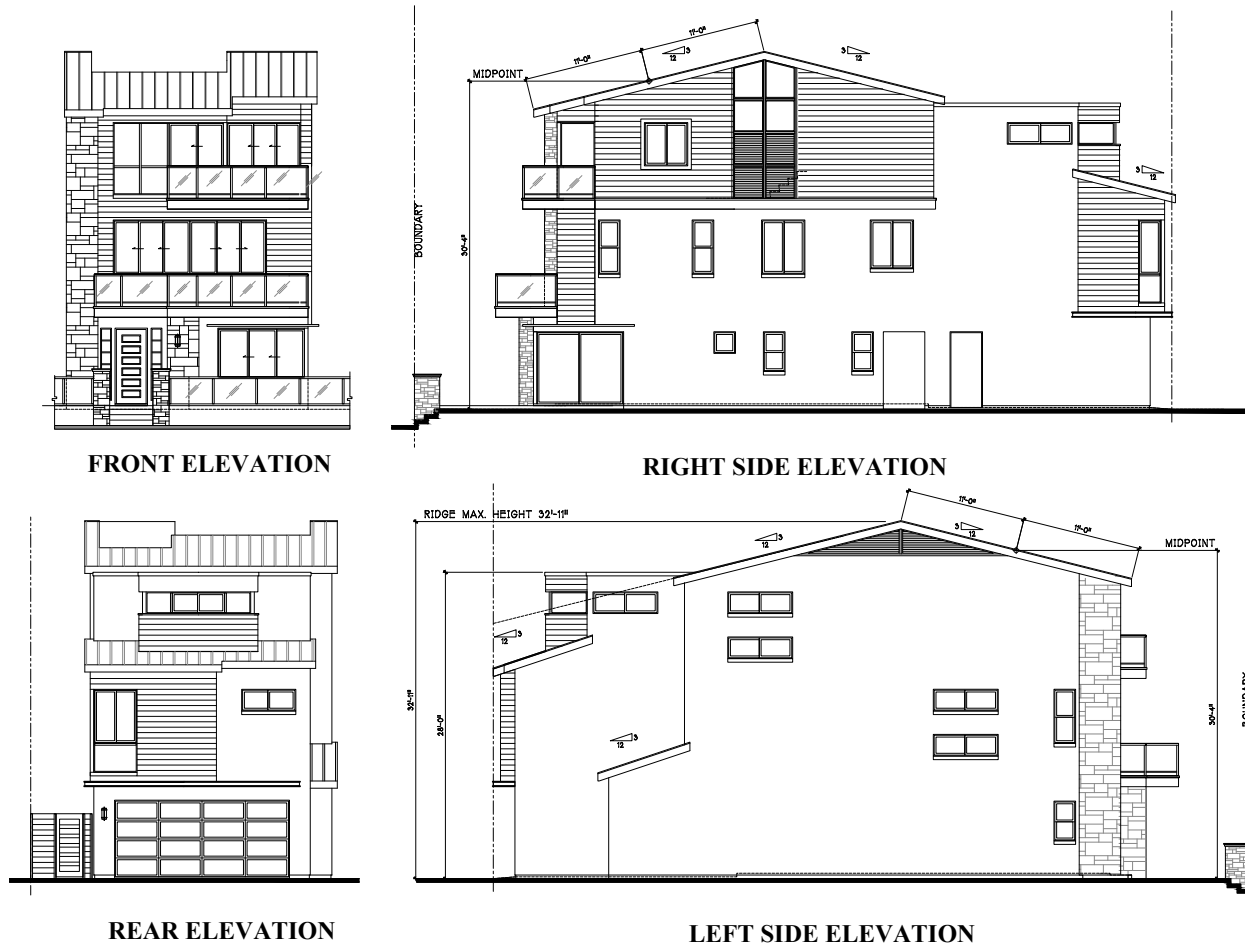
PLAN 2
ENHANCED ELEVATIONS

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Scale (Feet)

3. Project Description

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Figure 8c - Modified Project Building Elevations (1 of 2)
3. Project Description



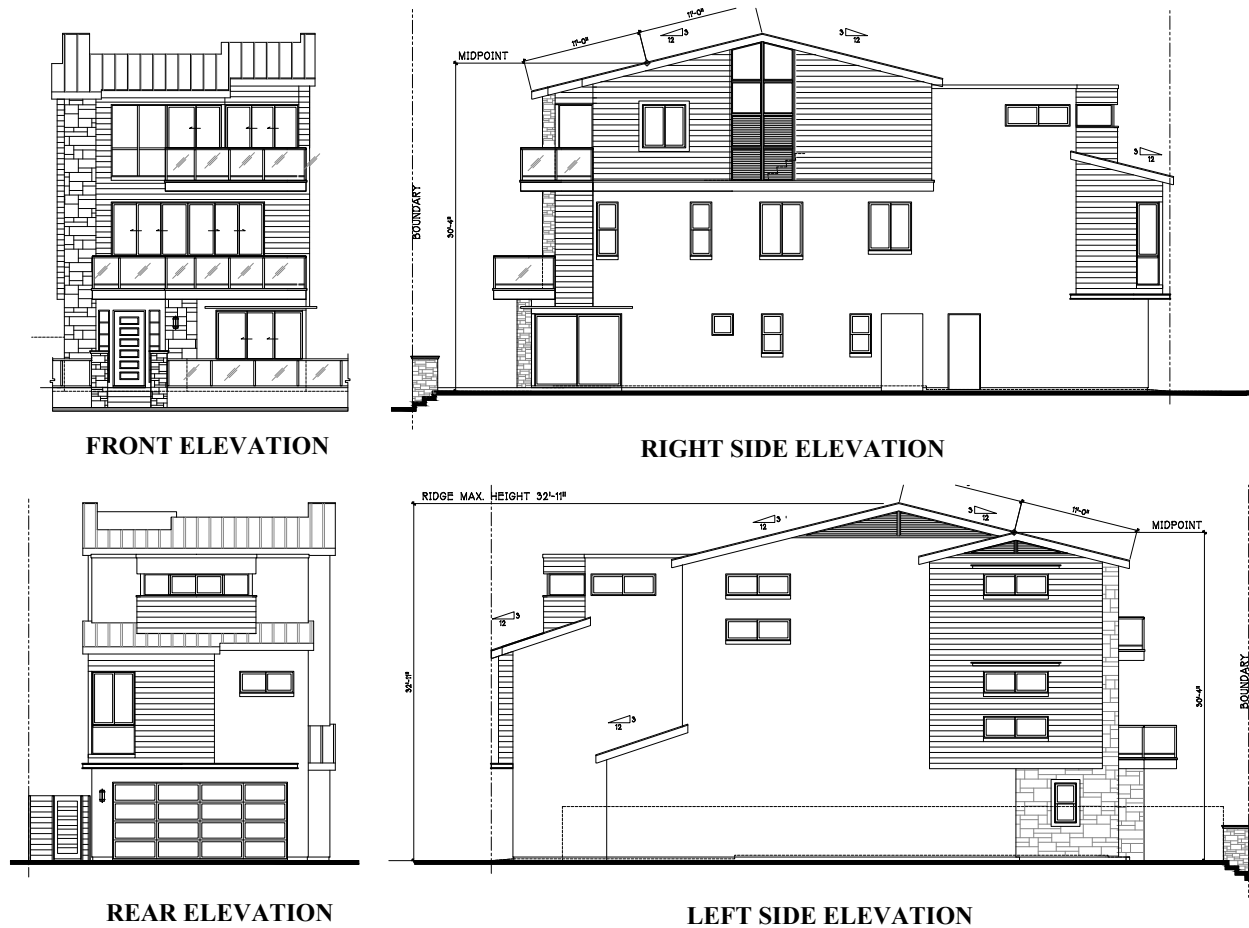
**PLAN 3
ELEVATIONS**



3. Project Description

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Figure 8c - Modified Project Building Elevations (2 of 2)
3. Project Description



**PLAN 3
ENHANCED ELEVATIONS**



3. Project Description

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Figure 9 - Visual Simulation
3. Project Description



View of project site looking south from River Avenue.

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Scale (Feet)



3. Project Description

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Figure 10 - Conceptual Landscape Plan
3. Project Description



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Scale (Feet)



3. Project Description

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4. Environmental Checklist

4.1 BACKGROUND

1. Project Title: Echo Beach Residential Project

2. Lead Agency Name and Address:

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

3. Contact Person and Phone Number:

Jaime Murillo
949.644.3209

4. Project Location: 5515 River Avenue in the City of Newport Beach, Orange County, California.

5. Project Sponsor's Name and Address:

Bucilla Group Architecture, Inc.
19782 MacArthur Suite 260
Irvine, CA 92612

6. General Plan Designation: RM (Multiple Unit Residential)

7. Zoning: RM (Multi-Unit Residential (former Multiple-Family Residential (MFR)))

8. Description of Project:

See Chapter 3, *Project Description*.

9. Surrounding Land Uses and Setting:

The project site is surrounded by residential uses, including vacation rental units to the north, south, and east, and a city park to the west. The West Newport Park is located immediately west of the project site and is equipped with a play area, water fountains, tennis courts, racquetball courts, a basketball half court, and restroom facilities. The Pacific Ocean is one block to the southwest, less than 200 feet from the project site, and the Pacific Coast Highway runs adjacent to the residential properties to the north, behind an alley and an approximately nine-foot tall block wall.

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

4. Environmental Checklist

- Regional Water Quality Control Board – Issue a National Pollutant Discharge Elimination System (NPDES) Permit for construction activities.
- South Coast Air Quality Management District – Permit to Construct
- California Coastal Commission – Permit to construct within the Coastal Zone boundaries

4. Environmental Checklist

4.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

4.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

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

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 an ENVIRONMENTAL IMPACT REPORT is required.

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

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For

4. Environmental Checklist

4.4 EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

E Earlier Analyses Used. Identify and state where they are available for review.

F 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.

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

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

4. Environmental Checklist

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - A the significance criteria or threshold, if any, used to evaluate each question; and
 - B the mitigation measure identified, if any, to reduce the impact to less than significant.

4. Environmental Checklist

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5. Environmental Analysis

This section provides evidence to substantiate the conclusions in the environmental checklist. The section will briefly summarize the conclusions of the Adopted MND and then discuss whether or not the proposed project is consistent with the findings contained in the Adopted MND. Mitigation measures referenced are from the Adopted MND.

5.1 AESTHETICS

5.1.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND determined that because the project site is not in the designated viewpoint of a coastal view road and the nearest public viewpoint is approximately 1,000 feet to the northwest, implementation of the Approved Project would not have a significant impact on scenic vistas.

The Adopted MND evaluated reduction of the minimum building separation distance from 10 feet to 6 feet and reduced the minimum front setback distance along Seashore Drive and River Avenue from 20 feet to 10 feet. The project site is in the shoreline height limitation zone, which limits residential development to 28 feet midpoint and 33 feet ridgeline. The Adopted MND states that although the Approved Project would slightly exceed these height restrictions by approximately 1.5 feet, the single and duplex units were designed to be compatible with the massing and visual scale of the surrounding area. Typical buildings in the area are three stories, and the Craftsman and Plantation styles proposed for the Approved Project require low pitched-gable rooflines. The Adopted MND concluded that conformance to the height limitation would result in a more massive structure than proposed under the Approved Project.

The project site is not identified as a public view point by the City of Newport Beach General Plan and is not adjacent to a coastal view road. The Adopted MND stated that the City's General Plan and Coastal Land Use Plan focus on the protection of public views. General Plan Policies NR 20.1 to NR20.4 and Coastal Land Use Plan Policies 4.4.1-6 and 4.4.2-3 emphasize the protection of public views of scenic resources, not private views of local residents. The Adopted MND concluded that the Approved Project would not substantially obstruct or block the public view opportunities of the ocean. It was determined that although the midpoint height limitation would be exceeded, the new development would not conflict with the intent of the shoreline height limitation since the development would be compatible with the existing visual scale of the neighborhood. The Adopted MND also indicated that sources of light in the project area consist of lighting from the residential uses north, south, and east of the project site; the City-owned park to the west; and from street lights, and daytime glare sources include glass and other reflective building materials from the existing apartment complex.

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The Approved Project would be typical of residential uses and would not generate greater levels of light and glare than the existing apartment complex. The Adopted MND concluded that no significant impacts from light and glare result from the Approved Project implementation.

5.1.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Have a substantial adverse effect on a scenic vista?				X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?					X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?					X

Comments:

a) Have a substantial adverse effect on a scenic vista?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The Modified Project would change the architectural style and site layout of the Approved Project. However, the project site is not a part of any scenic vista and is not an identified public view point in the Natural Resources Element of the City's General Plan (Figure NR3, *Coastal Views*). No public views would be adversely impacted by the proposed changes.

Subsequent to the approval of the Approved Project in 2008, the City adopted a new Zoning Code in 2010, revising the zoning designation for the project site from MFR (Multi-Family Residential) to RM (Multi-Unit Residential). Under the modified zoning designation and applicable standards for the project site, the Modified Project would meet the front setback on Seashore Avenue, rear setback on River Avenue, and the building height limitation, but require reduction in side setbacks.

Although the Modified Project would be slightly taller than the Approved Project, the Modified Project would comply with the current zoning code that eliminated previous midpoint limitation and replaced it with

5. Environmental Analysis

a minimum 3:12 pitch to 33 feet for sloping roofs. Therefore, as stated in the Adopted MND, no significant visual impacts related to height would occur.

Under the previous zoning, a 25-foot side setback was required, and the Approved Project provided setbacks ranging from 4 feet to 7 feet 6 inches on the east side and 10 feet to 12 feet on the west side. The Modified Project would provide setbacks ranging from 6 feet to 12 feet on the east side and 10 feet on the west side. The current zoning code under RM requires a 15-foot side setback. The previous zoning standard required a street front setback of 20 feet, and as with the Approved Project, the Modified Project would not have met this front setback requirement. However, the current zoning code require a 5-foot front setback and 10-foot rear setback; therefore, both the Approved Project and Modified Project would be in compliance with the front and rear setback requirements. Moreover, the current zoning establishes no minimum distance between buildings, compared to 10 feet under the previous zoning. Both the Approved Project and the Modified Project maintain 6 feet between buildings; therefore, no new significant impacts related to setbacks are anticipated.

As described, the overall scale and massing of the Modified Project would be similar to that of the Approved Project. With the exception of the increased setback encroachments, reduction in the minimum distance between buildings, and building height increase, all of the previous MFR zoning regulations were met by the previous project design. The modified project plans also continue to comply with all other applicable previous MFR and current RM zoning standards. Therefore, no new significant impacts in visual resources that were not previously evaluated under the Approved Project would occur. Furthermore, General Plan Policies NR 20.1 to NR20.4 and Coastal Land Use Plan Policy 4.4.1-6 emphasize the protection of public views, but not private views. The Modified Project does not change the project boundaries, and no scenic public views would be affected. The setbacks proposed for the Modified Project would maintain or increase the setbacks for the Approved Project; therefore, the Modified Project would not negatively impact the private views of the adjacent residences any more than under the Approved Project.

Pursuant to *North Coast Rivers Alliance, et al. v. Marin Municipal Water District Board of Directors* (1st Dist., Div. 4, (2013) 216 Cal.App.4th 614), a lead agency has discretion, as a policy decision, to classify the visual impact as significant or not in light of the setting. The Adopted MND stated that the Approved Project would not result in a significant visual impact. The Modified Project would change the architectural details, but the general visual setting of the area, including locations of the adjacent properties, has not changed, and the impacts from the Modified Project would be similar to those analyzed under the Adopted MND. No changes or new significant information would change the significance conclusions of the Approved MND.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The Modified Project would not change the project site boundaries, and no existing conditions related to scenic resources were modified. There are no new impacts to scenic resources with the Modified Project compared to the Adopted MND. The project site is currently developed with an apartment complex and does not contain any visually unique resources, including but not limited to, trees, rock outcroppings, or historic buildings. Implementation of the proposed project would not substantially damage scenic resources.

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As with the Approved Project, implementation of the Modified Project would not result in a significant impact. No changes or new significant information would change the significance conclusions of the Approved MND.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As stated in the Adopted MND, the project area is primarily residential, except for the city park to the west. Instead of two architectural styles under the Approved Project, the Modified Project would provide variations of a modern style but would provide enhanced elevations for buildings along River Avenue, as shown in Figures 8 and 9. Visual impacts are subjective, with no set threshold of significance. As long as the Modified Project would provide more landscaping area than the Approved Project and a variety of pavement options, as illustrated in Figure 10, *Conceptual Landscape Plan*, it is not anticipated the visual quality of the site or its surroundings would be adversely impacted. The three-story with roof deck, contemporary modern architecture style of the Modified Project would be compatible with the surrounding properties, where the existing neighborhood generally displays two- to three-story structures with no uniform building characteristics. As with the Approved Project, the Modified Project would complement rather than degrade the existing visual quality of the site and the surroundings. No changes or new significant information would change the significance conclusions of the Approved MND.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

No Impact. The project site is developed with an apartment complex and associated uses. Minimal light sources exist on the project site. The change in architectural style and site layout would not substantially impact the light sources. The Modified Project would not generate greater levels of light and glare than currently exist onsite or compared to the Approved Project. The impacts would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

5.1.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to aesthetics were outlined in the Adopted MND, and none are required for the Modified Project.

5.2 AGRICULTURE AND FOREST RESOURCES

5.2.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND concluded that implementation of the Approved Project would not result in the loss of land in agricultural production, and no farmland, agriculturally zoned, or Williamson Act land would be affected by implementation of the Approved Project. Additionally, the project site is not designated or zoned for forest or timber land or used for forestry. Instead, the project site is already developed with an apartment and zoned for multi-unit development. Therefore, the Adopted MND concluded that no impacts to

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agricultural or forestry resources would occur as a result of development of the Approved Project and no mitigation measures were required.

5.2.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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?					X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?					X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?					X
d) Result in the loss of forest land or conversion of forest land to non-forest use?					X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?					X

Comments:

- 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?**

No Impact. No environmental conditions related to any state designated farmlands would occur under the Modified Project compared to the Approved Project. There are no new impacts, as compared to those identified in the Adopted MND, related to farmland resources associated with the Modified Project. As with the Approved Project, implementation of the Modified Project would not result in a significant impact. No changes or new significant information would change the significance conclusions of the Approved MND.

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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is zoned for multi-unit development and is already developed with a 54-unit apartment complex. There are no agricultural uses on or near the project site. As with the Adopted MND, there are no impacts related to zoning for agricultural use or a Williamson Act contract, associated with the Modified Project. No new impact would occur under the Modified Project compared to the Approved Project. No changes or new significant information would change the significance conclusions of the Approved MND.

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

No Impact. The project site is zoned for multi-unit development and currently developed with a 54-unit apartment complex. As with the Adopted MND, no rezoning is proposed under the Modified Project. No impact is anticipated and no changes or new significant information would change the significance conclusions of the Approved MND.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site is zoned for multi-unit development and currently developed with a 54-unit apartment complex. As with the Adopted MND, no conversion of forest land would occur the Modified Project. Therefore, no impact is anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

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

No Impact. The project site is zoned for multi-unit development and currently developed with a 54-unit apartment complex. As with the Adopted MND, no conversion of agricultural land or forest land would occur under the Modified Project. No impact is anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

5.2.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to agricultural and forest resources were outlined in the Adopted MND, and none are required for the Modified Project.

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5.3 AIR QUALITY

5.3.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND analyzed criteria air pollutant emissions using the South Coast Air Quality Management District's (SCAQMD) Urban Emissions model (URBEMIS2007). The Adopted MND identified that construction activities would not exceed the regional SCAQMD regional significance thresholds; however, localized emissions could exceed SCAQMD's localized significance thresholds (LSTs) for particulate matter (PM₁₀ and PM_{2.5}) in the absence of mitigation. Therefore, mitigation measures were incorporated to reduce construction-related air quality impacts to less than significant levels. Long-term air pollutant emissions were also evaluated in the Adopted MND and determined that because the Approved Project would result in a net reduction in average daily trips, and newer construction is typically more energy efficient than older construction, the Approved Project would result in a net decrease in operational emissions. The Adopted MND further found that the Approved Project would not conflict with SCAQMD's 2007 Air Quality Management Plan (AQMP) and would not significantly contribute to the non-attainment designations of the South Coast Air Basin (SoCAB).

5.3.2 Impacts Associated with the Proposed Project

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	
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)?				X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X	
e) Create objectionable odors affecting a substantial number of people?					X

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Comments:

The environmental and regulatory settings for the Proposed Project have changed since adoption of the Adopted MND. The following discussion is provided to update conditions relative to development of the Proposed Project.

The Clean Air Act (CAA) was passed in 1963 by the US Congress and has been amended several times. The 1990 Amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. Geographic areas are classified under the national and California CAA as either in attainment or nonattainment for each criteria pollutant based on whether the ambient air quality standards (AAQS) have been achieved. Both the State of California and the federal government have established health-based AAQS for seven air pollutants: ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), and lead (Pb). Table 5-1 shows the most recent AAQS adopted.

The SoCAB is designated nonattainment for O₃, PM_{2.5}, and lead (Los Angeles County only) under the California and National AAQS and nonattainment for NO₂ and PM₁₀ under the California AAQS.^{3, 4} SCAQMD prepares an AQMP that details measures taken to achieve the national and California AAQS. The most recent AQMP is the 2012 AQMP.

Table 5-1 Ambient Air Quality Standards for Criteria Pollutants

Pollutant	Averaging Time	California Standard	Federal Primary Standard	Major Pollutant Sources
Ozone (O ₃)	1 hour	0.09 ppm	*	Motor vehicles, paints, coatings, and solvents.
	8 hours	0.070 ppm	0.075 ppm	
Carbon Monoxide (CO)	1 hour	20 ppm	35 ppm	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hours	9.0 ppm	9 ppm	
Nitrogen Dioxide (NO ₂)	Annual Average	0.030 ppm	0.053 ppm	Motor vehicles, petroleum-refining operations, industrial sources, aircraft, ships, and railroads.
	1 hour	0.18 ppm	0.100 ppm	
Sulfur Dioxide (SO ₂)	Annual Arithmetic Mean	*	*1	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	1 hour	0.25 ppm	0.075 ppm	
	24 hours	0.04 ppm	*1	
Respirable Particulate Matter (PM ₁₀)	Annual Arithmetic Mean	20 µg/m ³	*	Dust and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g. wind-raised dust and ocean sprays).
	24 hours	50 µg/m ³	150 µg/m ³	
Respirable Particulate Matter	Annual Arithmetic Mean	12 µg/m ³	12 µg/m ³	Dust and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric

³ The California Air Resources Board (CARB) approved the SCAQMD's request to redesignate the SoCAB from serious nonattainment for PM₁₀ to attainment for PM₁₀ under the national AAQS on March 25, 2010, because the SoCAB has not violated federal 24-hour PM₁₀ standards during the period from 2004 to 2007. In June 2013, the Environmental Protection Agency (EPA) approved the State of California's request to redesignate the South Coast PM₁₀ nonattainment area to attainment of the PM₁₀ National AAQS, effective on July 26, 2013.

⁴ CARB has proposed to redesignate the SoCAB as attainment for lead and NO₂ under the California AAQS (CARB 2013d).

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Table 5-1 Ambient Air Quality Standards for Criteria Pollutants

Pollutant	Averaging Time	California Standard	Federal Primary Standard	Major Pollutant Sources
(PM _{2.5})	24 hours	*	35 µg/m ³	photochemical reactions, and natural activities (e.g. wind-raised dust and ocean sprays).
Lead (Pb)	30-Day Average	1.5 µg/m ³	*	Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline.
	Calendar Quarterly	*	1.5 µg/m ³	
	Rolling 3-Month Average	*	0.15 µg/m ³	
Sulfates (SO ₄)	24 hours	25 µg/m ³	*	Industrial processes.
Visibility Reducing Particles	8 hours	ExCo =0.23/km visibility of 10≥ miles	No Federal Standard	Visibility-reducing particles consist of suspended particulate matter, which is a complex mixture of tiny particles that consists of dry solid fragments, solid cores with liquid coatings, and small droplets of liquid. These particles vary greatly in shape, size, and chemical composition, and can be made up of many different materials such as metals, soot, soil, dust, and salt.
Hydrogen Sulfide	1 hour	0.03 ppm	No Federal Standard	Hydrogen sulfide (H ₂ S) is a colorless gas with the odor of rotten eggs. It is formed during bacterial decomposition of sulfur-containing organic substances. Also, it can be present in sewer gas and some natural gas, and can be emitted as the result of geothermal energy exploitation.
Vinyl Chloride	24 hour	0.01 ppm	No Federal Standard	Vinyl chloride (chloroethene), a chlorinated hydrocarbon, is a colorless gas with a mild, sweet odor. Most vinyl chloride is used to make polyvinyl chloride (PVC) plastic and vinyl products. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites, due to microbial breakdown of chlorinated solvents.

Source: CARB 2013

Notes: ppm: parts per million; µg/m³: micrograms per cubic meter

* Standard has not been established for this pollutant/duration by this entity.

¹ On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked.

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The Modified Project would not change the number of units compared to the Approved Project. Therefore, as with the Approved Project, the Modified Project is consistent with residential land use designation for the project site and implementation of the Modified Project would result in lower density residential land uses than currently existing onsite (i.e., 54 apartments v. 24 condominium units). Additionally, the Modified Project is not a regionally significant project that would warrant a consistency review for criteria emissions. Like the Approved Project, the Modified Project is consistent with the City of Newport Beach General Plan and would not exceed the SCAQMD emissions thresholds. Therefore, the Modified Project

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would not conflict with SCAQMD's 2012 AQMP. Like the Adopted MND, the Modified Project would not have a significant impact. No changes or new significant information would change the significance conclusions of the Approved MND.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The Modified Project would not change the number of units to be constructed and would still require demolition of the 54 apartment units. However, the Modified Project would result in a slightly larger building envelope (the total building square footage⁵ would increase from 57,906 square feet to 61,002 square feet) but a smaller building footprint (the total building foot print would decrease from 23,357 square feet to 22,457 square feet). In addition, the Modified project would result in less paving (total pavement would decrease from 23,157 square feet to 17,754 square feet). The slightly larger building would result in a nominal increase in emissions associated with architectural coatings. However, this increase would be nominal and would not result in emissions that exceed the SCAQMD regional significance thresholds. The greatest source of air pollutant emissions generated by the proposed project would be during grading phase. The Modified Project would not generate higher maximum daily construction emissions compared to the Approved Project. Therefore, like the Adopted MND, the short-term construction impact would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

The Modified Project would not change the ADTs and the structures would be more energy efficient with compliance with the 2013 Building and Energy Efficiency Standards as well as the California Green Building Standards (CALGreen). As with the Approved Project, long-term operational emissions would be released for the Modified Project in comparison to existing conditions but as with the Adopted MND, the long-term operational impact would be less than significant.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The SoCAB is designated as nonattainment for O₃, PM_{2.5}, and lead under the California and National AAQS, and nonattainment for PM₁₀ and NO₂ (Los Angeles County only) under the California AAQS.⁶ Emissions that contribute to the exceedance of these pollutants would cumulatively contribute to the region's nonattainment. As with the Approved Project, implementation of the Modified Project would not exceed the SCAQMD's construction phase pollutant thresholds and during project operations, would result in a net reduction in air pollutant emissions associated with the project site. Therefore, as with the Adopted MND, the Modified Project is not considered by the SCAQMD to significantly contribute to the region's

⁵ Per Section 20.10.30(M) of former Zoning Code, 200 square feet of floor area per required parking devoted to enclosed parking shall not be included in the calculation of gross floor area. However, when evaluating the total building area for construction, the excluded garage spaces were included. Without the enclosed parking, the Approved Project totaled 50,706 square feet and the Modified Project totaled 50,916 square feet.

⁶ California Air Resources Board (CARB) based on 2012 State Area Designations, current as of April 1, 2013, and National Area Designations, current as of December 5, 2013 (EPA 2013).

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cumulative emissions. No significant impact would occur. No changes or new significant information would change the significance conclusions of the Approved MND.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, emissions generated from the Modified Project construction activities are anticipated to cause temporary increases in pollutant concentrations and expose sensitive receptors to elevated pollutant concentrations. However, emissions associated with the Modified Project would be similar to or less than that of the Approved Project because the Modified Project would have slightly smaller building foot print and smaller paving area. The greatest emissions sources would occur during grading activities for PM₁₀ and PM_{2.5} emissions. Mitigation measures identified in the Approved MND would be required for the Modified Project and would reduce PM₁₀ and PM_{2.5} emissions below SCAQMD's LSTs during construction. With implementation of Mitigation Measure 1, no significant air quality impact would occur from exposure of persons to substantial air pollutant concentrations. No changes or new significant information would change the significance conclusions of the Approved MND.

e) Create objectionable odors affecting a substantial number of people?

No Impact. As stated in the Adopted MND, residential developments are not associated with foul odors that constitute a public nuisance. Therefore, as with the Approved Project, the Modified Project would not result in any significant operation-related odor impacts. As with the Approved Project, project construction of the Modified Project would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment bringing asphalt and other building materials to the site. However, as stated in the Adopted MND, by the time such emissions reach any sensitive receptor sites away from the project site, they are typically diluted to well below any level of air quality concern. No significant odor impact is anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

5.3.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Modified Project

The following mitigation measure was included in the Adopted MND and is applicable to the Modified Project.

1. The construction contractor for the property owner/developer shall implement additional dust control measures during demolition as follows:
 - The project contractor shall apply nontoxic chemical dust suppressants (e.g., polymer emulsion) to buildings being demolished to reduce fugitive dust from active demolition activities.
 - The project contractor shall prohibit demolition activities when wind speed exceeds 25 miles per hour.

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- The project contractor shall install a temporary construction fence and silt barrier around the construction site as shown in the Construction Staging and Water Quality Control Plan submitted to the City of Newport Beach for approval.
- The project contractor shall install construction tire wash areas at the entrance to the project site on River Avenue and Neptune Avenue. All construction clean-up shall be done in construction sediment basins. The construction tire wash area shall be installed in accordance with the Construction Staging and Water Quality Control Plan submitted to the City of Newport Beach for approval.
- The contractor will sweep adjacent streets and roads a minimum of once per week.
- Material haul trucks leaving the project site will have their loads either covered or maintain a freeboard distance of two feet from the stacked load to the top of the trailer.

5.4 BIOLOGICAL RESOURCES

5.4.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND states that the project site is currently occupied by an apartment complex and approximately 86 percent of the entire is impervious. No special status sensitive species or natural habitats exists onsite. The Adopted MND concluded that implementation of the Approved Project would not have an adverse effect on or interfere with any species, habitat, natural community, riparian area, wetland, or migration corridor identified by any local, regional, state or federal agency.

5.4.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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?					X

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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?					X
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?					X
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 impede the use of native wildlife nursery sites?					X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?					X
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?					X

Comments:

- 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?**

No Impact. As stated in the Adopted MND, the project site is currently developed with a 54-unit apartment complex and does not contain any special status biological species. The existing site condition has not changed. Therefore, as with the Approved Project, the Modified Project would not have an effect on or interfere with any species, habitat, natural community, riparian area, wetland, migratory fish or wildlife, or migratory wildlife corridor identified by any local, regional, state or federal agency. No significant impact is anticipated under the Modified Project. No changes or new significant information would change the significance conclusions of the Approved MND.

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- 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?**

No Impact. As stated in the Adopted MND, the project site is currently developed with a 54-unit apartment complex and does not contain any sensitive natural habitats. The existing site condition has not changed and no significant impact related to natural communities is anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

- 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?**

No Impact. As stated in the Adopted MND, the project site is currently developed with a 54-unit apartment complex and does not contain any protected wetlands. The existing site condition has not changed and no significant impact related to wetlands is anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

- 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 impede the use of native wildlife nursery sites?**

No Impact. As stated in the Adopted MND, the project site is currently developed with a 54-unit apartment complex and is not being used for migratory wildlife corridors or native wildlife nursery sites. The existing site condition has not changed and no significant impacts related to migratory wildlife corridors or wildlife nursery sites are anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

No Impact. The project site is developed with a 54-unit apartment complex and only contains ornamental landscaping trees and plants. No local tree protecting policies exist for trees on private property. As with the Adopted MND, the Modified Project would not conflict with any local policies protecting biological resources, such as a tree preservation policy or ordinance. No impact is anticipated and no changes or new significant information would change the significance conclusions of the Approved MND.

- 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?**

No Impact. As stated in the Adopted MND, there are no adopted habitat conservation plans or natural community conservation plans. No regulatory setting has changed and no impact is anticipated under the Modified Project. No changes or new significant information would change the significance conclusions of the Approved MND.

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5.4.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to biological resources were outlined in the Adopted MND and no mitigation measures are required under the Modified Project.

5.5 CULTURAL RESOURCES

5.5.1 Summary of Impacts Identified in the Adopted MND

As outlined in the Adopted MND, the project site does not have any historic buildings of significance. Additionally, the Adopted MND concluded that development of the Approved Project would not have a significant impact on or interfere with any archaeological or paleontological resources. However, mitigation measures were provided to ensure that, in the unlikely event that any subsurface archaeological and/or paleontological resources are affected by ground-disturbance activities, implementation of such mitigation measures could reduce impacts to less than significant levels.

5.5.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?					X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?					X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?					X
d) Disturb any human remains, including those interred outside of formal cemeteries?					X

5. Environmental Analysis

Comments:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

No Impact. The Approved Project required demolition of the existing onsite development and the Modified Project would also require demolition of the onsite structures. No historical resources were identified under the Adopted MND and no impact would occur under the Modified Project. No changes or new significant information would change the significance conclusions of the Approved MND.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

No Impact. The Approved Project involved grading and soil excavation during construction and the Modified Project would also require grading the soil excavation. The size and scale of the Modified Project is similar to the Approved Project. Although the project site has been previously disturbed, the Adopted MND determined that there is a potential for discovery of previously unidentified subsurface archaeological resources. Therefore, a mitigation measure was incorporated. Provided that mitigation measures from the Adopted MND are implemented, no new impact is anticipated under the Modified Project. No changes or new significant information would change the significance conclusions of the Approved MND.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. The Approved Project involved grading and soil excavation during construction and the Modified Project would also require grading the soil excavation. The size and scale of the Modified Project is similar to the Approved Project. Although the project site has been previously disturbed, the Adopted MND determined that there is a potential for discovery of previously unidentified subsurface paleontological resources. Therefore, a mitigation measure was incorporated. Provided that mitigation measures from the Adopted MND are implemented, no new impact is anticipated under the Modified Project. No changes or new significant information would change the significance conclusions of the Approved MND.

d) Disturb any human remains, including those interred outside of formal cemeteries?

No Impact. The Approved Project involved grading and soil excavation during construction and the Modified Project would also require grading the soil excavation. The size and scale of the Modified Project is similar to the Approved Project. Therefore, the potential for discovery of previously unidentified human remains under the Modified Project would be similar to that of the Approved Project. As with the Approved Project, the required compliance with the Health and Safety Code Section 7050.5 would ensure that implementation of the Modified Project would not disturb any human remains. No new impact is anticipated and no changes or new significant information would change the significance conclusions of the Approved MND.

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5.5.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

The following mitigation measures were included in the Adopted MND and are applicable to the Modified Project. The mitigation measures were modified to reflect the administrative changes in organization. Additions are shown in underline and deletions are indicated in ~~strikeout~~ format.

2. Prior to approval of a grading plan, the property owner/developer shall submit a letter to the Community Development ~~Planning~~ Department, Planning Division, showing that a qualified archaeologist has been hired to ensure that the following actions are implemented:
 - The archaeologist must be present at the pregrading conference in order to establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of artifacts if potentially significant artifacts are uncovered. If artifacts are uncovered and determined to be significant, the archaeological observer shall determine appropriate actions in cooperation with the property owner/developer for exploration and/or salvage.
 - Specimens that are collected prior to or during the grading process will be donated to an appropriate educational or research institution.
 - Any archaeological work at the site shall be conducted under the direction of the certified archaeologist. If any artifacts are discovered during grading operations when the archaeological monitor is not present, grading shall be diverted around the area until the monitor can survey the area.
 - A final report detailing the findings and disposition of the specimens shall be submitted to the City Engineer. Upon completion of the grading, the archaeologist shall notify the City as to when the final report will be submitted.
3. The property owner/developer shall submit a letter to the Public Works/Engineering Department, Development Division, and the Community Development ~~Planning~~ Department, Planning Division, showing that a certified paleontologist has been hired to ensure that the following actions are implemented:
 - The paleontologist must be present at the pregrading conference in order to establish procedures to temporarily halt or redirect work to permit the sampling, identification, and evaluation of fossils. If potentially significant materials are discovered, the paleontologist shall determine appropriate actions in cooperation with the property owner/developer for exploration and/or salvage.
 - Specimens that are collected prior to or during the grading process will be donated to an appropriate educational or research institution.

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- Any paleontological work at the site shall be conducted under the direction of the certified paleontologist. If any fossils are discovered during grading operations when the paleontological monitor is not present, grading shall be diverted around the area until the monitor can survey the area.
- A final report detailing the findings and disposition of the specimens shall be submitted. Upon the completion of the grading, the paleontologist shall notify the City as to when the final report will be submitted

5.6 GEOLOGY AND SOILS

5.6.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND determined that the project site is not underlain by a known earthquake fault and the most likely source of strong seismic ground shaking within the project area would be a major earthquake along either the Newport-Inglewood or San Andreas Faults. The Adopted MND identified no significant impacts related to ground shaking, lateral spreading, subsidence, landslide, expansive soil, and collapse, provided that the Approved Project complies with the most updated version of the California Building Code (CBC) for Seismic Zone 4 and the standards of the Structural Engineers Association of California (SEAO). Although liquefaction was identified as being a potential impact because the project site is underlain by fill and terrace deposits, which are characterized by clean beach sands and silty sands that are subject to liquefaction, a mitigation measure was incorporated to the Adopted MND based on the findings of the site-specific geotechnical investigation. The Approved Project involved connecting to the local sewer system and no construction alternative waste water disposal systems were necessary.

5.6.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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.					X

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
ii) Strong seismic ground shaking?				X	
iii) Seismic-related ground failure, including liquefaction?				X	
iv) Landslides?					X
b) Result in substantial soil erosion or the loss of topsoil?				X	
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?				X	
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?					X
e) 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?					X

Comments:

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.**

No Impact. No changes to the project site would occur under the Modified Project and no development would be placed closer to the nearby active faults. Implementation of the Proposed Project would not result in significant impact related to rupture of a known earthquake fault. No changes or new significant information would change the significance conclusions of the Approved MND.

ii) **Strong seismic ground shaking?**

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. No changes to the project site would occur under the Modified Project and no structures would be exposed to greater ground shaking impacts compared to the Approved Project. As stated in

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the Adopted MND, the Modified Project would also be required to comply with the seismic design parameters contained in the most current version of the California Building Code (CBC) for Seismic Zone 4, as well as the standards of the Structural Engineers Association of California (SEAOC). No significant impacts would occur and no mitigation measures are necessary. No changes or new significant information would change the significance conclusions of the Approved MND.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, the Modified Project would be subject to potential liquefaction impact due to loose, granular, and sandy soils. However, as stated in the Adopted MND, the Modified Project would be constructed in accordance with the criteria and seismic design parameters of the CBC, standards of the SEAOC, and recommended measures in the site-specific geotechnical investigation (EGA Consultants 2007). Therefore, potential liquefaction impacts would be reduced to a less than significant level. No changes or new significant information would change the significance conclusions of the Approved MND.

iv) Landslides?

No Impact. No changes to the project site would occur under the Modified Project. No impacts related to landslides were identified in the Adopted MND and no impacts would occur under the Modified Project. No changes or new significant information would change the significance conclusions of the Approved MND.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The Adopted MND determined that due to the relatively flat topography and developed nature of the project site, erosion impacts would be minimal during construction. As with the Approved Project, the Modified Project would be required to comply with the local, regional, and state codes and regulations for erosion control and grading, including the National Pollutant Discharge Elimination System (NPDES) permitting regulations. Implementation of Best Management Practices (BMPs) as prescribed under the NPDES requirements would ensure that substantial soils erosion impacts do not occur. Therefore, as with the Approved Project, soil erosion impacts from grading and construction activities would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

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.

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The Modified Project would not involve changing onsite geologic conditions compared to the Approved Project. No sign of unstable soils were identified during the geotechnical investigation conducted

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for the Approved Project. As with the Approved Project, development of the Modified Project would be required to comply with the measures outlined in the project site's preliminary geotechnical investigation (e.g., removal and replacement of near surface soils with engineered fill) and the criteria and seismic design parameters of the California Building Code (CBC) and the SEAOC. Therefore, no significant impact would occur and no changes or new significant information would change the significance conclusions of the Approved MND.

d) Be located on expansive soil, as defined in Table 19-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact. The Modified Project would not involve changing onsite geologic conditions compared to the Approved Project. No expansive soils impact was identified and no impact would occur from implementation of the Modified Project. No changes or new significant information would change the significance conclusions of the Approved MND.

e) 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. As with the Approved Project, the Modified Project would not require alternative waste water disposal system. No impact would occur and no changes or new significant information would change the significance conclusions of the Approved MND.

5.6.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

The following mitigation measure was included in the Adopted MND and is applicable to the Modified Project.

4. During construction, the construction manager shall ensure that measures listed in the geotechnical investigation (EGA Consultants, 2007) or equivalent measures are implemented to minimize the effects of liquefaction. The measures shall include but are not limited to:
 - Tie all pad footings with grade beams.
 - All footings should be a minimum of 24 inches deep, below grade.
 - Continuous footings should be reinforced with two No. 5 rebar (two at the top and two at the bottom).
 - Concrete slabs cast against properly compacted fill materials shall be a minimum of 6 inches thick (actual) and reinforced with No. 4 rebar at 12 inches on center in both directions. The reinforcement shall be supported on chairs to insure positioning of the reinforcement at mid-center in the slab.
 - Dowel all footings to slabs with No. 4 bars at 24 inches on center.

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5.7 GREENHOUSE GAS EMISSIONS

5.7.1 Summary of Impacts Identified in the Adopted MND

The Natural Resources Agency adopted Amendments to the CEQA Guidelines for greenhouse gas emissions on December 30, 2009 and the Amendments became effective on March 18, 2010. The NOD for the Adopted MND was filed on February 19, 2008. Therefore, instead of a separate section, the Adopted MND included a discussion on global climate change impact in Section 3.3 *Air Quality*. This Addendum evaluates greenhouse gas (GHG) emissions impacts of the project under this topical section, consistent with the 2010 updated to the CEQA Guidelines.

The information provided in this section includes the most current scientific data on GHG and global climate change, but does not change the conclusions of the Adopted MND. Current information on GHG emissions and global climate change do not trigger the need for preparation of a subsequent or supplemental EIR pursuant to Public Resources Section 21166 and CEQA Guidelines Section 15162. The current scientific information does not demonstrate that the Modified Project will result in new or more severe significant impacts than those determined in the Adopted MND.⁷

The Adopted MND stated that GHG emissions impacts would be less than significant because the Approved Project is not a regionally significant project and the Approved Project would not exceed the SCAQMD thresholds for criteria pollutants (CO, NO, PM₁₀, and PM_{2.5}), which were established to identify substantial new sources of air pollution. Furthermore, the Approved Project would generate less long-term GHG emissions than the existing apartment complex onsite. GHG emissions are likely not to be considered substantial enough to result in a significant cumulative impact relative to GHG emissions and climate change impacts. The Adopted MND concluded that Approved Project's cumulative contribution to GHG emissions was less than significant.

5.7.2 Impacts Associated with the Proposed Project

Would the proposed project:

⁷ For example, the trial court decision in *American Canyon Community United for Responsible Growth v. City of American Canyon*, Case No. 26-27462. The Superior Court held that the Global Warming Solutions Act of 2006 (AB 32) is not the type of new information contemplated by Section 21166 because "new legislation requiring creation of state regulations certainly does not pertain to this particular Project or its effects." See also for example, the Superior Court opinions in *Natural Resources Defense Council v. Reclamation Board*, Case No. 06-CS-01228, where the court held that technical reports concerning global warming were not new information requiring preparation of a subsequent or supplemental EIR. Also, the *Citizens for Responsible Equitable Environmental Development v. City of San Diego*, Case No. 37-2009-00085307-CU-MC-CTL, where the court held that effect of GHG emissions on climate was known long before the City approved an EIR in 1994, quoted the United States Supreme Court: "In the late 1970s, the Federal Government began devoting serious attention to the possibility that carbon dioxide emissions associated with human activity could provoke climate change." In this case, the court concluded that the petitioners provided no competent evidence of new information of a severe impact; and therefore, the City's reliance on an addendum was appropriate.

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	

Comments:

Greenhouse Gases and Climate Change

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as GHG, to the atmosphere. The primary source of these GHG is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHG—water vapor, carbon dioxide (CO₂), methane (CH₄), and ozone (O₃)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons (IPCC 2001).^{8,9}

Regulatory Setting

The regulatory settings for the Proposed Project have changed since the adoption of Adopted MND. The following discussion is provided to update conditions relative to development of the proposed project.

Federal Laws

The U.S. Environmental Protection Agency (EPA) announced on December 7, 2009, that GHG emissions threaten the public health and welfare of the American people and that GHG emissions from on-road vehicles contribute to that threat. The EPA's final findings respond to the 2007 U.S. Supreme Court decision that GHG emissions fit within the Clean Air Act definition of air pollutants. The findings do not in and of themselves impose any emission reduction requirements, but allow the EPA to finalize the GHG standards proposed in 2009 for new light-duty vehicles as part of the joint rulemaking with the Department of Transportation (EPA 2009).

⁸ Water vapor (H₂O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant.

⁹ Black carbon is the most strongly light-absorbing component of PM emitted from burning fuels. Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it melt faster) and by interacting with clouds and affecting cloud formation. Reducing black carbon emissions globally can have immediate economic, climate, and public health benefits. California has been an international leader in reducing emissions of black carbon, with close to 95 percent control expected by 2020 due to existing programs that target reducing PM from diesel engines and burning activities (CARB 2013).

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The EPA's endangerment finding covers emissions of six key GHGs—CO₂, CH₄, N₂O, hydrofluorocarbons, perfluorocarbons, and SF₆—that have been the subject of scrutiny and intense analysis for decades by scientists in the United States and around the world (the first three are applicable to the Proposed Project).

In response to the endangerment finding, the EPA issued the Mandatory Reporting of GHG Rule that requires substantial emitters of GHG emissions (large stationary sources, etc.) to report GHG emissions data. Facilities that emit 25,000 metric tons (MT) or more of CO₂ per year are required to submit an annual report.

State Laws

Current State of California guidance and goals for reductions in GHG emissions are generally embodied in Executive Order S-03-05, Assembly Bill 32 (AB 32), and Senate Bill 375 (SB 375).

Executive Order S-03-05

Executive Order S-3-05, signed June 1, 2005. Executive Order S-03-05 set the following GHG reduction targets for the state:

- 2000 levels by 2010
- 1990 levels by 2020
- 80 percent below 1990 levels by 2050

Assembly Bill 32, The Global Warming Solutions Act (2006)

Current State of California guidance and goals for reductions in GHG emissions are generally embodied in AB 32, *the Global Warming Solutions Act*. AB 32 was passed by the California state legislature on August 31, 2006, to place the state on a course toward reducing its contribution of GHG emissions. AB 32 follows the 2020 tier of emissions reduction targets established in Executive Order S-3-05.

The final Scoping Plan was adopted by the California Air Resources Board (CARB), on December 11, 2008. Based on the GHG emissions inventory conducted for the Scoping Plan, GHG emissions in California by 2020 are anticipated to be approximately 596 MMTCO_{2e}. In December 2007, CARB approved a 2020 emissions limit of 427 MMTCO_{2e} (471 million tons) for the state. The 2020 target requires a total emissions reduction of 169 MMTCO_{2e}, 28.5 percent from the projected emissions of the business-as-usual (BAU) scenario for the year 2020 (i.e., 28.5 percent of 596 MMTCO_{2e}) (CARB 2008).¹⁰

Since release of the 2008 Scoping Plan, CARB has updated the statewide GHG emissions inventory to reflect GHG emissions in light of the economic downturn and of measures not previously considered in the 2008 Scoping Plan baseline inventory. The updated forecast predicts emissions to be 507 MMTCO_{2e} by 2020. The new inventory identifies that an estimated 80 MMTCO_{2e} of reductions are necessary to achieve the statewide

¹⁰ CARB defines BAU in its Scoping Plan as emissions levels that would occur if California continued to grow and add new GHG emissions but did not adopt any measures to reduce emissions. Projections for each emission-generating sector were compiled and used to estimate emissions for 2020 based on 2002–2004 emissions intensities. Under CARB's definition of BAU, new growth is assumed to have the same carbon intensities as was typical from 2002 through 2004.

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emissions reduction of AB 32 by 2020, 15.7 percent of the projected emissions compared to BAU in year 2020 (i.e., 15.7 percent of 507 MMTCO_{2e}) (CARB 2012).

CARB is in the process of completing a five-year update to the 2008 Scoping Plan, as required by AB 32. A discussion draft of the 2013 Scoping Plan was released on October 1, 2013. The 2013 Scoping Plan update defines CARB's climate change priorities for the next five years and lays the groundwork to reach post-2020 goals in Executive Orders S-3-05 and B-16-2012.

Senate Bill 375, The Sustainable Communities and Climate Protection Act (2008)

In 2008, Senate Bill 375 (SB 375), the Sustainable Communities and Climate Protection Act, was adopted to connect the GHG emissions reductions targets established in the Scoping Plan for the transportation sector to local land use decisions that affect travel behavior. Its intent is to reduce GHG emissions from light-duty trucks and automobiles (excludes emissions associated with goods movement) by aligning regional long-range transportation plans, investments, and housing allocations to local land use planning to reduce VMT and vehicle trips. Specifically, SB 375 required CARB to establish GHG emissions reduction targets for each of the 17 regions in California managed by a metropolitan planning organization (MPO). Southern California Association of Governments (SCAG) is the MPO for the southern California region, which includes the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial.

SB 375 requires the MPOs to prepare a Sustainable Communities Strategy (SCS) in their regional transportation plan. For the SCAG region, the 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) was adopted in April 2012 (SCAG 2012). The SCS outlines a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement). The SCS is meant to provide growth strategies that will achieve the regional GHG emissions reduction targets. However, the SCS does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency for governments and developers.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, the Modified Project would generate GHG emissions from vehicle trips generated by the project, energy use (indirectly from purchased electricity use and directly through fuel consumed for building heating), water/wastewater generation, and waste disposal. The Modified Project would result in operation of 24 condominium units, which is the same as the Approved Project and less units than currently operating onsite. The Modified Project would result in a net decrease in vehicle miles traveled (VMT) and would be constructed to achieve the 2013 Building and Energy Efficiency Standards. Consequently, like the Approved Project, the Modified Project would generate less GHG emissions. As with the Adopted MND, the Modified Project would result in less than significant impact related to GHG emissions. No changes or new significant information would change the significance conclusions of the Adopted MND.

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

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. Applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan and SCAG's 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

CARB's 2008 Scoping Plan is California's GHG reduction strategy to achieve the state's GHG emissions reduction target established by AB 32, which is 1990 levels by year 2020. Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard (LCFS), California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the corporate average fuel economy (CAFE) standards, and other early action measures would ensure the state is on target to achieve the GHG emissions reduction goals of AB 32. In addition, new buildings constructed are required to comply with the most recent Building and Energy Efficiency Standards and California Green Building Code (CALGreen). The Proposed Project's GHG emissions would be reduced from compliance with statewide measures that have been adopted since AB 32 was adopted. No changes or new significant information would change the significance conclusions of the Adopted MND.

In addition to AB 32, the California legislature passed SB 375 to connect regional transportation planning to land use decisions made at a local level. SCAG's RTP/SCS does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency for governments and developers. As with the Approved Project, the Modified Project would not change the existing residential use of the project site and would not involve any General Plan land use changes. Therefore, as with the Approved Project, the Modified Project would not interfere with SCAG's ability to implement the regional strategies outlined in the 2012 RTP/SCS and would not conflict with SCAG's or city's ability to achieve GHG reduction goals and strategies. Therefore, as with the Adopted MND, no significant impact would result from Modified Project implementation. No changes or new significant information would change the significance conclusions of the Adopted MND.

5.7.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to GHG emissions were outlined in the Adopted MND, and none are required for the Modified Project.

5.8 HAZARDS AND HAZARDOUS MATERIALS

5.8.1 Summary of Impacts Identified in the Adopted MND

The Approved Project involved demolition of existing 54-unit apartment complex and development of single and duplex units totaling 24 units. The Adopted MND found no hazardous materials sources on or near the project site that would adversely impact the environment, except for the asbestos containing materials (ACM). However, it was concluded that when performed properly, removal of ACM would not result in any

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significant health and safety impact. The project site is not identified in the Department of Toxic Substances Control's (DTSC) hazardous wastes and substances list, which includes the Federal Superfund Sites (National Priority List), State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Permitted Sites, and Corrective Action Sites. Implementation of the proposed single and duplex residential units would not create a significant hazard to the public or the environment.

5.8.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					X
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?					X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?					X
d) 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?					X
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?					X
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?					X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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?					X

Comments:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

No Impact. As with the Approved Project, the Modified Project involves development of 24 residential units after demolishing the existing apartment complex. No changes in conditions concerning hazardous materials beyond the ACM issue already addressed in the Adopted MND would occur as a result of the Modified Project. As with the Approved Project, under the Modified Project, the existing structures on-site would be surveyed for lead-based paint (LBP) prior to demolition or renovation, in compliance with the applicable local, state, and federal regulations administered through the California Division of Occupational Safety and Health. Compliance with the existing regulations potential safety hazards pertaining to ACMs and LBPs would ensure that impacts are less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

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?

No Impact. As with the Approved Project, the Modified Project involves development of 24 residential units after demolishing the existing apartment complex. No changes in conditions concerning hazardous materials beyond the ACM issue already addressed in the Adopted MND would occur as a result of the Modified Project. No land use changes are proposed and the Modified Project would not create a significant hazard to the public or the environment. No changes or new significant information would change the significance conclusions of the Approved MND.

c) 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. There are no schools within one-quarter mile of the project site and as with the Approved Project, the Modified Project would not emit hazardous emissions or handle hazardous materials. The nearest school, Carden Hall, a charter school, is located approximately 0.6 mile north of the project site. No impact is

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anticipated and no changes or new significant information would change the significance conclusions of the Approved MND.

- d) 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. The Modified Project would not change the project site boundaries and the project site is not included on a list of hazardous materials sites. As with the Approved Project, no impact would occur as a result of the Modified Project implementation and no changes or new significant information would change the significance conclusions of the Approved MND.

- 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?**

No Impact. The Modified Project would not change the project site boundaries and the project site is not within an airport land use plan. The nearest airport to the project site is John Wayne Airport, approximately five miles north of the project site. As with the Approved Project, no impact would occur as a result of the Modified Project implementation. No changes or new significant information would change the significance conclusions of the Approved MND.

- 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. The Modified Project would not change the project site boundaries and there is no private airstrip in the project vicinity. As with the Approved Project, no impact would occur as a result of the Modified Project implementation. No changes or new significant information would change the significance conclusions of the Approved MND.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, the Modified Project would continue to be accessed via River Avenue and Neptune Avenue. The west driveway to be removed by the Modified Project served only one corner unit and the Modified Project provides access for all units from River Avenue and Neptune Avenue. This exclusive driveway to be removed was not used as emergency access and this change from the Approved Project would not result in adverse impacts to emergency access. As with the Approved Project, all driveways and internal streets would be reviewed and approved by the fire department. The construction duration and equipment used for the Modified Project would be similar to that of the Approved Project and adequate staging area would be provided so that the construction does not impair or interfere with any emergency response plan. As with the Approved Project, impacts would not be significant. No changes or new significant information would change the significance conclusions of the Approved MND.

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- 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?**

No Impact. No changes in site boundaries would occur and the project site is not immediately adjacent to any wildland areas. As with the Approved Project, no impact is anticipated and no changes or new significant information would change the significance conclusions of the Approved MND.

5.8.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

The following mitigation measure was included in the Adopted MND and is applicable to the Modified Project.

5. Prior to demolition activity, a certified and licensed asbestos abatement contractor shall perform any removal of asbestos containing material (ACM). Also, an industrial hygienist must be present to perform engineering control and regulatory asbestos air monitoring during any abatement activity.

5.9 HYDROLOGY AND WATER QUALITY

5.9.1 Summary of Impacts Identified in the Adopted MND

As concluded in the Adopted MND, the Approved Project would pose no threat to the quality or flow of surface or groundwater. The Adopted MND stated that the project site encompasses approximately 1.49 acres and approximately 86 percent of the project site is impervious, covered by building and parking. The Approved Project would provide approximately 68 percent (44,121 square feet) of impervious surfaces and approximately 32 percent (20,987 square feet) of landscaping. Although the Approved Project would alter the existing drainage pattern of the site, with the decreased impervious surface areas, the rate or amount of surface runoff would be less than the existing condition. Moreover, the Approved Project would not require major improvements to water supply or distribution systems that could possibly affect local water supplies or groundwater recharge. The Approved Project is subject to the requirements of the Santa Ana Regional Water Quality Control Board NPDES MS4 permit, which requires the preparation of a SWPPP and the implementation of BMPs. The Adopted MND also stated that the project site is not located within a 100-year flood zone as indicated on the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) (No. 06059C0377H) covering the project area. No significant impacts related to hydrology and water quality were identified in the Adopted MND.

5.9.2 Impacts Associated with the Proposed Project

Would the proposed project:

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Violate any water quality standards or waste discharge requirements?				X	
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)??					X
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?				X	
d) 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?				X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?				X	
f) Otherwise substantially degrade water quality?					X
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?					X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?					X
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?					X
j) Expose people or structures to inundation by seiche, tsunami, or mudflow?					X

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Comments:

a) Violate any water quality standards or waste discharge requirements?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, grading and construction activities of the Modified Project could cause deterioration of water quality if sediments or pollutants wash into the storm drain system. However, similar to the Approved Project, the project applicant of the Modified Project would be required to comply with existing water quality standards and waste discharge requirements during all grading and construction activities. The building foot print and paving area would slightly decrease under the Modified Project from the Approved Project. Therefore, the Modified Project would generate similar or slightly less pollutants compared to the Approved Project. As stated in the Adopted MND, adherence to the BMPs in the Stormwater Pollution Prevention Plan (SWPPP) would reduce, prevent, minimize, and/or treat pollutants and prevent degradation of downstream receiving waters. As with the Adopted MND, the Modified Project would not violate any water quality standards or waste discharge requirements. No changes or new significant information would change the significance conclusions of the Approved MND.

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)?

No Impact. The Modified Project would not change the number of units to be developed. Therefore, no additional water demand would be created by the Modified Project compared to the Approved Project. In addition, although the landscaping area would increase from 18,390 square feet to 24,176 square feet, the proposed landscaping would incorporate many non-invasive and water conserving plant types and use the most efficient and conserving means to distribute irrigation water with the latest technology for water conservation. The Modified Project would not require additional water from groundwater and no impact to groundwater supplies would occur. No changes or new significant information would change the significance conclusions of the Approved MND.

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?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Adopted MND, the Modified Project would also be required to prepare and implement SWPPP during construction to reduce erosion or siltation impacts to a less than significant level. The required compliance would ensure that impacts are reduced to a less than significant level. As with the Approved Project, all overflows would be drained through the underground system with the attached inline filters to catch storm water runoffs before they are conveyed to the drainage system. Moreover, the Modified Project would slightly decrease the building footprint and pavement, and increase the landscaping area as shown in Table 3-1, therefore, would result in increased pervious area compared to the Approved Project. The modified drainage system would be similar to the Approved Project and would not result in a substantial erosion or siltation impact. As with the Adopted MND, no significant impact is

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anticipated and no changes or new significant information would change the significance conclusions of the Approved MND.

- d) 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?**

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, all overflows would be drained through the underground system with the attached inline filters to catch storm water runoffs before they are conveyed to the drainage system. Moreover, the Modified Project would slightly decrease the building footprint and pavement, and increase the landscaping area as shown in Table 3-1, therefore, would result in increased pervious area compared to the Approved Project. The Modified Project would not substantially increase the rate or amount of surface runoff in a manner to result in on or offsite flooding. As with the Adopted MND, no significant impact is anticipated and no changes or new significant information would change the significance conclusions of the Approved MND.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?**

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, all overflows would be drained through the underground system with the attached inline filters to catch storm water runoffs before they are conveyed to the drainage system. The Modified Project would not contribute more runoff water compared to the Approved Project and as with the Adopted MND, impacts to existing or planned storm water drainage system would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

- f) Otherwise substantially degrade water quality?**

No Impact. As with the Approved Project, the Modified Project would have beneficial impact to the area water quality with the underground drainage system, whereas the existing apartment complex drains directly to the storm water system. As with the Adopted MND, no significant water quality impact is anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

- 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?**

No Impact. The Modified Project would not change the project boundaries and the project site is not within a 100-year flood hazard area as mapped by the Flood Insurance Rate Map (FIRM) (panel ID No. 06059C0377H). As with the Adopted MND, no impact is anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

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h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact. See response to Section 5.9.2(g), above.

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?

No Impact. The City of Newport Beach is subject to flooding hazard from Prado Dam and the Big Canyon Reservoir. However, the Modified Project would not change the project boundaries, and as with the Approved Project, the Modified Project would be required to comply with the emergency evacuation procedures of the City's Emergency Management Plan in the event of dam failure. As with the Adopted MND, impacts would not be significant. No changes or new significant information would change the significance conclusions of the Approved MND.

j) Expose people or structures to inundation by seiche, tsunami, or mudflow?

No Impact. The Modified Project would not change the project boundaries and environmental conditions related to seiche, tsunami, or mudflow would be same as described under the Approved Project. As with the Approved Project, impacts seiche, tsunami, and mudflow would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

5.9.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to hydrology and water quality were identified in the Adopted MND for the Approved Project, and none are required for the Modified Project.

5.10 LAND USE AND PLANNING

5.10.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND concluded that redevelopment of a 54-unit apartment complex to 24 single and duplex residential units would not physically divide an established community and would not conflict with any applicable land use plan, policy, or regulations, including habitat or natural conservation plans.

5.10.2 Impacts Associated with the Proposed Project

Would the proposed project:

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Physically divide an established community?					X
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?				X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?					X

Comments:

a) Physically divide an established community?

No Impact. As with the Approved Project, no physical division of an established community would occur under the Modified Project. As with the Adopted MND, no impact is anticipated, and no changes or new significant information would change the significance conclusions of the Approved MND.

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?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, the Modified Project would comply with the applicable zoning requirements with the exception of the increased setback encroachments, reduction in the minimum distance between buildings, and building height increase. The Adopted MND was previously approved under the MFR (Multi-Family Residential) Zoning District, and subsequent to the approval of the project in 2008, the City adopted a new Zoning Code in 2010, revising the subject site zoning to RM (Multi-Unit Residential). However, under both the previous and current zoning designations, the proposed 24-unit detached condominiums are consistent with the permitted land uses. The Modified Project would not exceed the maximum 54-unit development limit and the 1.75 floor area limit (FAL) applicable to the project site.

Tentative Tract Map

The project consists of the subdivision of 24 airspace condominium units requiring the approval of a Tentative Tract Map. The changes to the site plan do not affect the approval of Tentative Tract Map No.

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2007-001, and the facts in support of the findings required to approve the Tentative Tract Map have not changed. The site remains physically suitable for the type and density proposed.

Modification Permit

As shown in Table 3-1, the previous Zoning Code required a front setback of 20 feet adjacent to River Avenue, a front setback of 20 feet adjacent to Seashore Drive, and side setbacks of 25 feet adjacent to the east and west property lines. The previous Zoning Code also required a minimum building separation of 10 feet between structures. The Adopted MND (pursuant to Modification Permit No. MD2007-044) authorized a reduction of the minimum building separation to 6 feet between structures and reduced setbacks as follows: front setbacks of 10 feet on River Avenue and Seashore Drive, a side setback of 10 feet to the west property line, and a side setback of 4 feet to the east property line. Under the current Zoning Code, a minimum building separation between units is no longer required, and it now requires a front setback of 5 feet adjacent to Seashore Drive, a rear setback of 10 feet adjacent to River Avenue, and side setbacks of 15 feet. As such, despite the changes in Zoning Code setback and separation standards, the Modified Project continues to comply with the setbacks and building separations as approved by the Adopted MND.

Use Permit

The previous Zoning Code limited heights of flat roofs, deck rails, and midpoint of sloping roofs to a maximum of 28 feet and a ridge height for sloping roofs to a maximum of 33 feet. Under the Adopted MND, the Approved Project was authorized to exceed the maximum 28-foot midpoint height limit for 6 duplex units. However, midpoint limitations have been eliminated from the current Zoning Code and replaced with a minimum 3:12 pitch requirement for sloping roofs. The current Zoning Code limits heights of flat roofs and deck rails to 28 feet and sloping roofs with a minimum 3:12 pitch to 33 feet. The Modified Project would meet the minimum 3:12 pitch to 33 feet ridge requirement for sloping roofs. Therefore, the Modified Project would be consistent with the current zoning code and no use permit would be necessary. Therefore, as with the Adopted MND, no land use impacts related to height standards are anticipated.

Coastal Residential Development Permit

Pursuant to Chapter 20.86 of the previous Zoning Code and Chapter 20.34 of the current Zoning Code, the demolition of three or more units within the coastal zone shall be reviewed to ensure compliance with Government Code Section 65590 (commonly known as the 1982 Mello Act) and to replace, if feasible, the demolition of any units occupied by low- or moderate-income tenants. The Mello Act prohibits the City from approving the demolition or conversion of existing housing units occupied by low- or moderate-income households within the Coastal Zone unless provisions are made for their replacement. If feasible, all or any portion of the replacement units must be on the site of the demolished structure or elsewhere in or within three miles of the Coastal Zone. Coastal Residential Development Permit No. CR2007-001 authorized the demolition of the 54-unit apartment building conditioned upon the replacement of six dwelling units affordable to low- and/or moderate-income tenants within three years of demolition. The Modified Project would not change the number of units to be demolished or developed and would be required to comply with the conditions under the Adopted MND concerning providing replacement units. Therefore, no new or substantially more severe land use impacts would occur.

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As with the Adopted MND, the Modified Project would not conflict with any applicable land use plan, policy, or regulations, and less than significant land use impacts are anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. As with the Approved Project, the Modified Project would not disturb or impact any habitat conservation or natural community conservation plan area. As with the Adopted MND, no impact is anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

5.10.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to land use and planning were outlined in the Adopted MND and none were required for the Modified Project.

5.11 MINERAL RESOURCES

5.11.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND concluded that the project site does not contain any known mineral resources and would not impact any designated mineral recovery resource site.

5.11.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?					X
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?					X

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Comments:

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

No Impact. The Modified Project would not change the project site boundaries, and as concluded by the Adopted MND, no impact to mineral resources would occur. No changes or new significant information would change the significance conclusions of the Approved MND.

- 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?**

No Impact. The Modified Project would not change the project site boundaries or use. As concluded by the Adopted MND, the project site is not designated as a mineral recovery resource site and no impacts to mineral resources would occur. No changes or new significant information would change the significance conclusions of the Approved MND.

5.11.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to mineral resources were outlined in the Adopted MND, and none are required for the Modified Project.

5.12 NOISE

5.12.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND concluded that long-term operation noise impacts would be negligible, as the Approved Project would replace the existing 54-unit apartment complex with the 24-unit condominium development. The Adopted MND concluded that the project would generate vibration and noise impacts during construction. Construction noise would occur over a limited period and would occur during the hours prescribed in the City's Municipal Code, noise impacts during construction would be less than significant. Groundborne vibration during demolition activities would have the potential to generate levels that could cause architectural damage to nearby structures. Mitigation measures were recommended to reduce vibration impacts during demolition activities to levels below significance.

5.12.2 Impacts Associated with the Proposed Project

Would the proposed project result in:

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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?				X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	
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?					X
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?					X

Comments:

- 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?**

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. Project-generated noise during the operations phase of the project would be from project-generated traffic (mobile-source noise) and on-site operations (stationary-source noise). The Modified Project would develop the same type of uses and would not change the number of units compared to the Approved Project. Compared to the Approved MND, there would be no additional vehicular trips with the Modified Project. Transportation and stationary noise sources with the Modified Project would be similar to what was analyzed in the Approved MND. In addition, there has been no change in the existing conditions as it related to new roads or the introduction of a major noise source in the vicinity of the project site that could affect the proposed uses. No changes or new significant information would change the significance conclusions of the Approved MND.

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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The proposed project would involve demolition of the existing apartment complex and construction and operation of 24 new residential units. Groundborne vibration is related to the type of equipment utilized and distance to the nearest receptors. The project site would not require pile driving, blasting, or other vibration-intensive activity. As shown on Table 3-1, *Approved Project and Modified Project Comparison Summary*, the Modified Project would require similar grading, building construction and landscaping areas to implement the project as anticipated in the Approved MND. The Modified Project proposes the same type of use with similar structures as analyzed in the Approved MND. Demolition and construction activities with the Modified Project would take place in the same project site boundaries. As the demolition and grading areas and construction methods to develop 3-story residential structures would be similar to anticipated in the Approved MND, implementation of Mitigation Measure No. 6 as stated in the Adopted MND would reduce impacts during project construction to less than significant levels. No changes or new significant information would change the significance conclusions of the Approved MND.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As discussed in response a), the Modified Project would develop the same type of uses and would not change the number of units compared to the Approved Project. Transportation and stationary noise sources with the Modified Project would be similar to what was analyzed in the Approved MND. No changes or new significant information would change the significance conclusions of the Approved MND.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The proposed project would involve demolition of the existing apartment complex and construction and operation of 24 new residential units. Temporary construction noise is related to the type of equipment utilized and distance to the nearest receptors. As shown on Table 3-1, *Approved Project and Modified Project Comparison Summary*, the Modified Project would require similar grading, building construction and landscaping areas to implement the project as anticipated in the Approved MND, as the Modified Project proposes the same type of use with similar structure sizes as analyzed in the Approved MND. Demolition and construction activities with the Modified Project would take place in the same project site boundaries. The demolition and grading areas and construction methods to develop 3-story residential structures would be similar to anticipated in the Approved MND and construction activities would be limited during the daytime hours prescribed in the Municipal Code. No changes or new significant information would change the significance conclusions of the Approved MND.

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- 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?**

No Impact. As discussed in the Approved MND the project site is located outside of the 60 dBA CNEL and 65 dBA CNEL noise contours. There would be no impact and no changes or new significant information would change the significance conclusions of the Approved MND.

- 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. As discussed in the Approved MND, there are no private airstrips located within the vicinity of the project site. There would be no impact and no changes or new significant information would change the significance conclusions of the Approved MND.

5.12.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

6. Demolition of the existing asphalt with a jackhammer within eight feet of the existing residential structures to the southeast of the site shall be prohibited. The construction contractor shall utilize alternative asphalt demolition methods such as a concrete saws and other nonvibratory construction equipment to remove the pavement.

5.13 POPULATION AND HOUSING

5.13.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND determined that Approved Project would result in a net reduction in population and housing impact due to a decrease of 30 units from the existing 54-unit multi-family unit in a residential neighborhood to 24 single and duplex units. Therefore, no net growth inducing impacts were identified.

The Adopted MND also concluded that although the Approved Project would result in a net reduction in the number of rental units, it would not necessitate the construction of replacement housing elsewhere because there are available existing rental units to absorb the displaced housing units.

5.13.2 Impacts Associated with the Proposed Project

Would the proposed project:

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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)?					X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?					X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?					X

Comments:

- 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)?**

No Impact. As with the Approved Project, the Modified Project would develop 24 dwelling units and would not induce substantial population growth in the area. As with the Adopted MND, no impact is anticipated. No changes or new significant information would change the significance conclusions of the Approved MND.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No Impact. As with the Approved Project, the Modified Project would develop 24 dwelling units after demolishing the existing 54-unit apartment complex. No changes related to replacement housing condition would result from the Modified Project, and as with the Adopted MND, impacts would not be significant. No changes or new significant information would change the significance conclusions of the Approved MND.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

No Impact. As with the Approved Project, the Modified Project would develop 24 dwelling units after demolishing the existing 54-unit apartment complex. No changes related to replacement housing condition would result from the Modified Project, and as with the Adopted MND, impacts would not be significant. No changes or new significant information would change the significance conclusions of the Approved MND.

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5.13.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to population and housing were outlined in the Adopted MND, and none were required for the Modified Project.

5.14 PUBLIC SERVICES

5.14.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND concluded that impacts on public services, including fire, police, schools, and other public facilities, as a result of the implementation of the Modified Project would be less than significant.

5.14.2 Impacts Associated with the Proposed Project

Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Fire protection?					X
b) Police protection?					X
c) Schools?					X
d) Parks?					X
e) Other public facilities?					X

Comments:

a) Fire protection?

No Impact. The Modified Project would not increase the number of units to be development. The project site is currently developed with the higher density multifamily residential units and as with the Approved Project, the Modified Project would decrease the on-site density. Therefore, the Modified Project would not have a substantial adverse impact on the fire department's ability to serve the project site. Additionally, all development projects within the City of Newport Beach are required to comply with the most current adopted California Fire Code and other City standards and ordinances. During the building permitting process, the Newport Beach Fire Department would review and approve development plans associated with

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the proposed project to ensure that they provided adequate access, traffic circulation, water, and hydrant systems to support fire department needs. As with the Adopted MND, the Modified Project would result in a less than significant impact on fire protection services. No changes or new significant information would change the significance conclusions of the Approved MND.

b) Police protection?

No Impact. The Modified Project would not change the number of units to be developed. The project site is currently developed with the higher density multifamily residential units, and as with the Approved Project, the Modified Project would decrease the on-site density. No changes in impact to police protection would result from Modified Project implementation. As with the Adopted MND, impacts to police protection would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

c) Schools?

No Impact. The Modified Project would not change the number of units to be developed. The project site is currently developed with the higher density multifamily residential units, and as with the Approved Project, the Modified Project would decrease the on-site density. No changes in impact to schools would result from Modified Project implementation. As with the Adopted MND, impacts to schools protection would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

d) Parks?

No Impact. The Modified Project would not change the number of units to be developed. The project site is currently developed with the higher density multifamily residential units, and as with the Approved Project, the Modified Project would decrease the on-site density. No changes in impact to schools would result from Modified Project implementation. As with the Adopted MND, impacts to schools protection would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

e) Other public facilities?

No Impact. The Modified Project would not change the number of units to be developed. The project site is currently developed with the higher density multifamily residential units, and as with the Approved Project, the Modified Project would decrease the on-site density. The project site and its surrounding area are developed with urban uses and with easily accessible existing public facilities. As with the Approved Project, the Modified Project would not result in substantial adverse impacts to any other public facilities. No changes or new significant information would change the significance conclusions of the Approved MND.

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5.14.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to public services were outlined in the Adopted MND, and none were required for the Modified Project.

5.15 RECREATION

5.15.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND concluded that no significant recreation impacts would occur as a result of the implementation of the Approved Project because the development would result in a reduction of units from 54 to 24 units.

5.15.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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?					X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?					X

Comments:

- 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?**

No Impact. The Modified Project would not change the number of units to be developed. The project site is currently developed with the higher density multifamily residential units, and as with the Approved Project, the Modified Project would decrease the on-site density. No changes in demands to existing neighborhood and regional parks or other recreation facilities would occur. As with the Adopted MND, impacts to

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recreational facilities protection would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

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

No Impact. The Modified Project would not change the number of units to be developed. The project site is currently developed with the higher density multifamily residential units, and as with the Approved Project, the Modified Project would decrease the on-site density. No changes in demands to recreational facilities would occur, and as with the Adopted MND, impacts to recreational facilities protection would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

5.15.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to recreation resources were outlined in the Adopted MND, and none were required for the Modified Project.

5.16 TRANSPORTATION/TRAFFIC

5.16.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND concluded that no significant transportation and traffic impacts would occur as a result of the implementation of the Approved Project because the development would result in a reduction of units from 54 to 24 units, therefore, a reduction of 178 average daily trips (ADT), from 363 ADTs to 185 ADT.

5.16.2 Impacts Associated with the Proposed Project

Would the proposed project:

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?					X
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?					X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	
e) Result in inadequate emergency access?				X	
f) Result in inadequate parking capacity?				X	
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?					X

Comments:

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

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The changes that would occur along River Avenue (i.e., elimination of one curb cut for one single-family unit) from the Approved Project is minor and would not create any new transportation and

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traffic impacts that were not already considered and analyzed in the Adopted MND for the Approved Project. The number of units did not change under the Modified Project, and as with the Approved Project, the Modified Project would decrease the on-site density. A project that generates fewer than 300 ADT is not subject under the City Traffic Phasing Ordinance (TPO) and a project-specific traffic study is not warranted. As with the Approved Project, the Modified Project would result in a net reduction in daily trips, and no substantial changes to existing circulation system would occur. No changes or new significant information would change the significance conclusions of the Approved MND.

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

No Impact. The same number of residential units would be developed under the Modified Project and the elimination of one driveway curb cut for one single-family residence would not create any new traffic impact that were not already considered in the Adopted MND. As with the Approved Project, the Modified Project would result in a net reduction in average daily trips and would not adversely impact the county's congestion management program. Therefore, the level of impact would be less than significant and no changes or new significant information would change the significance conclusions of the Approved MND.

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?

No Impact. The Modified Project would not change the project site boundaries and John Wayne International Airport is the nearest airport to the project site. As with the Approved Project, the Modified Project would not exceed the maximum ridge height of 33 feet. Therefore, no impacts to air traffic levels or patterns would occur under the Modified Project. No changes or new significant information would change the significance conclusions of the Approved MND.

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

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, access to the project site would continue to be provided from River Avenue and Neptune Avenue. Unlike the Approved Project that provided exclusive access to one single-family unit, the main driveway would provide access to all 24 units under the Modified Project, eliminating the need for an exclusive driveway. The slightly modified internal circulation improvements would require approval by the city's engineer for adequate design standards. As with the Approved Project, no sharp curves or dangerous intersection would be created by the Modified Project. Therefore, impacts resulting from hazards due to design features or incompatible uses would not occur. No changes or new significant information would change the significance conclusions of the Approved MND.

e) Result in inadequate emergency access?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. As with the Approved Project, to address fire access needs of the Modified Project, the internal

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drive aisle/private street would be designed in accordance with all applicable design standards for emergency access (e.g., minimum land width and turning radius) and the Modified Project would be required to incorporate all applicable design and safety requirements in the most current adopted fire and building codes of the City of Newport Beach. Therefore, no significant impacts would occur under the Modified Project. No changes or new significant information would change the significance conclusions of the Approved MND.

f) Result in inadequate parking capacity?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The Modified Project would provide 48 garage spaces and 14 guest parking spaces for a total of 62 parking spaces. In addition, one additional onstreet parking would be provided after elimination of the one driveway on River Avenue. The Approved Project would provide 48 garage spaces and 15 guest parking spaces for a total of 63 spaces. However, as with the Approved Project, the Modified Project would exceed the City required 60 spaces, therefore, would not result in inadequate parking capacity. No changes or new significant information would change the significance conclusions of the Approved MND.

g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. As with the Approved Project, the Modified Project would not conflict with adopted policies supporting alternative transportation, and no impacts to alternative transportation (pedestrian, bicycle, or public transportation) would occur as a result of development of the Modified Project. Public transportation is readily available in and around the project area and as with the Approved Project, the Modified Project would also provide required coastal access to Seashore Drive from the project site. Therefore, as with the Adopted MND, the Modified Project would not decrease the performance or safety of alternative transportation facilities and impact would not be significant. No changes or new significant information would change the significance conclusions of the Approved MND.

5.16.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to transportation and traffic resources were outlined in the Adopted MND, and none were required for the Modified Project.

5.17 UTILITIES AND SERVICE SYSTEMS

5.17.1 Summary of Impacts Identified in the Adopted MND

The Adopted MND concluded that no significant utilities and service systems impacts would occur as a result of the implementation of the Approved Project because the development would result in a reduction of units from 54 to 24 units, therefore, decreasing the loading demands for water, sewer, electricity, and gas services.

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5.17.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?					X
b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					X
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?				X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?				X	
e) Result in a determination by the waste water 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?					X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?					X
g) Comply with federal, state, and local statutes and regulations related to solid waste?					X

Comments:

a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?

No Impact. No change in land use would occur under the Modified Project. The proposed 24 residential units proposed under the both Approved Project and Modified Project would not include uses that are subject to wastewater treatment requirements of the Regional Water Quality Control Board. As with the

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Approved Project, no significant impacts would occur. No changes or new significant information would change the significance conclusions of the Approved MND.

- b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

No Impact. The same number of units would be developed under the Modified Project. Therefore, as with the Approved Project, the Modified Project would result in a net reduction in water and sewer treatment demands. As with the Adopted MND, the Modified Project would have beneficial impact on water and sewer treatment and no significant impact would occur. No changes or new significant information would change the significance conclusions of the Approved MND.

- 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?**

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The Modified Project would have the site coverage of 61.9 percent (building footprint and paving) whereas the Approved Project has 71.3 percent. Additionally, as with the Approved Project, the Modified Project would provide filtered underground drainage system to reduce the overall runoffs. The changes in drainage system would be minor and the Modified Project would continue to have beneficial impact on the area storm water drainage facilities as with the Approved Project. Therefore, as with the Approved Project, development of the Modified Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, and the level of impact would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND. The Modified Project would not change the number of units to be developed. Therefore, as with the Approved Project, a net reduction in water demands compared to existing condition is anticipated under the Modified Project. As with the Adopted MND, impacts to water supply would be less than significant. No changes or new significant information would change the significance conclusions of the Approved MND.

- e) Result in a determination by the waste water 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 Modified Project would not change the number of units to be developed and no change in wastewater demand is anticipated. As with the Adopted MND, impacts to wastewater service provider would not be significant. No changes or new significant information would change the significance conclusions of the Approved MND.

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f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact. The Modified Project would not change the number of units to be developed and no change in solid waste demand is anticipated. As with the Adopted MND, impacts to solid waste service provider would not be significant. No changes or new significant information would change the significance conclusions of the Approved MND.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. As with the Approved Project, the Modified Project would comply with all local, state, and federal statutes and regulations related to solid waste. No substantial changes in the type or amount of solid wastes are anticipated under the Modified Project. As with the Adopted MND, impacts related to solid waste would not be significant. No changes or new significant information would change the significance conclusions of the Approved MND.

5.17.3 Mitigation Measures Identified in the Adopted MND and Applicable to the Proposed Project

No mitigation measures related to utilities and service systems were outlined in the Adopted MND, and none were required for the Modified Project.

5.18 MANDATORY FINDINGS OF SIGNIFICANCE

5.18.1 Summary of Impacts Identified in the Adopted MND

According to the Adopted MND, based on the substantiations provided in the Adopted MND and with implementation of the mitigation measures identified therein, the City found that the Approved Project would not have a significant adverse effect on the environment, either individually or cumulatively, directly or indirectly.

5.18.2 Impacts Associated with the Proposed Project

Would the proposed project:

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Environmental Issues	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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 periods of California history or prehistory?					X
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.)					X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?					X

Comments:

- 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 periods of California history or prehistory?**

No Impact. The Adopted MND stated that the Approved Project would not degrade the quality of biological resources or eliminate important examples of the major periods of California history or prehistory. The Modified Project would modify the site layout and design details of the Approved Project and no environmental conditions related to biological resources or cultural resources would be affected by the change. The level of significance (less than significant) remains unchanged from that cited in the Adopted MND.

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- 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.)**

No Impact. As discussed in the respective issue areas of this addendum, as with the Approved Project, the Modified Project would not have cumulatively considerable environmental impacts. Any potentially significant impact would be mitigated to a level of less than significant. As stated in the Adopted MND, the Modified Project would have no cumulatively considerable environmental impacts.

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

No Impact. As with the Approved Project, the Modified Project would result in a net reduction in the number of units to be developed in an urbanized area where supporting infrastructure currently exists. All of the impacts generated by the Modified Project would be reduced to less than significant levels with mitigation measures of the Approved Project incorporated. Cumulative impacts of the Modified Project would not be greater than those determined by the Adopted MND for the Approved Project and the level of significance (less than significant) remains unchanged from that cited in the Adopted MND.

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