INITIAL STUDY FOR:

MARINER'S POINTE

PROJECT

prepared for:

CITY OF NEWPORT BEACH

Contact:
Jaime Murillo
Associate Planner

prepared by:

THE PLANNING CENTER|DC&E

Contact:
JoAnn C. Hadfield
Director, Environmental Services

APRIL 2011

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CNB-11.0E

APRIL 2011

Table of Contents

APPENDICES

A. Valet Plan
B. Air Quality and Greenhouse Gas Emissions Analysis
C. Traffic Impact Analysis
D. Cultural Report
E. Geotechnical Evaluations
F. Preliminary Water Quality Management Plan
G. Shared Parking Analysis
H. Noise Analysis
I. Service Letters

List of Figures

List of Tables

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1. Introduction

The project applicant proposes to construct a two-story building that would provide 23,015 square feet of high end retail and restaurants in addition to office uses on an approximately 0.76-acre site in the City of Newport Beach. A new three-story parking structure would provide up to 136 parking spaces with valet service. The proposed use is consistent with the General Plan designation of General Commercial (CG) for the project site. However, development of the proposed project would require a General Plan Amendment to allow for the floor area ratio (FAR; building floor area divided by land area) to be increased.

The City of Newport Beach, as lead agency for the project, is responsible for preparing environmental documentation in accordance with the California Environmental Quality Act (CEQA) as amended, to determine if approval of the discretionary actions requested and subsequent development could have a significant impact on the environment. This Initial Study will provide the City of Newport Beach with information to document potential impacts of the proposed project.

1.1 PROJECT LOCATION

The 0.76-acre project site is in the northwest corner of the intersection at Dover Drive and West Coast Highway in the City of Newport Beach. The project site consists of six legal lots and is legally described as Lots 1 through 6 inclusive of Tract 1210. The project consists of the following Assessor's Parcel Numbers (APN): 049-280-51, 049-280-53, 049-280-55, 049-280-71, 049-280-72, 049-280-73, and portions of 049-280-56 and 049-280-57. The project site is narrow and elongated in an east–west orientation. Onsite topography is relatively flat bordered to the north by a south-facing slope ranging from approximately 45 to 50 feet in height with a typical gradient of 2:1 (horizontal: vertical). The project would also include the use of the existing offsite surface parking lot at the northwest corner of the intersection of Dover Drive ad Cliff Drive. Figure 1, *Regional Location*, Figure 2, *Local Vicinity*, and Figure 3, *Aerial Photograph*, show the location of the project site and the offsite surface lot within the regional and local contexts of Orange County and the City of Newport Beach, respectively.

1.2 ENVIRONMENTAL SETTING

1.2.1 Existing Land Use

The 0.76-acre site is currently enclosed by a chain-link fence and includes two vacant buildings on the western portion of the site totaling 5,447 square feet and a paved surface parking lot. The westernmost L-shaped building is 3,453 square feet and the building to the east is 1,994 square feet. These buildings, shown on Figures 4a and 4b, *Site Photographs*, are boarded up and in disrepair. Electrical and water utilities are currently disconnected. The site is characterized by cracked pavement, overgrown vegetation and weeds, and an old pole sign. The proposed offsite parking lot at the northwest corner of Dover Drive and Cliff Drive is currently in-use and maintained as a surface lot with 69 parking spaces serving the existing businesses within the commercial plaza.

Also as shown in Figures 4a and 4b, the south-facing slope north of the site is heavily vegetated with various ornamental trees and vegetation. Approximately 30 ornamental fig trees line the eastern half of the northern property line within the site. A large ornamental tree is situated in the northwestern part of the site at the inner corner of the L-shaped building. Three Southern California Edison (SCE) power poles are situated midslope

along the northern property line, with the power lines traversing in an east–west direction. These power lines are currently functioning and delivering power.

Existing site drainage is to the south and east. Drainage to the east enters Dover Street, then a catch basin in Dover Drive, leading to a storm drain that discharges into Lower Newport Bay. Drainage to the south enters Pacific Coast Highway, then a catch basin connecting to a storm drain that also discharges into Lower Newport Bay.

The site has one unsignalized driveway access along Dover Drive and four unsignalized driveway accesses along West Coast Highway. The Coast-Dover bus stop for OCTA Route 1 is located along the property frontage along West Coast Highway. The property fronting the project site just beyond its setback line along Dover Drive is under the jurisdiction of the City of Newport Beach. Furthermore, the property fronting the project site just outside its setback line along West Coast Highway is under the jurisdiction of the California Department of Transportation (Caltrans).

1.2.2 Surrounding Land Use

Surrounding land uses are depicted on Figure 3. The project site is surrounded by single- and multifamily residences to the north and south. The Cliff Haven community single-family residences abut the project site to the north and overlook the site. South of the project site across West Coast Highway is the single-family residential community of Bayshores and multifamily community at the Swale Anchorage Apartments. One-story commercial buildings are adjacent to the west of the project site. East of the project site is Newport Bay and undeveloped open space to the northeast.

1.3 PROJECT DESCRIPTION

The project applicant proposes to construct a two-story commercial/retail building totaling 23,015 gross building square feet and a three-level parking structure totaling 50,274 gross building square feet on the 0.76-acre project site in the northwest quadrant of the intersection at Dover Drive and West Coast Highway. The development would include various commercial/retail uses such as restaurants, specialty retail, and medical office. The site plans for the proposed project are shown on Figure 5a, *Site Plan – Ground Level*, Figure 5b, *Site Plan – Second Level*, and Figure 5c, *Site Plan – Third Level*.

1.3.1 Proposed Land Use

The project would introduce a new high-end commercial/retail complex that includes a two-story building totaling 23,015 gross building square feet and a three-story onsite parking garage. The existing building, curb, and asphalt pavement would be demolished and removed. Potential tenants for eight tenant spaces include: restaurants, a jewelry store, clothing stores, spa, and medical offices. As shown in Figures 6a through 6c, which depict the elevations of the proposed project, the buildings and parking structure would include modulated building masses and rooflines and a variation in building materials and colors. The inclusion of architectural elements such as balconies, tower features (the cupola atop the rotunda), awnings, and ornamental windows and the variation in building elevations and protrusions would add to the visual aesthetics of the buildings and street frontage. The rotunda with the cupola designed at the corner of Dover Drive and West Coast Highway would anchor the east end of the redevelopment.

Regional Location

Site Boundary

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Scale (Feet)

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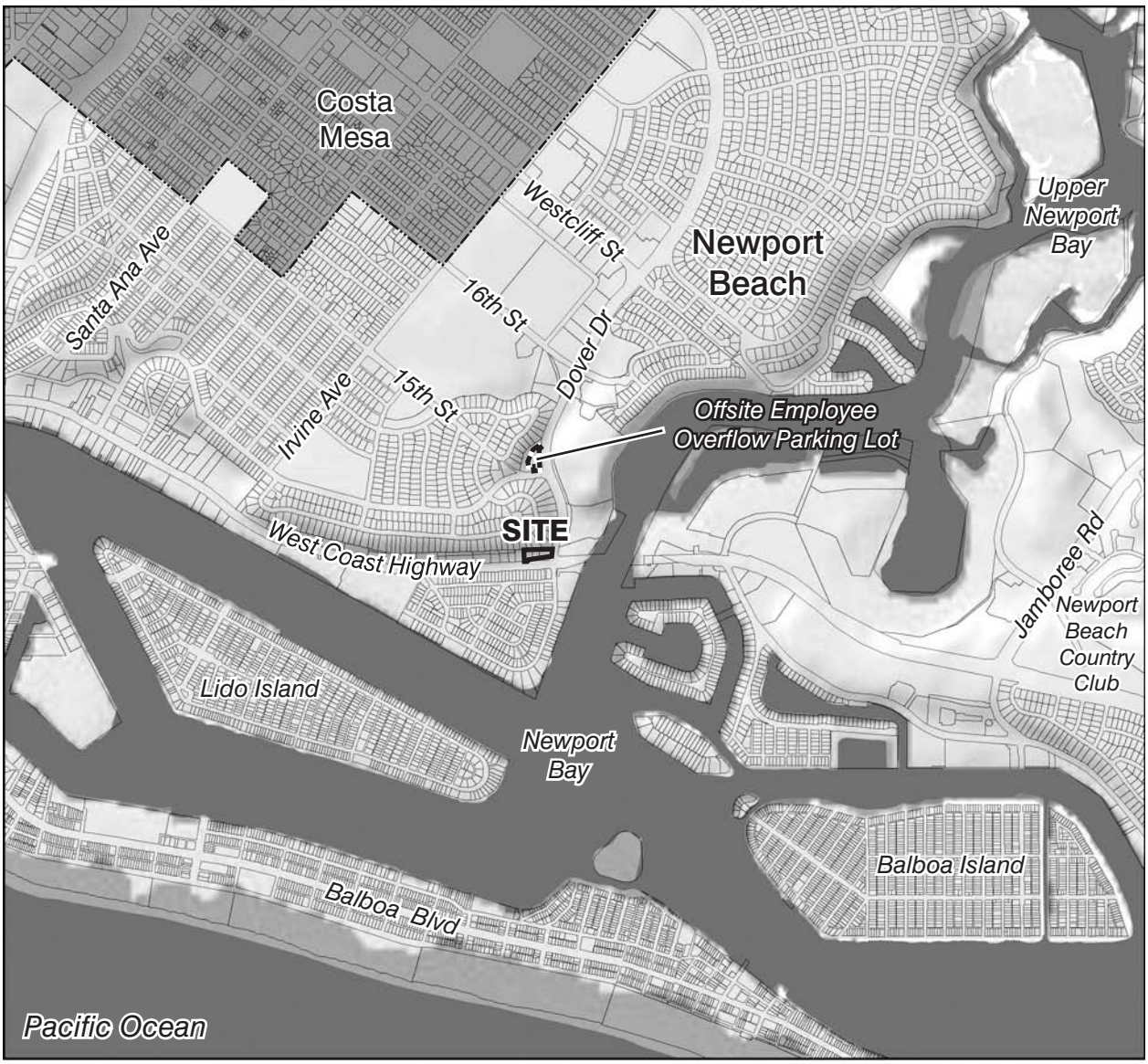
Local Vicinity



City Boundary

Site Boundary

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Aerial Photograph

Main Property Site Boundary

Offsite Employee Overflow Parking Lot

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Scale (Feet)

Source: Google Earth Pro 2011

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Site Photographs

1 View of northwest corner of property looking northeast.

Key Map

5 View of adjacent hillside looking northwest.

2 View of property parking lot looking northeast.

3 View of property looking north.

4 View of property parking lot looking east.

Site Boundary

Source: Google Earth 2011

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Scale (Feet)

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Site Photographs

1 View of West Coast Highway looking east. Property is on left.

Key Map

5 View of Dover Drive and West Coast Highway intersection looking south. Property is on right.

2 View of West Coast Highway looking west. Property is on right.

3 View of Dover Drive looking north. Property is on left.

4 View of eastside of property looking south. Property is on right.

Site Boundary

Source: Google Earth 2011

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Scale (Feet)

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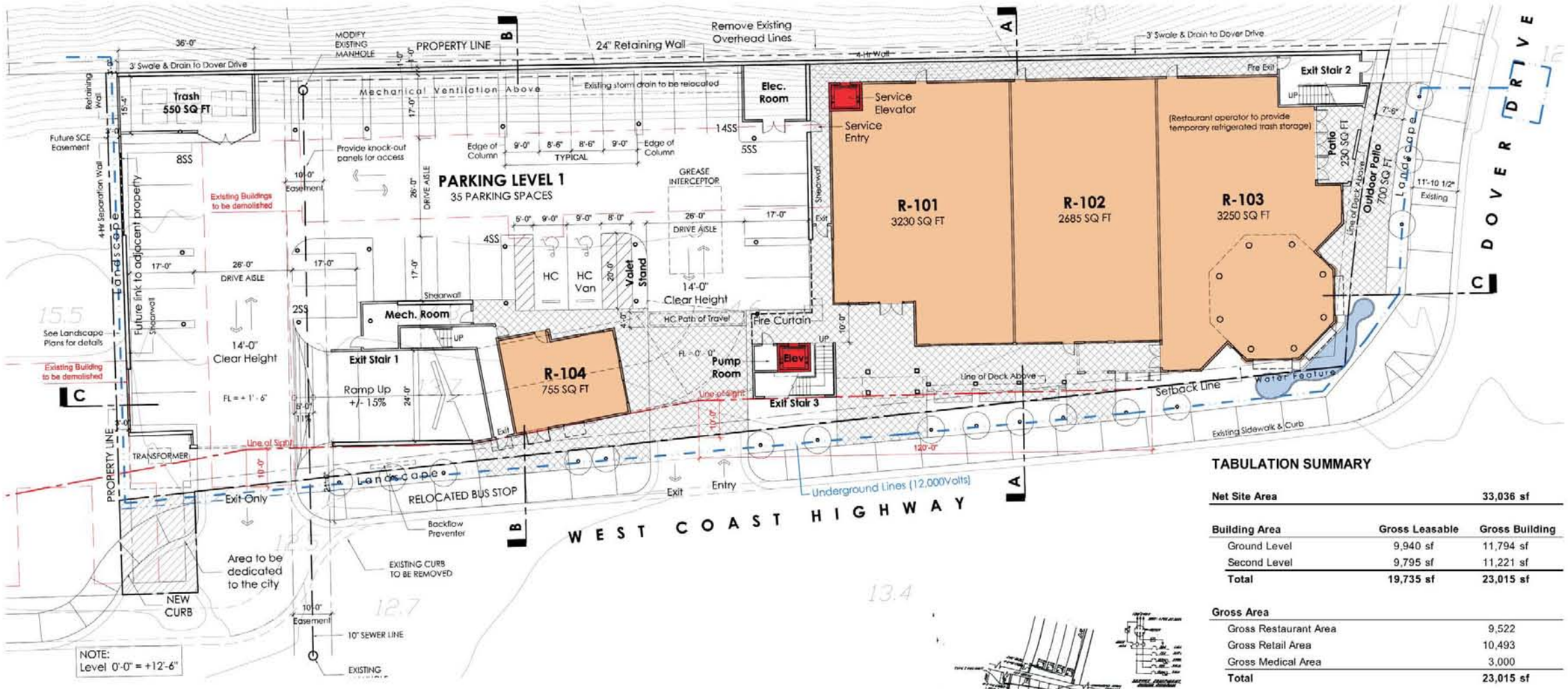
Site Plan - Ground Level



Location Map

Not to Scale

CODE INFORMATION:

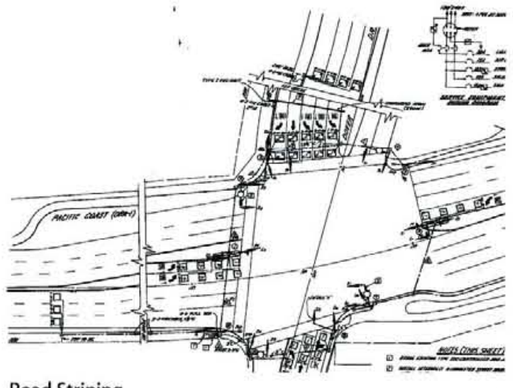
Project to comply with new code to be adopted by the City of Newport Beach - January 2011

Parking Structure:

Type I Construction
Fully sprinklered with smoke detectors

Commercial Building:

Type V Construction
1-Hour with 4-Hour Separation at Property Line



Road Striping

Not to Scale

TABULATION SUMMARY

Net Site Area	**33,036 sf**

Building Area	**Gross Leasable**	**Gross Building**
Ground Level	9,940 sf	11,794 sf
Second Level	9,795 sf	11,221 sf
Total	**19,735 sf**	**23,015 sf**

Gross Area	
Gross Restaurant Area	9,522
Gross Retail Area	10,493
Gross Medical Area	3,000
Total	**23,015 sf**

Parking Provided On-Site

Level		**HC Stalls**	**Standard Stalls**	**Tandem Stalls**	**Valet Only**	**Total**
Ground Level	P1	2	33	0	0	**35**
Second Level	P2	1	24	16	5	**46**
Third Level	P3	2	18	30	5	**55**
Total		**5**	**75**	**46**	**10**	**136**

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Scale (Feet)

Source: Stoutenbourough Architects and Planners 2011

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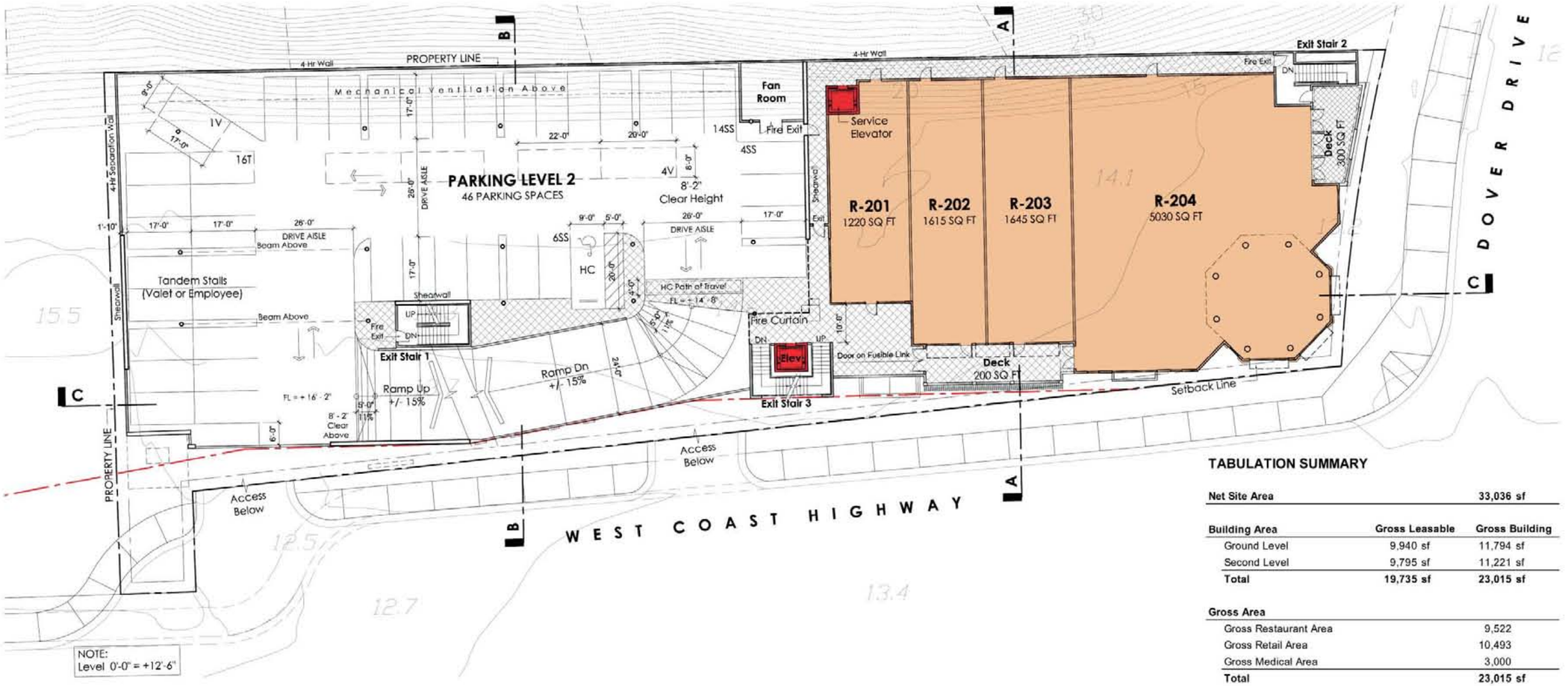
Site Plan - Second Level



Location Map

Not to Scale

TABULATION SUMMARY

Net Site Area	**33,036 sf**

Building Area	**Gross Leasable**	**Gross Building**
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Second Level	9,795 sf	11,221 sf
Total	**19,735 sf**	**23,015 sf**

Gross Area	
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Gross Retail Area	10,493
Gross Medical Area	3,000
Total	**23,015 sf**

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Level		HC Stalls	Standard Stalls	Tandem Stalls	Valet Only	Total
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Second Level	P2	1	24	16	5	**46**
Third Level	P3	2	18	30	5	**55**
Total		**5**	**75**	**46**	**10**	**136**

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Scale (Feet)

Source: Stoutenbourough Architects and Planners 2011

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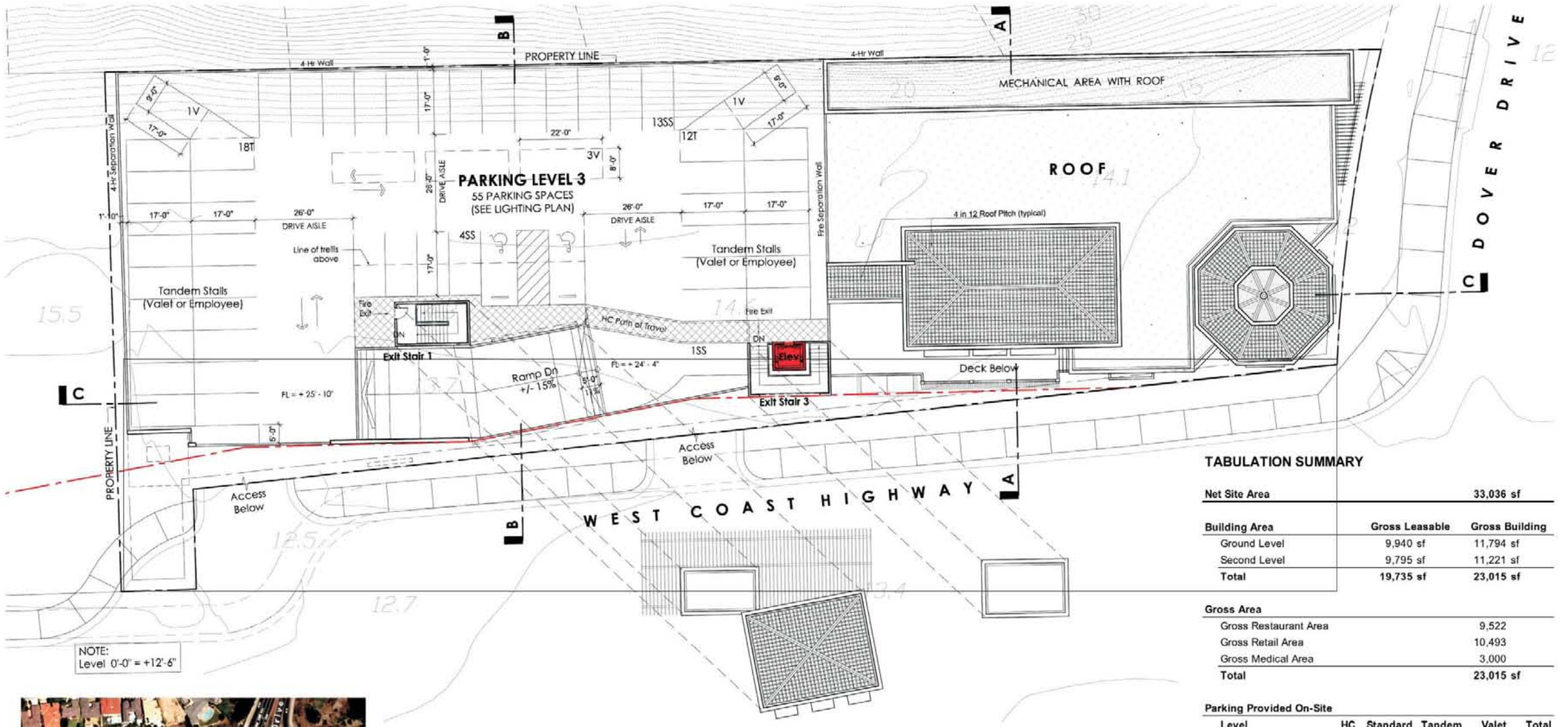
Site Plan - Third Level



Location Map — Not to Scale

TABULATION SUMMARY

Net Site Area	**33,036 sf**

Building Area	**Gross Leasable**	**Gross Building**
Ground Level	9,940 sf	11,794 sf
Second Level	9,795 sf	11,221 sf
Total	**19,735 sf**	**23,015 sf**

Gross Area	
Gross Restaurant Area	9,522
Gross Retail Area	10,493
Gross Medical Area	3,000
Total	**23,015 sf**

Parking Provided On-Site

Level	**HC Stalls**	**Standard Stalls**	**Tandem Stalls**	**Valet Only**	**Total**
Ground Level P1	2	33	0	0	**35**
Second Level P2	1	24	16	5	**46**
Third Level P3	2	18	30	5	**55**
Total	**5**	**75**	**46**	**10**	**136**

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Scale (Feet)

Source: Stoutenbourough Architects and Planners 2011

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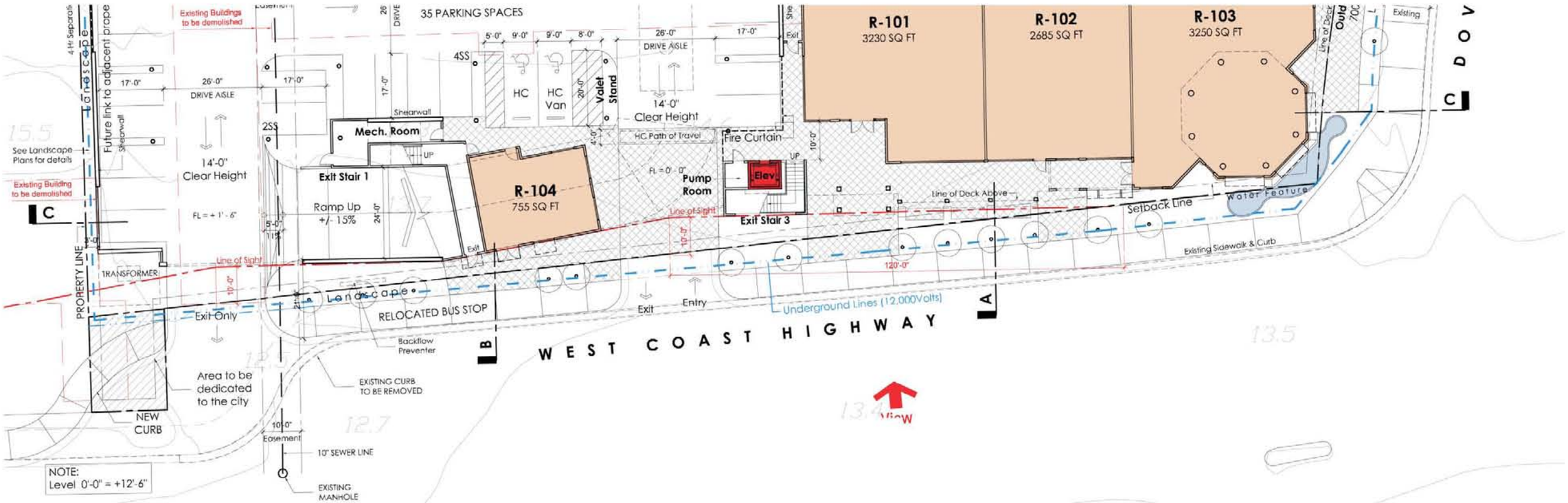
Building Elevations - South

South Elevation - West Coast Highway



Partial Ground Level Plan on Site

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Scale (Feet)

Source: Stoutenbourough Architects and Planners 2011

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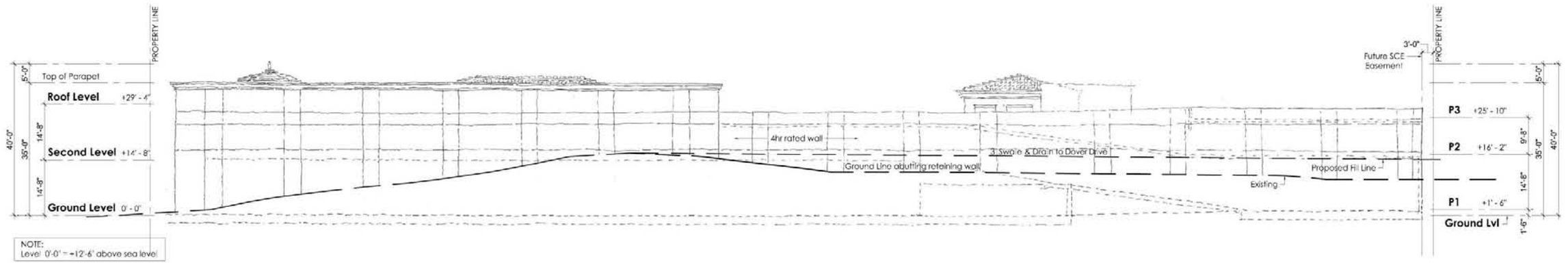
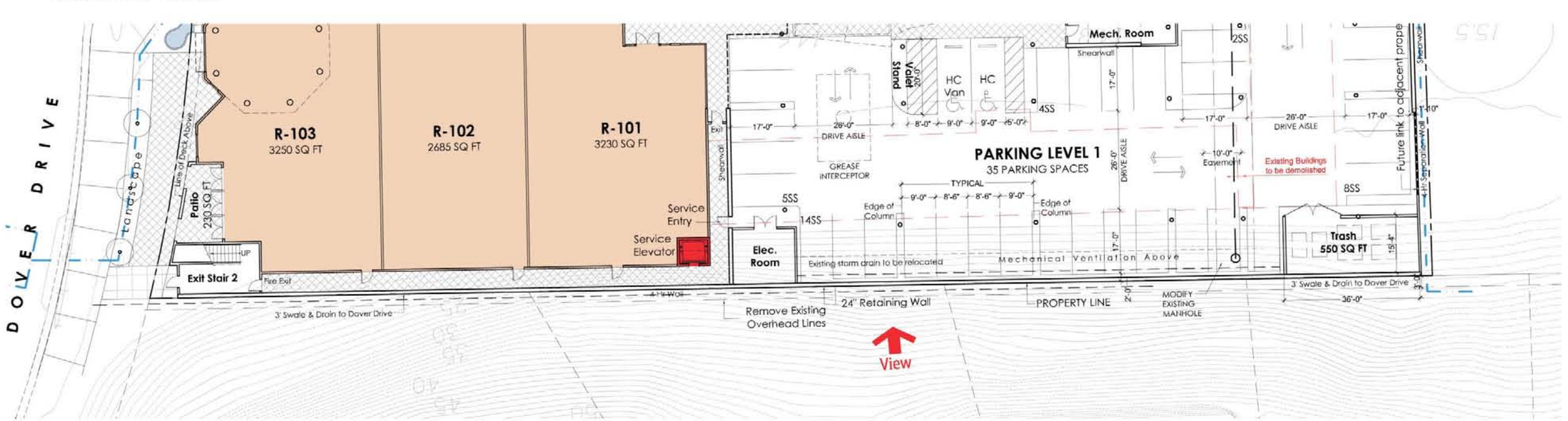
Building Elevations - North



North Elevation - Bluff Side



Partial Ground Level Plan on Site

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Scale (Feet)

Source: Stoutenbourough Architects and Planners 2011

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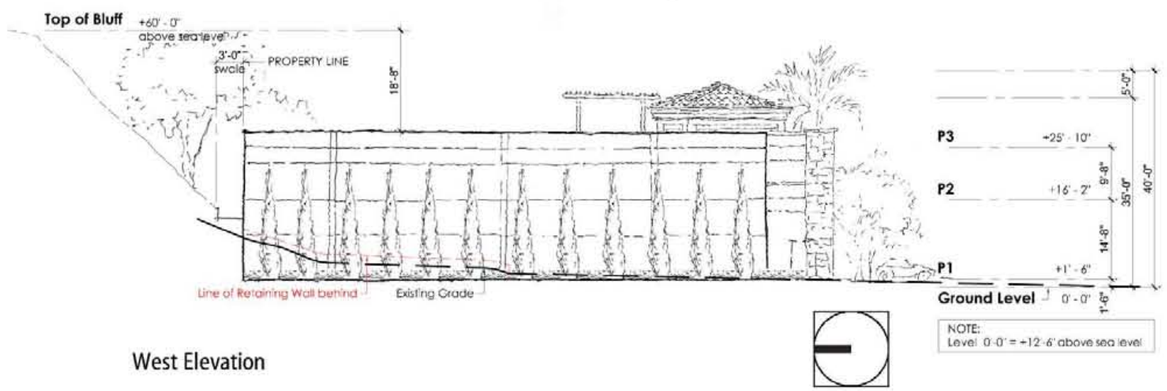
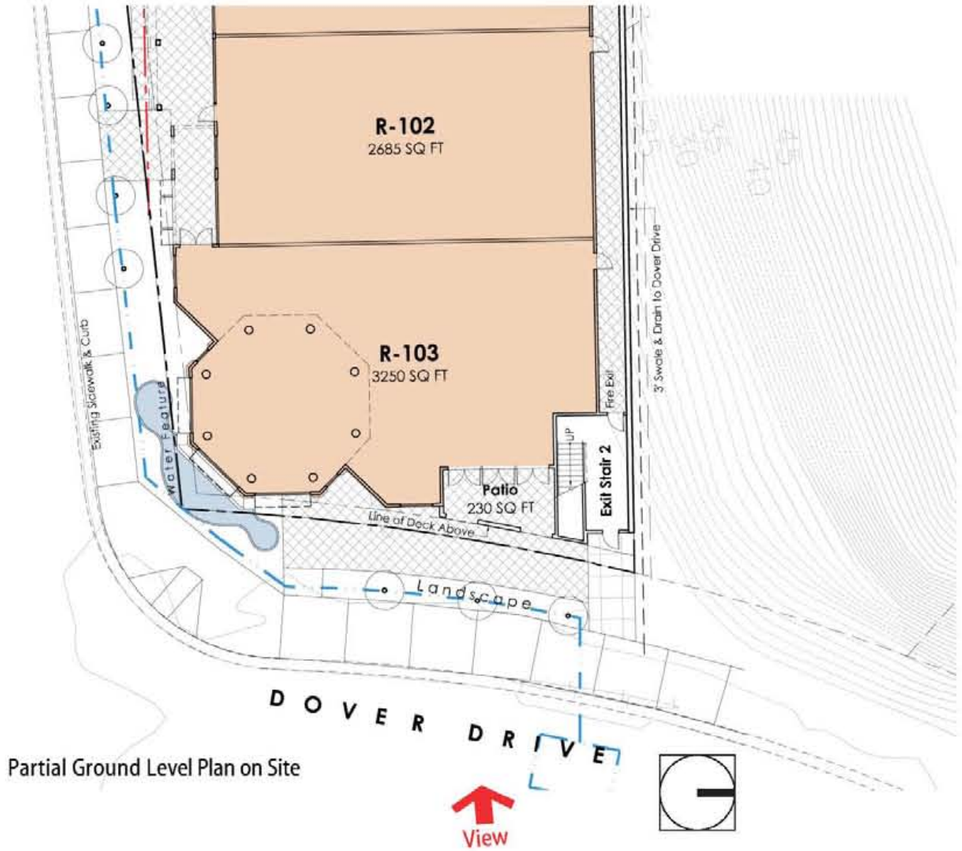
Building Elevations - East and West

East Elevation - Dover Drive



West Elevation



Partial Ground Level Plan on Site

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Scale (Feet)

Source: Stoutenbourough Architects and Planners 2011

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The gross square footage of the first floor of the proposed two-story commercial/retail building would total 11,794 square feet and the second floor would total 11,221 square feet for a total of 23,015 gross building square feet. The anticipated land use mix and square footages are shown in Table 1.

Table 1
Proposed Land Use Mix

Land Use	*Gross Building Square Footage*
Restaurants	10,493 sf
Retail	9,522 sf
Medical Office	3,000 sf
Total	**23,015 sf**

As shown on Figure 7, *Site Plan Cross-Section*, the development would generally be built with a maximum building height of 40 feet and with a sloped roof that would have a 3:12 (vertical rise to horizontal run) pitch. The project would require a discretionary approval via a Site Development Review to exceed the 31-foot base height limitation permitted for the site. Additionally, the planned cupola design atop the rotunda would have a maximum height of approximately 44 feet and would require a Modification Permit to exceed 40 feet. The project as proposed would have a zero lot line setback along the rear of the property. The proposed commercial and parking structures would encroach five feet into the existing slope on the northern portion of the site, which would require a variance.

It is anticipated that the hours of operation for the development would generally be from 9:00 AM to 9:00 PM. Some restaurants may be opened until 1:00 AM.

Landscaping

The proposed project would include a total of approximately 3,005 square feet of landscaping along the frontages of West Coast Highway and Dover Drive. As shown on Figures 8a and 8b, *Landscaping Plan*, the proposed project would include a variety of plant palettes and features with ornamental vegetation and hardscape landscaping designed along the southern and eastern boundaries of the project site. The proposed project would include outdoor patio areas for patron use and dining. The planned 750-square-foot patio area along the eastern elevation would be enclosed behind a low wall and glass screen. A new water feature design of approximately 280 square feet in size would encompass the southeast corner of the project site. A partial encroachment into property under Caltrans jurisdiction along West Coast Highway and Dover Drive would require a Caltrans Encroachment Permit to install these features.

Lighting

Redevelopment of the project site would result in the creation of new light sources to provide nighttime illumination for the proposed buildings (interior and exterior), common areas, and parking areas. Other sources of light would include security lighting, nighttime traffic, and sign illumination. The project would also install lighting within and on top of the third level of the proposed parking structure. As shown in Figure 9, *Third-Level Parking Structure Lighting Plan*, the third level of the parking structure would consist of four different types of light fixtures. The design and orientation of the light fixtures would be designed to primarily illuminate the area atop the third level.

Infrastructure

Shoring and a retaining wall with a height ranging from 2 to 14 feet would be constructed along the northern property line near the base of the existing slope. A three-foot-wide swale and an underground storm drain would be installed along the northern property line and would drain at Dover Drive. The applicant is coordinating with SCE for plans to remove the three power poles and underground the electrical lines traversing the northern property line. A shown in Figure 5a, the powerlines would be undergrounded to run along the project's eastern boundary down to the corner of Dover Drive and West Coast Highway, then run west along the project's southern boundary along West Coast Highway to the southwest corner of the site, and then would run north along the project's western boundary line (proposed SCE easement) to the northwest corner before reconnecting with the existing overhead.

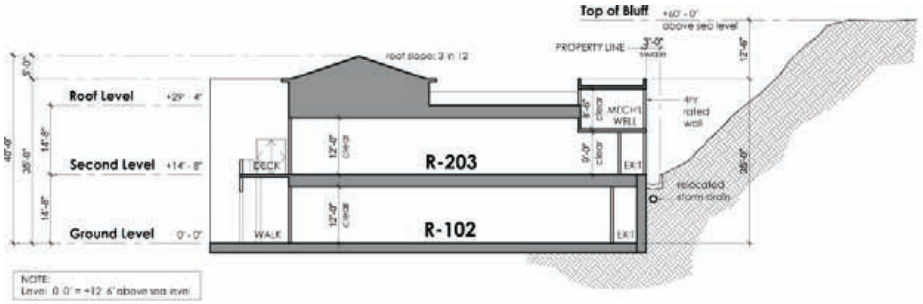
Access and Parking

The proposed project would eliminate the existing five curb cuts at the project site and construct a parking structure to accommodate the project's parking demand. The proposed three-level above-ground parking structure totaling 50,274 gross building square feet would be constructed on the western half of the project site. The parking structure would be approximately 30 feet high, with the exception of a tower feature and stair case and elevator enclosure that would be a maximum of 40 feet high. Architectural treatment would soften the south-facing façade to be consistent with the rest of the project. The proposed parking structure would have two driveways along West Coast Highway. The eastern driveway would allow both ingress and egress. The western driveway would be exit only. All access would be via westbound traffic along West Coast Highway as left turns across the highway at this location are prohibited.

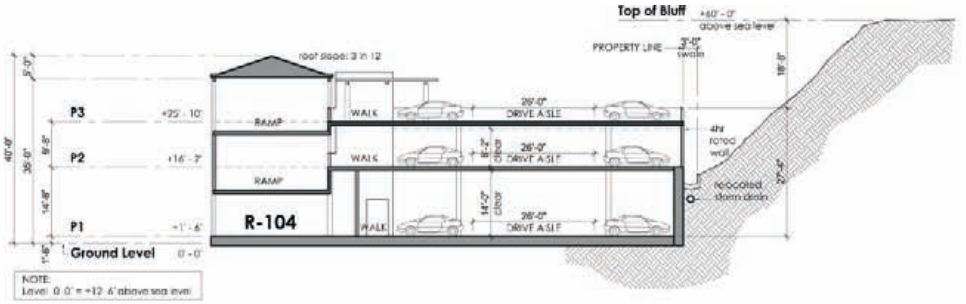
Between Dover Drive and the western property boundary, West Coast Highway narrows from three westbound through lanes to two lanes. The applicant would designate land to the City to extend the third lane for approximately 30 feet. The reconfigure and proposed striping plan would create a designated "Bus Only" area between the two project site driveways.

The proposed parking structure would provide up to 136 parking spaces consisting of standard (single parking space) and tandem (double parking spaces) in addition to valet-only specific aisle and corner stalls. Employee parking would be reserved to the third floor. Valet services would be available to manage parking operations for both employees and patrons from 10:00 AM to closing, Monday through Sunday.

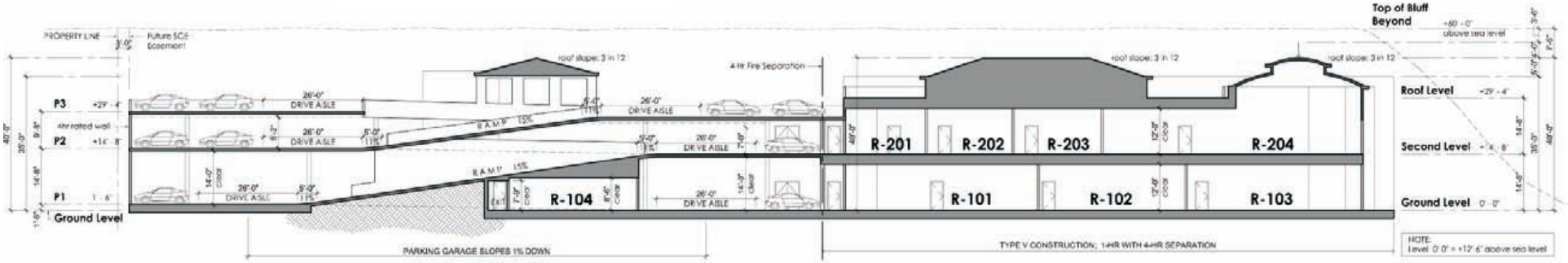
Site Plan Cross-Section



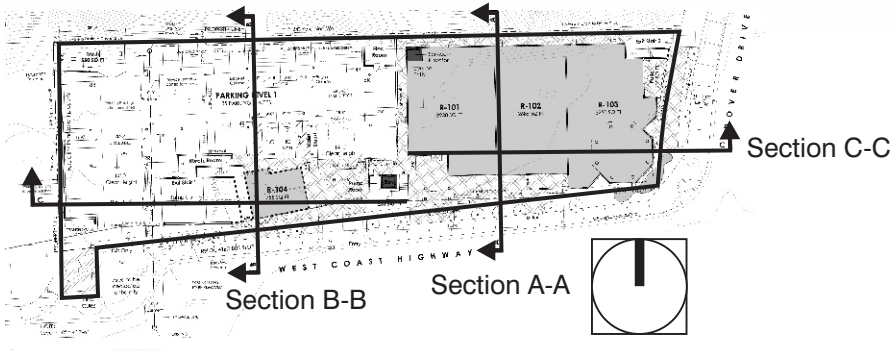
Section A-A



Section B-B



Section C-C



Site Boundary

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Scale (Feet)

Source: Stoutenbourough Architects and Planners 2011

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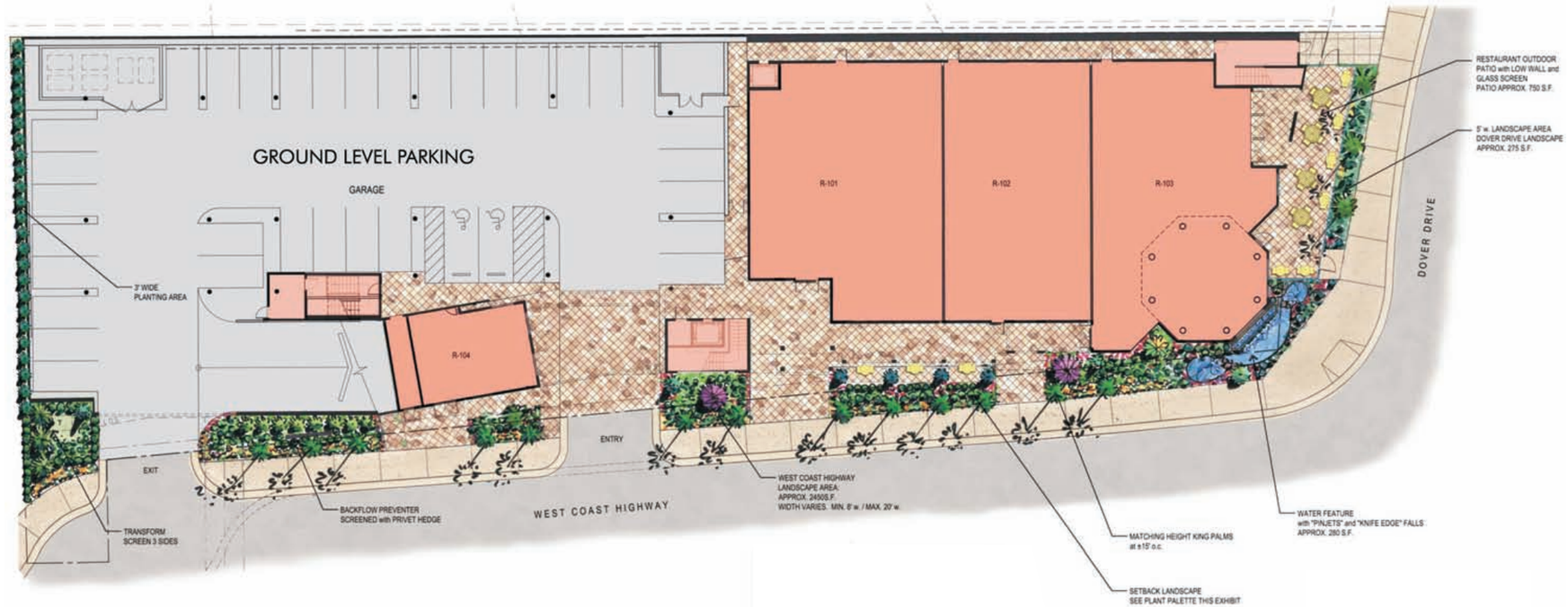
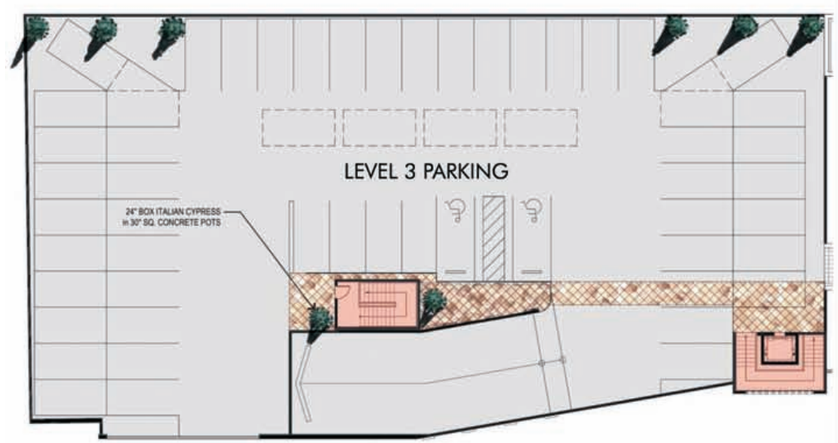
Landscaping Plan





Please see Figure 8b for Plant Palette, Landscape Areas, Preliminary Planting & Irrigation Concepts, Management Practices, and Water Feature Narratives.

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Scale (Feet)

Source: MJS Design Group 2011

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Landscaping Plan

Preliminary Plant Palette

Botanical Name	Common Name	Size:
PACIFIC COAST HIGHWAY EDGE LANDSCAPE (per Section 3.20):		
Palm:		
Washingtonia robusta	Mexican Fan Palm	20' b.t.h
Shrub:		
Ligustrum j. 'Texanum'	Texas Prvet	5 gal. Hedge
P.C.H. and DOVER DRIVE LANDSCAPE SETBACK (from back of walk to face of building):		
Trees and Palms:		
Arbutus 'Marina'	Hybrid Strawberry Tree	24" box
Archontophoenix cunninghamiana	King Palm - multi	36" box
Cupressus sempervirens	Italian Cypress	24" box
Dracaena drago	Dragon Tree-min. 3 arms	24" Box
Magnolia 'Little Gem"	Southern Magnolia	24" box
Olea europeae "Swan Hill"	Fruitless Olive-multi	48" box
Tipuana tipu	Tipu Tree	24" box
Trachycarpus fortunei	Windmill Palm - Hts. Vary	6' to 12' b.t.h.
Tristania conferta	Brisbane Box - low branch	24" box
Shrubs:		
Background: *(minimum 5 gallon size)*		
Prunus caroliniana "Bright and Tight"	Carolina Cherry	
Strelitzia nicolia	Giant Bird of Paradise	
Chamaerops humilis	Mediterranean Fan Palm-multi	
Feijoa sellowiana	Pineapple Guava	
Tecoma stans	Yellow Bells	
Westringia fruiticosa	Coast Rosemary	
Middleground: *(minimum 5 gallon size)*		
Anigozanthos sp. 'Bush Gold'	Kangaroo Paw	
Bougainvillea rosenka	Shrub type Bouganivillea	
Callistemon 'Little John'	Dwarf Bottlebrush	
Dietes bicolor	Butterfly Iris	
Grevillia species	Grevillia	
Hemerocallis hybrids	Evergreen Daylilies	
Pittosporum species	Mock Orange	
Raphiolepis indica species	India Hawthorn	
Strelitzia reginae	Bird of Paradise	
Foreground: *(minimum 1 gallon size)*		
Bouganivillea 'Oo La La'	Bougainvillea	
Carissa m. 'Horizontalis'	Natal Plum	
Carex species	Sedge	
Festuca ovina glauca	Blue Fescue	
Hemerocallis hybrids	Evergreen Daylilies	
Rosmarinus o. prostratus	Dwarf Rosemary	
Trachelospermum jasminoides	Star jJasmine	
Accent / Color shrubs *(minimum 5 gallon size)*		
Aeonium x floribundum	Aeonium Hybrid	
Aloe species	Aloe	
Agave species	Agave	
Cycas revoluta	Sago	
Hesperaloe parvifola	Red Yucca	
Nassella tenuissima	*Mexican Feather Grass*	
Stipa species	Feather Grass	
Vines and Espalliers *(minimum 5 gallon size)*		
Bougainvillea 'La Jolla Red'	Bougainvillea	
Citrus species	Thornless Citrus	
Distictus buccinatoria	Blood Red Trumpet Vine	
Distictus riversii	Royal Trumpet Vine	
Magnolia "Little Gem"	Southern Magnolia	
Solanum jasminoides	Potato Vine	
LEVEL 3 PARKING STRUCTURE (planted in 30" square concrete pots):		
Cupressus sempervirens	Italian Cypress	24" box
NORTH-SIDE of PARKING STRUCTURE		
Pittosporum eugenioides 'Variegata'	Wavy-Leaf Pittosporum	15 gallon at 6' o.c.

LINE OF SIGHT NOTE:
Maintain shrubs at 24" high inside of Line of Sight at driveways and street intersections.

Water Feature Narrative:

The proposed water feature, visible from the intersection of Dover Drive and West Coast Highway, will have a naturalistic form with contemporary influences compatible with the architectural theme.
The maximum water depth is 18". Water effects include a clean, knife-edge water weir falling towards the street at the center and a naturalistic, low water wall at each end of the feature.
The edges, softened by the adjacent plant material will be a combination of eroded, colored concrete and natural stone.
The recirculating water system equipment will be concealed in a vault in the landscape area.
The surface area of the water feature is included in the high water use hydrozone area of the water budget calculation.

Landscape Documentation Package Note:

A landscape documentation package by the project applicant is required to be submitted to the City of Newport Beach pursuant to section 2.1 of the Water Efficient Ordinance Standards.

Landscape Areas:

WEST COAST HIGHWAY	:	2,450 S.F.
DOVER DRIVE	:	275 S.F.
WATER FEATURE	:	280 S.F.
APPROXIMATE TOTAL	:	3,005 S.F.

LANDSCAPE AREA EXCEEDS 2,500 S.F. and IS SUBJECT to N.B.M.C. 14.17 "WATER EFFICIENT LANDSCAPE ORDINANCE"

Preliminary Planting & Irrigation Concept Statement

1. Provide simple, bold and low maintenance landscape planting design which incorporates many non-invasive and water conserving plant types. Landscape elements visible from the public realm will blend with and appear to be an extension of the Mariner's Mile Design Framework landscape objective.
2. Each plant hydrozone shall have plant material with similar water requirements.
3. Provide a variety of plant material shapes, sizes and texture in an informal arrangement compatible with the architectural theme.
4. The landscape potable water irrigation design will be designed to provide the most efficient and conserving means to distribute irrigation water with the latest technology for water conservation.
5. All landscape improvements will meet the requirements contained in the City of Newport Beach Mariner's Mile Design Framework and N.B.M.C. 14.17 "Water Efficient Landscape Ordinance"
6. The Conceptual Landscape Plan has been prepared by a registered Landscape Architect.

Water Quality Best Management Practices (B.M.P.)

1. Planting areas have been incorporated into the hardscape layout. Hardscape paving drains into the landscape areas wherever possible.
2. Surface drainage is directed into the landscape areas to retain significant amounts of water on-site.
3. Roof downspouts daylight or flow into landscape areas wherever possible.
4. Use of low water consumptive plant material and proper irrigation techniques take into consideration hydrozones, sun and shade exposures and soil types.

Source: MJS Design Group 2011

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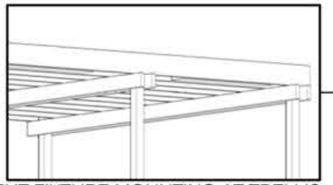
Third-Level Parking Structure Lighting Plan

LUMINAIRE MOUNTING AT PARAPET

FIXTURES SHALL BE FULL CUT-OFF, EMITTING NO LIGHT ABOVE HORIZONTAL

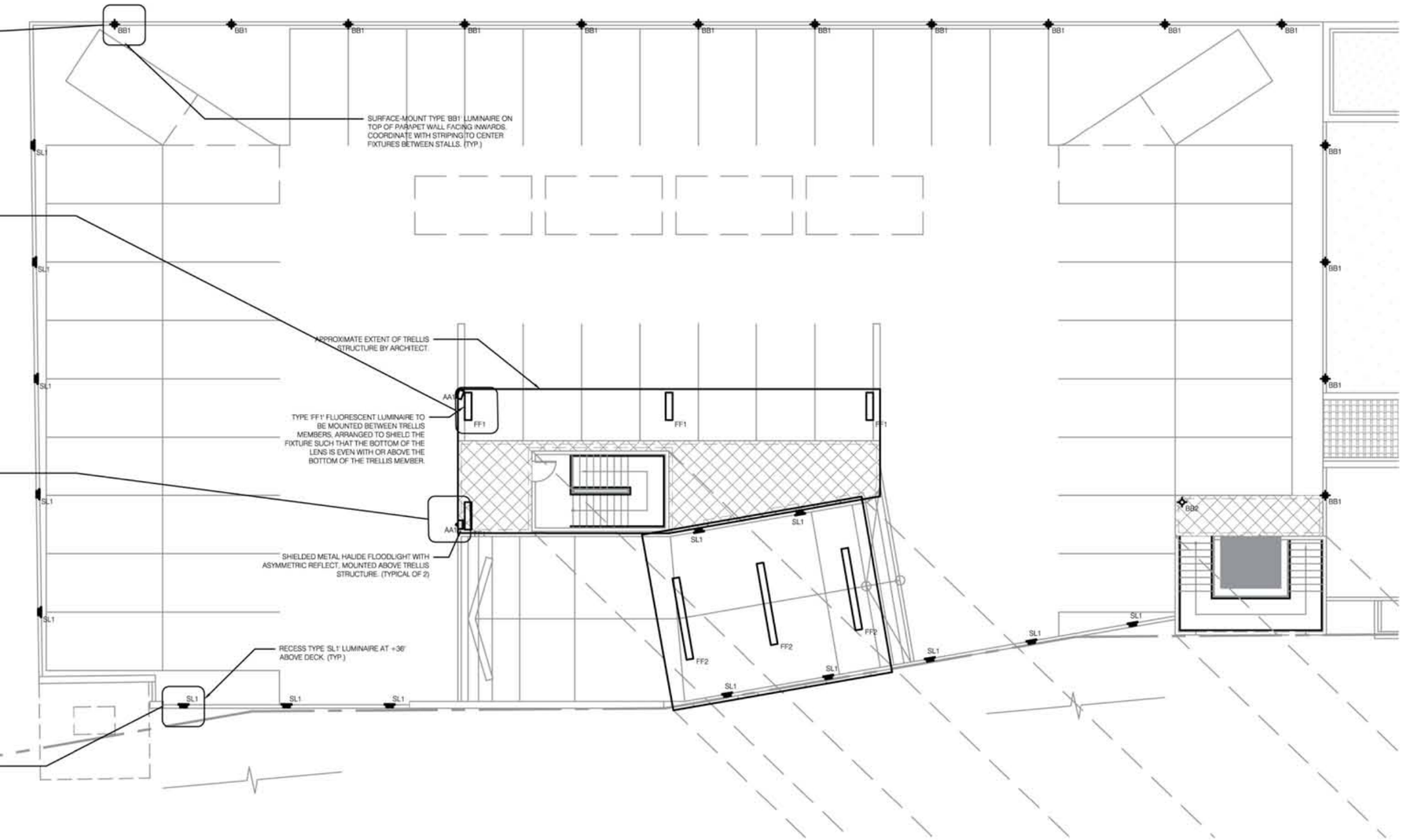


FLUORESCENT FIXTURE MOUNTING AT TRELLIS

WET LOCATION, LENSED FLUORESCENT STRIPLIGHTS TO BE MOUNTED BETWEEN TRELLIS MEMBERS, ARRANGED SUCH THAT THE TRELLIS MEMBERS PREVENT LIGHT FROM LEAVING THE PROJECT SITE AND SHIELD THE FIXTURES FROM VIEW.
THIS IMAGE ILLUSTRATES LIGHTING MOUNTING CONCEPTS ONLY. ACTUAL TRELLIS DESIGN PER ARCHITECT.

ASYMMETRIC FLOODLIGHT AT TRELLIS

RECESSED LIGHTS AT SOUTH WALL



Source: Stoutenborough Architects and Planners 2011

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As shown in Table 2, based on the Valet Plan (see Appendix A to this Initial Study), without valet service, a total of 78 parking spaces would be available. With valet service between the hours of 10:00 AM to 5:00 PM, the proposed parking structure would provide 136 parking spaces. After 5:00 PM, 20 additional offsite parking spaces at the Cliff Drive and Dover Drive intersection surface lot would be available for employees thereby increasing the total parking spaces available to 156 spaces. Approval of conditional use permits would be necessary to allow rooftop parking, to modify the off-street parking requirements, and to establish a parking management plan (valet) for the project.

Table 2
Available Parking Structure
Parking Spaces With and Without Valet Service

	Standard (Spaces)		*Tandem (Spaces)*		*Valet Only (Spaces)*		
Parking Level	*Patron*	*Employee*	*Patron*	*Employee*	*Patron*	*Employee*	*Total*
Without Valet Service							
Proposed Parking Structure							
P1 – Ground Level	32	0	0	0	0	0	32
P2 – Second Level	0	0	0	0	0	0	0
P3 – Third Level	0	20	0	26	0	0	46
Total	**32**	**20**	**0**	**26**	**0**	**0**	**78**
With Valet Service (10:00 AM to 5:00 PM)							
Proposed Parking Structure							
P1 – Ground Level	32	0	0	0	3	0	35
P2 – Second Level	25	0	16	0	5	0	46
P3 – Third Level	0	20	0	26	9	0	55
Total	**60**	**20**	**16**	**26**	**9**	**0**	**136**
With Valet Service (5:00 PM-Close)							
P1 – Ground Level	32	0	0	0	3	0	35
P2 – Second Level	25	0	16	0	5	0	46
P3 – Third Level	0	20	0	26	9	0	55
Offsite Lot	0	20	0	0	0	0	20
Total	**60**	**40**	**16**	**26**	**14**	**0**	**156**

Source: LSA 2011.

Employee Parking

Employees would be required to park in the designated employee parking stalls on the third level of the parking structure. As shown in Table 3, up to 55 employee parking stalls would be provided by the parking structure. All of the stalls would be assigned to specific suites and tandem stalls would be assigned within the same suite. Furthermore, 20 additional employee offsite parking spaces would be available after 5:00 PM. Employees arriving after this time would be directed to the offsite parking if there were no available employee parking spaces in the proposed parking structure. If no available employee parking spaces are available before 5:00 PM, employees would be valet parked.

Table 3
Preliminary Construction Schedule and Equipment Mix

Construction Equipment	Number
Utilities/Trenching (SCE Powerlines) – Anticipated duration of 2 weeks	
Backhoe	1
Utility Truck with Boom and Clamp	1
Demolition (Building) – Anticipated duration of 3 days	
Excavator	1
Front End Loader	1
Demolition (Asphalt/Parking Lot) – Anticipated duration of 4 days	
Excavator	1
Front End Loader	1
Grading – Anticipated duration of 4 days	
Grader	1
Rubber Tired Dozer	1
Front End Loader	1
Water Truck	1
Retention Wall Construction – Anticipated duration of 1 month	
Excavator	1
Utilities/Trenching – Anticipated duration of 4.5 months	
Excavator	1
Front End Loader	1
Building Construction (Commercial Building) – Anticipated duration of 7 months	
Backhoe	1
Compressors	2
Gradall Telehandler	1
Building Construction (Parking Structure) – Anticipated duration of 3 months	
Backhoe	1
Compressors	2
Gradall Telehandler	1

Source: Ridgeway Development, 2011.
Note: Construction dates provided by Ridgeway Development. Construction equipment mix based on comparable projects and verified by Ridgeway Development.

Patron/Valet Parking

On the first level, 32 of the 35 standard parking stalls would be solely reserved for patron use throughout the entire hours of operation of the project. These stalls would be self-parking. The remaining three standard stalls would be reserved for valet use. The second-level parking would be valet parking only. Additionally, this level would be primarily for patron use. In general, a valet kiosk or podium with a valet attendant would be near the elevator on the ground level to greet arriving patrons.

1.3.2 Project Construction

Construction is anticipated to commence upon project approvals and permitting and would also be dependent on coordination of the removal of the three existing power poles and undergrounding of powerlines with SCE. Construction activities are estimated to be completed in 12 months and are preliminarily scheduled to commence in Fall 2011. Construction would consist of demolition and removal of the existing buildings and surface parking lot. Shoring and the planned retention wall would be constructed along the northern property line of the project site. Approximately 1,600 cubic yards of material removed

during trenching operations and construction of the retention wall would be exported to an offsite landfill or dumpsite location using haul trucks. The construction staging area would occur on the project site. However, the applicant is coordinating with the property owner west of the project site to possibly permit use of the site during shoring and retention wall construction and for staging area purposes. The project would be developed in the following sequence using the construction equipment shown in Table 3.

1.4 EXISTING ZONING AND GENERAL PLAN

The current General Plan designation is General Commercial (CG) and the current Zoning is Commercial General (CG). The permitted FAR under the General Plan and zoning designation is 0.3, and the zoning designation of CG provides for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs. The permitted FAR is 0.5 for projects that consolidate parcels to develop larger commercial developments and for which adequate parking is provided.

1.5 CITY ACTION REQUESTED

As part of the project, the project applicant is seeking approval of

- General Plan Amendment: increase the allowable floor area to land area ratio (FAR) for the project site from 0.5 FAR to 0.68 FAR
- Zoning Code Amendment: change the specific floor area limitation for the project site on the Zoning Map from 0.3/0.5 FAR to 0.68 FAR
- Site Development Review: to allow the construction of a 23,015-square-foot, two-story building and a three-story parking structure with a maximum height of 40 feet which is greater than the permitted 31-foot base height limit
- Modification Permit: to allow architectural feature (cupola and finial) to exceed the 40-foot maximum height limit (proposed total height with cupola is 44 feet)
- Conditional Use Permits: to allow rooftop parking, to modify the off-street parking requirements, and to establish a parking management plan for the site (rooftop parking, valet service, and restaurant/ABC)
- Variance: to allow the building to encroach 5 feet into the 5-foot rear yard setback (rear-yard encroachment)
- Parcel Map: to consolidate six lots into one parcel
- Building and Grading Permit

Other approvals required by other agencies include:

- Caltrans: Approval of encroachment permit

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2. Environmental Checklist

2.1 BACKGROUND

1. **Project Title:** Mariner's Pointe.

2. **Lead Agency Name and Address:**
   City of Newport Beach
   3300 Newport Boulevard
   PO Box 1768
   Newport Beach, CA 92658-8915

3. **Contact Person and Phone Number:**
   Jaime Murillo
   (949) 644-3209

4. **Project Location:** The 0.76-acre project site is in the northwest corner of the intersection at Dover Drive and West Coast Highway in the City of Newport Beach. The project consists of the following Assessor's Parcel Numbers (APN): 049-280-51, 049-280-53, 049-280-55, 049-280-71, 049-280-72, 049-280-73, and portions of 049-280-56 and 049-280-57.

5. **Project Sponsor's Name and Address:**
   Glenn Verdult
   1775 Newport Boulevard, #13
   Costa Mesa, CA 92627

6. **General Plan Designation:** General Commercial (CG).

7. **Zoning:** Commercial General (CG).

8. **Description of Project**:
   The existing building and surface parking lot would be demolished and removed to construct the proposed two-story commercial/retail building and three-level parking lot. The gross square footage of the first floor of the proposed two-story commercial/retail building would total 11,794 square feet and the second floor would total 11,221 square feet for a total of 23,015 square feet. The uses would consist 10,493 gross square feet of restaurants, 9,522 gross square feet of retail, and 3,000 square feet of medical/office. Additionally, the project would construct a three-level parking structure that would provide 136 valet and self-parking stalls. A more detailed description of the project is provided in Section 1.3, *Project Description*.

9. Surrounding Land Uses and Setting:
The project site is surrounded by single- and multifamily residences to the north and south. Single-family homes abut the project site to the north and single- and multi-family land uses are south of the project site across West Coast Highway. One-story commercial buildings are adjacent to the west of the project site. East of the project site is Newport Bay and undeveloped open space to the northeast.

10. Other Public Agencies Whose Approval Is Required:
Santa Ana Regional Water Quality Control Board
California Department of Transportation

2.2 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.

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

2.3 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*

Jaime Murillo — *Printed Name*

City of Newport Beach — *For*

2.4 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:

   a) **Earlier Analyses Used.** Identify and state where they are available for review.

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

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

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. 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.

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.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				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	
II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				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
III. AIR QUALITY. 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 project:				
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	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
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
V. CULTURAL RESOURCES. Would the project:				
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	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				
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
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
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

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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
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
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
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 a 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 or provide substantial additional sources of polluted runoff?			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) Inundation by seiche, tsunami, or mudflow?		X		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				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
XI. MINERAL RESOURCES. Would the project:				
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
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			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	
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			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

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the 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:				
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				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
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to 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) 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		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
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
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major 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		

3. Environmental Analysis

Section 2.4 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions contained in the checklist and identifies mitigation measures, if applicable.

3.1 AESTHETICS

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

No Impact. The proposed project would not have an adverse effect on scenic vistas. Vistas provide visual access or panoramic views to a large geographic area and are generally located at a point where surrounding views are greater than one mile away. Panoramic views are usually associated with vantage points over a section of urban or natural areas that provide a geographic orientation not commonly available. Examples of panoramic views might include an urban skyline, valley, mountain range, the ocean, or other water bodies. The Natural Resources Element of the General Plan under Policy NR20.1 and Policy NR20.3 identify public view corridors and public view points to protect significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.

As shown on Figure NR3 of the City's General Plan, the portion of West Coast Highway, on which the project site is located, is not a designated coastal view road and not considered a public view corridor. Therefore, the proposed project would not obstruct, interrupt, or diminish a valued panoramic view and no scenic vista impacts would occur. No mitigation measures are required.

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

No Impact. According to the California Department of Transportation (Caltrans) California Scenic Highway Mapping System and the City of Newport Beach General Plan, the project site is not located on or near a major state-designated scenic highway and is not located on a portion of West Coast Highway that is a City designated coastal view road (Caltrans 2010; Newport Beach 2006). Highway 1 (West Coast Highway) is an eligible state scenic highway; however, it has not been officially designated as a state scenic highway.[1] There are no scenic resources, including native or heritage trees, rock outcroppings, or historic buildings, on the project site (McKenna 2011). No adverse impacts to scenic resources would occur as a result of the proposed project. No mitigation measures are necessary.

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

Less Than Significant Impact. The project site is in a highly urbanized area of the City. As shown in Figures 4a and 4b, *Site Photographs*, the existing visual makeup of the site's street frontage consists of chain-link fencing and patches of dirt. The interior of the site is comprised of two vacant commercial buildings that are boarded up and in disrepair, worn-out and cracked pavement, overgrown vegetation and weeds, and an old pole sign. The south-facing slope north of the site is heavily vegetated. Approximately 30 ornamental fig trees

[1] A state scenic highway changes from eligible to officially designated when the local jurisdiction adopts a scenic corridor protection program, applies to Caltrans for scenic approval, and receives notification from Caltrans that the highway has been designated as a Scenic Highway (Newport Beach GP EIR Aesthetics Section).

are located within the site's northern property boundary along the eastern half of the property. Three Southern California Edison (SCE) power poles are situated mid-slope beyond the northern property line with the power lines traversing in an east-west direction. These power lines are currently functioning and delivering power.

The surrounding area is characterized by commercial and residential development to the north, south and west and Newport Bay to the southeast and east. The immediately adjacent commercial development to the west is vacant, as are several other commercial buildings in the near vicinity westerly of the project site. The site is visible from the residences to the south across West Coast Highway and from the residences in the southeast quadrant of the intersection at West Coast Highway and Dover Drive. Limited views of the project site are afforded to the residences to the north of the site atop the bluff.

As shown in Figures 4a and 4b, the existing commercial building and surface parking lot are not currently in use, and have not been for many years, and are in a highly deteriorated condition. Development of the proposed project on the site would improve the visual and aesthetic conditions of the site and surrounding area. The project site is the eastern gateway for the Mariner's Mile area and the project development would provide an aesthetically improved entryway into this area of the City.

The southern elevation of the proposed project would be visible from West Coast Highway and from some of the multi-family developments to the south across West Coast Highway. While views of the vegetation on the northern slope may be blocked from West Coast Highway due to development of the proposed project, the vegetation is ornamental and not unique along this corridor. Elevations of the proposed buildings and structures are shown in Figures 6a, 6b, and 6c. Figure 7 shows a cross-section of a portion of the project site. As shown in Figure 6a, *Building Elevations – South*, the proposed development would be two stories in height and include appropriately scaled framework of architectural and landscape architectural elements and design, including enhanced landscaping along its frontage and street edge and a water feature (see Figure 6a). Although the massing would be greater than the existing and adjacent buildings, the proposed scale would be comparable to some development farther west along West Coast Highway such as the Balboa Bay Club.

Land Use Policy LU 6.19.6 of the City's General Plan requires implementation of the architecture, landscaping, signage, lighting, sidewalk, etc. requirements/guidelines of the Mariner's Mile Strategic Vision and Design Plan. For example, as outlined in Section 3.2, Pacific Coast Highway Edge Landscape, a minimum four-foot wide planting area (from back of sidewalk to parking lot or building) is required along the entire property frontage for sites fronting Pacific Coast Highway. As shown in Figure 8a, the proposed project would provide a minimum four-foot wide landscaped area along the project frontage. Adherence to the requirements/guidelines of Mariner's Mile Strategic Vision and Design Plan would ensure high quality site design, architecture, landscaping, and streetscapes within the project development and along the project frontage. Project design would also be subject to review by the City's Planning Commission. The proposed project would be compatible with the adjacent land uses and would not degrade the visual character of the site and surroundings. Impacts would be less than significant and no mitigation measures are necessary.

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

Less Than Significant Impact. The project site is currently vacant and unused and no sources of light or glare exist within the confines of the site. However, sources of light and glare do exist in the project area, including those associated with streetlights along West Coast Highway and Dover Drive and from residential and commercial uses to the north, south, and west. Another source of nighttime light in the project area includes vehicular traffic along these roadways.

Redevelopment of the project site would result in the creation of new light sources to provide nighttime illumination for the proposed buildings (interior and exterior), common areas, and parking areas. Other sources of light would include security lighting, nighttime traffic, and sign illumination. The project would also install lighting within and on top of the third level of the proposed parking structure. Lighting from the project site would be visible from surrounding residences to the north (atop the bluff) and south (across West Coast Highway). These new sources of nighttime lighting have the potential to increase nighttime light and glare in the project area.

The City has adopted policies and standards that apply to the installation and illumination of light fixtures. For example, Land Use Policy 5.6.3 of the City's General Plan requires that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significant increase in the overall ambient illumination. The following City standard conditions would also apply to the proposed project:

- ***Standard Lighting Condition 1.*** Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. Parking area lighting shall have zero-cut-off fixtures.

- ***Standard Lighting Condition 2.*** The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

- ***Standard Lighting Condition 3.*** Prior to the issuance of a building permit, the applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Department.

- ***Standard Lighting Condition 4.*** Prior to issuance of the certificate of occupancy or of final building permits, the applicant shall schedule an evening inspection by the Code and Water Quality Enforcement Division to confirm control of light and glare specified in conditions of approval.

Additionally, existing municipal code regulations require that light be shielded and confined within the site boundaries to prevent spillage. The lights associated with the overall project would be directed toward the interior of the site so as not to create impacts to motorists on adjacent roadways or on surrounding residential uses. More specifically, all exterior lighting would be designed, arranged, directed, or shielded in such a manner as to contain direct illumination onsite, in accordance with Section 20.30.070, *Outdoor Lighting*, of the City's Municipal Code, thereby preventing excess illumination and light spillover onto adjoining land uses and/or roadways. Lighting would be installed to accommodate safety and security while minimizing impacts on surrounding residential areas. Parking area lighting would be the minimum necessary to ensure safety for circulation and pedestrians. Development of the proposed project would also be required to comply with California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 6, of the California Code of Regulations, which outlines mandatory provisions for lighting control devices and luminaries.

As shown in Figure 9, *Third Level Parking Structure Lighting Plan*, the third level of the parking structure would consist of four different types of light fixtures. The BB1-type light fixtures would be installed on top of the northern and eastern walls of the parking structure. Light from the BB1 fixtures would be designed with full cut-offs, emitted into the parking lot, and emit no light above horizontal. The FF1 light fixtures would be

installed between trellis member, which would shield the fixture from view and prevent lighting from leaving the project site. The SL1 light fixtures would be recessed into the western and southern walls of the parking structure and are anticipated to have a light output of 2,400 lumens. As shown in Figure 10, *Third Level Parking Structure Lighting Analysis*, the relatively low lumens rating, design, and orientation of the SL1 fixtures would result in low illumination. The AA1 light fixture would consist of a shielded metal halide floodlight with asymmetric reflect. These light fixtures would be mounted on top of the planned trellis structure. This light fixture would have the highest lumens rating and result in the highest illumination. However, as shown in Figures 9 and 11, its design and orientation would result in primarily lighting the area in proximity of its location and would limit light spillover off the project site, including the residences north of the site. Overall, the parking structure light fixtures would be oriented and designed to restrict lighting to the parking structure and to limit light spillover to the adjacent areas, in accordance with the provisions outlined in Section 20.30.070, Outdoor Lighting, of the City's Municipal Code and the standard conditions outlined above.

Land Use Policy LU6.19.6 of the City's General Plan also requires implementation of the specific lighting standards outlined in the Mariner's Mile Strategic Vision and Design Plan. For example, as outlined in Section 5.3, *Lighting*, all parking lot lighting should have zero cut-off fixtures in order to prevent light glare spill-off from the project site. All parking area light fixtures would be installed in accordance with the provisions outlined in the Mariner's Mile Strategic Vision and Design Plan.

With implementation of provisions of the City's Municipal Code, the City's standard conditions, the Building Energy Efficiency Standards, and compliance with the Mariner's Mile Strategic Vision and Design Plan, nighttime lighting and glare impacts and potential light spillover of the proposed project would not occur on surrounding land uses or roadways. Therefore, impacts would be less than significant.

3.2 AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

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

No Impact. The proposed project site is completely developed with urban uses. There are no agricultural resources on the site, and the site is not listed on any of the State Farmland maps. No significant impacts would occur and no mitigation measures are necessary.

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

No Impact. The proposed project site is completely developed with existing urban uses. The site is not zoned for agricultural use, and the site does not fall under a Williamson Act contract. No significant impacts would occur and no mitigation measures are necessary.

Third-Level Parking Structure Lighting Analysis

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Parking Deck	Illuminance	Fc	3.26	24.0	0.5	6.52	48.00

Luminaire Schedule					
Label	Description	Lumens	LLF	LDD	LLD
FF1	Beta BLF-06-W-__-2-032T8F-A	2950	1.000	1	1
BB2	BRM 820_821_822_823-50MV_DX_MED (8_ ROUND LOUVER BOLLARD)	5500	1.000	1	1
BB1	8846P	10000	1.000	1	1
SL1	2852P 32W	2400	1.000	1	1
Ellipt Flood 150	Elliptipar M102 - 150MH	14000	1.000	1	1

Initial Illuminance

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Parking Deck	Illuminance	Fc	2.54	17.9	0.4	6.35	44.75

Luminaire Schedule					
Label	Description	Lumens	LLF	LDD	LLD
FF1	Beta BLF-06-W-__-2-032T8F-A	2950	0.828	0.92	0.9
BB2	BRM 820_821_822_823-50MV_DX_MED (8_ ROUND LOUVER BOLLARD)	5500	0.704	0.8	0.88
BB1	8846P	10000	0.792	0.88	0.9
SL1	2852P 32W	2400	0.792	0.9	0.88
Ellipt Flood 150	Elliptipar M102 - 150MH	14000	0.704	0.8	0.88

Maintained Illuminance

0 30
Scale (Feet)

Source: Stoutenborough Architects and Planners 2011

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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 and immediate surrounding area are urbanized. There is no forest land on the project site or in the vicinity of the project site. The project would not affect or conflict with forest land or timberland. In addition, the site is zoned as Commercial General (CG) and therefore would not conflict with or cause a rezoning of any timberland production zoned areas. No impacts would occur, and no mitigation measures are required.

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

No Impact. The project site and immediate vicinity are urbanized. In addition, the project site is already developed commercial site. Therefore, project would not result in the loss of forest land or otherwise impact or affect forest land. No impacts would occur, and no mitigation measures are required.

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 and surrounding area do not have any agricultural uses or forest land and there would not be any potential loss of agricultural or forest land. No impact would occur as a result of the proposed project and no mitigation measures are required.

3.3 AIR QUALITY

The primary air pollutants of concern for which ambient air quality standards (AAQS) have been established are ozone (O_3), carbon monoxide (CO), coarse inhalable particulate matter (PM_{10}), fine inhalable particulate matter ($PM_{2.5}$), sulfur oxides (SO_x), oxides of nitrogen (NO_x), and lead (Pb).

Geographic areas are classified under the National and California Clean Air Act as either in attainment or nonattainment for each criteria pollutant based on whether the AAQS have been achieved. The South Coast Air Basin (SoCAB), which is managed by the South Coast Air Quality Management District (SCAQMD), is designated as nonattainment for O_3 and $PM_{2.5}$ under the National and California AAQS, and nonattainment for PM_{10}, NO_x, and Pb (Los Angeles County only) under the California AAQS.[2] The analysis in this section is based partly on the following analysis, which is included as Appendix B to this Initial Study:

- *Air Quality and Greenhouse Gas Emissions Analysis*, The Planning Center|DC&E, March 2011.

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 project:

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

Less Than Significant Impact. A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the air quality management plan (AQMP). It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration

[2] California Air Resources Board (CARB), based on 2010 State Area Designations, current as of March 25, 2010, and National Area Designations, current as of February 2009.

at an early enough stage to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to clean air goals contained in the AQMP. The most recent adopted comprehensive plan is the 2007 AQMP, which was adopted on June 1, 2007 (see Appendix B to this Initial Study for a description of the 2007 AQMP).

The proposed project is not a regionally significant project that would warrant Intergovernmental Review by the Southern California Association of Governments (SCAG 2010). Therefore, the proposed project does not have the potential to substantially affect housing, employment, and population projections within the southern California region, which is the basis of the AQMP projections. Furthermore, regional emissions generated by construction and operation of the proposed project would be less than SCAQMD emissions thresholds, and would not be considered by SCAQMD to be a substantial source of air pollutant emissions. The project would not conflict or obstruct implementation of the AQMP and impacts are less than significant in this regard.

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

Less Than Significant Impact. The following describes project-related impacts from short-term construction activities and long-term operation of the project.

Short-Term Air Quality Impacts

Construction activities would result in the generation of air pollutants including: exhaust emissions from powered construction equipment and motor vehicles; dust generated by grading, earthmoving, and other construction activities and; volatile organic compound (VOC) emissions from application of asphalt, paints, and coatings. Construction emissions estimates are shown in Table 4 and are based on the schedule and equipment assumptions included in Table 3 and also on the export of the 1,600 cy of soil material to an offsite landfill. As shown in the Table 4, all emissions from construction-related activities are less than the SCAQMD regional significance threshold values. Therefore, short-term regional air quality impacts would be less than significant and no mitigation measures are required.

Table 4
Maximum Daily Construction Emissions

Source[1]	Pollutants (lb/day)					
	VOC	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Utilities/Trenching (SCE powerlines)	2	13	6	<1	1	1
Demolition (Building)	2	15	10	<1	2	1
Demolition (Parking Lot)	2	14	10	<1	2	1
Grading[2]	2	16	10	<1	2	1
Retention Wall Construction	2	15	11	<1	6	1
Building Construction (Parking Structure)	4	21	16	<1	2	2
Utilities/Trenching	2	13	9	<1	1	1
Building Construction (Commercial Building)	4	26	23	<1	7	2
Architectural Coating	38	3	2	0	<1	<1
Maximum Daily Emissions	42	39	32	<1	8	3
SCAQMD Threshold	75	100	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: CalEEMod, Version 2011.1.1.
[1] Air quality modeling based on construction phasing and equipment list provided and verified by project applicant.
[2] Fugitive dust emissions assume application of Rule 403, which includes watering exposed surfaces at least two times daily, and managing haul road dust by water two times daily, and restricting speeds on onsite to 15 miles per hour.
[3] Assumes air pollutant emissions generated from soil haul operations related to the export of 1,600 cubic yards of soil material to an offsite landfill.

Long-Term Operation Impacts

Long-term air pollutant emissions generated by a project are typically associated with burning fossil fuels in cars and trucks (mobile sources), and in building heating systems and landscaping equipment (stationary sources) in addition to energy usage. Air pollutant emissions associated with project-related vehicular trips and stationary sources are calculated and are shown in Table 5. Vehicle trips generation is based on the project traffic study included as Appendix C to this Initial Study. As shown, all emissions from operation-related activities are less than the SCAQMD regional significance thresholds. Therefore, long-term regional air quality impact would be less than significant and no mitigation measures are required.

Table 5
Maximum Daily Operational Phase Regional Emissions
(in pounds per day)

	VOC	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Summer						
Area Sources	2	0	0	0	0	0
Energy Sources	<1	1	1	<1	<1	<1
Mobile Sources[1]	14	11	64	<1	16	1
Total Emissions	**16**	**12**	**65**	**<1**	**17**	**1**
SCAQMD Regional Threshold	55	55	550	150	150	55
Significant?	No	No	No	No	No	No
Winter						
Area Sources	2	0	0	0	0	0
Energy Sources	<1	1	1	<1	<1	<1
Mobile Sources[1]	16	12	68	<1	16	1
Total Emissions	**18**	**13**	**69**	**<1**	**17**	**1**
SCAQMD Regional Threshold	55	55	550	150	150	55
Significant?	No	No	No	No	No	No

Source: CalEEMod, Version 2011.1.1.

[1] Based on land use mix that would that would yield a higher project trip generation compared to the actual land use mix proposed, therefore the mobile source emissions shown are conservative. Please see Table 23 for comparison of trips between the land use mix assumed in the RBF traffic study and the actual proposed land use mix proposed for the project.

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 Impact. According to the SCAQMD methodology, any project that does not exceed, or can be mitigated to less than, the daily threshold values will not add significantly to the cumulative impact. Construction and operational activities would not result in emissions in excess of SCAQMD's daily threshold values, and therefore the project would not result in cumulatively considerable net increase in criteria pollutants.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Unlike the regional construction and operational emissions shown in Tables 4 and 5, which are measured in pounds per day, the localized emission concentrations are measured in parts per million and refer to the amount of pollutant in a volume of air. These emissions can be directly correlated to health effects. The localized air pollution is evaluated against the localized significance thresholds (LST), which are based on the ambient concentrations of a pollutant within the project Source Receptor Area, the size of the project site, and distance to the nearest sensitive receptor. LSTs represent the maximum emissions from a project site that are not expected to cause or contribute to an exceedance of the most stringent national or state AAQS.

LSTs are based on the California AAQS, which are the most stringent AAQS established to provide a margin of safety in the protection of the public health and welfare. They are designed to protect those sensitive receptors most susceptible to respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. The closest receptor distance for the LST methodology is within 25 meters. Projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters

(SCAQMD 2008). If emissions exceed the LST for the site and no mitigation is available to reduce emissions below the LSTs, then dispersion modeling should be conducted.

Construction LSTs

The closest sensitive receptors surrounding the site include the adjacent residences to the north of the project site, within 82 feet (25 meters) of the boundary of the site. Emissions generated by construction activities would temporarily increase pollutant concentrations from onsite equipment (primarily mobile emissions) and fugitive dust (PM_{10} and $PM_{2.5}$). Table 6 shows the localized maximum daily construction emissions. As shown, project-related construction emissions would not exceed the LST screening level criteria for NO_X, CO, PM_{10}, and $PM_{2.5}$ and therefore, construction emissions would not exceed the CAAQS. The project would not expose sensitive receptors to substantial pollutant concentrations and short-term local air quality impacts would be less than significant. No mitigation measures are necessary.

Table 6
Localized Onsite Construction Emissions
(in pounds per day)

Source[1]	*NO_x*	*CO*	*PM_{10}*	*$PM_{2.5}$*
Utilities/Trenching (SCE powerlines)	13	5	1	1
Demolition (Building)	11	7	1	1
Demolition (Parking Lot)	11	7	1	1
Grading[2]	16	10	2	1
Retention Wall Construction	10	7	1	1
Building Construction (Parking Structure)	19	12	2	2
Utilities/Trenching	13	8	1	1
Building Construction (Commercial Building)	19	12	2	2
Architectural Coating	3	2	<1	<1
Maximum Daily Onsite Construction Emissions	34	22	3	2.9[3]
SCAQMD Localized Threshold	92	647	4	3
Exceeds Localized Significance Threshold?	No	No	No	No

Source: CalEEMod, Version 2011.1.1, SCAQMD 2003, and SCAQMD 2006: Based on LSTs for a project site in SRA 18 for a 0.76-acre site within sensitive receptors located at a distance of 82 feet (25 meters). Only onsite air pollutant emissions as per SCAQMD guidance.

[1] Air quality modeling based on construction phasing and equipment list provided and verified by project applicant.

[2] Fugitive dust emissions assume application of Rule 403, which includes watering exposed surfaces at least two times daily, and managing haul road dust by water two times daily, and restricting speeds on onsite to 15 miles per hour.

[3] Project-related maximum daily onsite $PM_{2.5}$ emissions would be 2.9 lbs/day and would not exceed the $PM_{2.5}$ LST screening criterion of 3 lbs/day.

Operational LST

Operational activities would generate air pollutant emissions from onsite equipment (primarily stationary emissions). Table 7 shows localized maximum daily operational emissions. As shown in this table, maximum daily operational emissions would not exceed SCAQMD LST; therefore, operational emissions would not exceed the CAAQS and project operation would not expose sensitive receptors to substantial pollutant concentrations. Operational LST impacts would be less than significant and no mitigation measures are necessary.

Table 7
Localized Onsite Operational Emissions

Source	Pollutants (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Area Source	0	0	0	0
Energy Source	1	1	<1	<1
Maximum Daily Onsite Operation Emissions	1	1	<1	<1
SCAQMD LST	92	647	1	1
Exceeds Threshold	No	No	No	No

Source: CalEEMod, Version 2011.1.1, and SCAQMD 2006, Appendix B: Based on LSTs for a project site in SRA 18 for a 0.76-acre site within sensitive receptors located at 25 meters (82 feet).

Carbon Monoxide Hotspots

An air quality impact would be considered significant if the generated CO emission levels exceed the state or federal AAQS, which would expose receptors to substantial pollutant concentrations. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to AAQS is typically demonstrated through an analysis of localized concentrations.

Vehicle congestion has the potential to create elevated concentrations of CO called "hot spots." Thresholds for CO are state 1-hour standard of 20 ppm or the 8-hour standard of 9 ppm, and federal 1-hour standard of 35 ppm or the 8-hour standard of 9 ppm. Thus, a significant impact would use the more restrictive state standard prior to the federal standard. Typical hot spot locations are where traffic congestion is highest such as at intersections where vehicles line up or slow down. CO hotspots have been found to occur only at intersections that operate at or below level of service (LOS) E (Caltrans 1997).

Based on the traffic impact analysis prepared by RBF Engineering (2011), the study area intersections would operate at LOS D or better with the proposed project. Therefore, sensitive receptors in the area would not be substantially affected by CO emissions generated by operation of the proposed project. Localized air quality impacts related to mobile-source emissions would therefore be less than significant.

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

Less Than Significant Impact. The project would not emit objectionable odors that would affect a substantial number of people. The threshold for odor is if a project creates an odor nuisance pursuant to SCAQMD Rule 402, Nuisance, which states:

> A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The proposed commercial development would not include

these types of uses and would have an enclosed trash area. Therefore, the proposed project would not generate objectionable odors that would lead to a public nuisance and operational impacts would be less than significant. No mitigation measures are necessary.

During construction activities, construction equipment exhaust, application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary, intermittent in nature, and would not constitute a public nuisance. Impacts associated with construction-generated odors would be less than significant. No mitigation measures are necessary.

3.4 BIOLOGICAL RESOURCES

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?

Less Than Significant Impact. The site is developed with buildings and an asphalt parking lot and includes a strip of ornamental vegetation behind to the north of the L-shaped building. Other existing vegetation onsite includes two ornamental trees in the western part of the site as well as some small herbs (that is, flowering plants without woody stems) that are growing through cracks in the parking lot. The project would remove all of the existing vegetation onsite including the fig trees (*Ficus sp.*) growing next to the eastern part of the northern site boundary.

There are records of observations of 38 sensitive species in the Newport Beach quadrangle on the California Natural Diversity Database (CNDDB; CDFG 2011). Fifteen of those species are plants, six are arthropods including insects, one is a mollusk, one an amphibian, two are reptiles, eight are birds, and five are mammals. There is no native habitat, and no sensitive plant species, onsite. There is no vegetation onsite that would be of sufficient importance to any sensitive animal species that removal of the vegetation would have a substantial adverse effect for any such species. The project site is not within an area deemed biologically sensitive in the Natural Resources Element of the City of Newport Beach General Plan (Newport Beach 2006). Impacts to sensitive species would be less than significant and no mitigation measures are necessary.

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. Riparian habitats are those along banks of rivers or streams. There are no rivers or streams, and no riparian habitat, onsite. In addition, per the Natural Resources Element of the City of Newport Beach General Plan, the project site is not located within an area deemed biologically sensitive (Newport Beach 2006). Occurrences of four sensitive natural communities within the Newport Beach Quadrangle are listed in the CNDDB (CDFG 2011). None of those natural communities occur on or next to the site. The project site is not within an area deemed biologically sensitive in the City of Newport Beach General Plan (Newport Beach 2006). No impact to riparian habitats or other sensitive natural communities would occur.

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. There are no US Geological Survey (USGS) streams or other water bodies on the site. The National Wetlands Mapper does not show any wetlands on or next to the site (USFWS 2010a). Wetlands are

defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. The entire site is developed with buildings and a parking lot, and thus there are no wetlands onsite. No project impacts would occur.

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?

Less Than Significant Impact With Mitigation Incorporated. The project site is developed and surrounded by urbanized land uses, including West Coast Highway, Dover Drive, and commercial and residential development. Therefore, the site is not available for overland wildlife movement. The project would remove two ornamental trees onsite and the fig trees growing next to the northern site boundary; these trees could provide foraging and nesting habitat for birds. The Migratory Bird Treaty Act of 1918 (MBTA) implements the United States' commitment to four treaties with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. The USFWS administers permits to take migratory birds in accordance with the MBTA. The applicant would be required to comply with the MBTA, as described in the mitigation measure below. Adherence to the MTBA regulations would ensure that if construction occurs during the breeding season, appropriate measures would be taken to avoid impacts to nesting birds. Impacts would be less than significant with incorporation of mitigation.

Mitigation Measure

1. The construction contractor shall comply with the Migratory Bird Treaty Act of 1918. The construction contractor shall do one of the following:

    a) Avoid grading activities during the nesting season, February 14 to September 1; or

    b) If grading activities are to be undertaken during the nesting season, a site survey for nesting birds shall be conducted by a qualified biologist prior to no more than three days prior to commencement of grading activities. If nesting birds are found in trees to be removed, removal shall be postponed until the fledglings have vacated the nest or the biologist has determined that the nest has failed. Furthermore, the biologist shall establish an appropriate buffer zone where construction activity may not occur until the fledglings have vacated the nest or the biologist has determined that the nest has failed. If nesting birds are detected in trees being preserved, the biologist shall establish an appropriate buffer zone where construction activity may not occur until the fledglings have vacated the nest or the biologist has determined that the nest has failed.

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

No Impact. The City of Newport Beach has several ordinances and policies that relate to the protection and preservation of trees. Regulations for the retention, removal, maintenance, reforestation, and supplemental trimming of City trees are included in Title 13, *Streets, Sidewalks and Public Property*, of the City's Municipal Code. In addition, City Council Policy G-3, *Preservation of Views*, was adopted with the intent to preserve views and to preserve and promote the aesthetic and environmental benefits provided by trees. Both the tree

ordinance and the City's policies relating to trees are applicable only to City trees, i.e., those on City property and within public parkways.

The proposed project would not involve removal or replacement of any City trees. Therefore, implementation of the proposed project would not conflict with the City's tree ordinances and policies and no impacts would occur. No mitigation measures are necessary.

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. The project site is in the plan area of the Orange County Central/Coastal Natural Community Conservation Plan (OCCCNCCP). However, the project site is not in an area designated as a reserve under the OCCCNCCP (Nature Reserve 2010). Project development would not conflict with this NCCP and no mitigation measures are necessary.

3.5 CULTURAL RESOURCES

The analysis in this section is based partly on the following analyses, which are included as Appendix D to this Initial Study:

- *Mariner's Point, Newport Beach, California*. McKenna et al., February 2, 2011.
- *Paleontological Resources for the Proposed Commercial Property at Coast Highway & Dover Drive Project, in the City of Newport Beach, Orange County, (Sect. 27, T 6 S, R 10 W), project area*. Natural History Museum of Los Angeles County, February 11, 2011.

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

No Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered to be "historically significant" if it meets one of the following criteria:

i) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

ii) Is associated with the lives of persons important in our past;

iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

iv) Has yielded, or may be likely to yield, information important in prehistory or history.

The project site is developed with a commercial building that was constructed in the 1950's. No known historic properties are located within or adjacent to the project site. Due to the fairly recent construction date, lack of historic architectural characteristics; lack of apparent association with historic events or important people; and lack of evidence that the site could yield important historic information, the vacant building does not appear to be eligible as an historical resource under CEQA (McKenna 2011). Therefore, no impacts to

historical resources would occur due to development of the proposed project and no mitigation measures are necessary.

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

Less Than Significant Impact With Mitigation Incorporated. The project site is developed with a commercial building and parking lot constructed during the 1950's. The project area has not been previously surveyed for cultural resources. However, 28 cultural resources investigations have been completed within a 1-mile radius of the project site. One cultural resources site, CA-ORA-62, partially encroaches the eastern portion of the project site and extends to the terrace above. Site CA-ORA-62 is a campsite; a number of skeletons, as well as artifacts such as mortars and pestles, are reported to have been dug up at the site (McKenna 2011). Therefore, the project site has a high probability that historic or prehistoric cultural deposits exist beneath the current modern ground surface and possible that potentially significant cultural resources may be uncovered during earthmoving and demolition activities (McKenna 2011). If so, such sites (excluding isolated artifacts) should be tested for significance prior to continued impact. The following mitigation measures would ensure compliance with state historical guidelines. Impacts would be less than significant with incorporation of mitigation.

Mitigation Measure

2. The project applicant shall have a qualified archaeologist conduct a Phase II archaeological investigation and a Phase III investigated if warranted by the Phase II study. The Phase II investigation, including trenching and analysis of any resources found, shall be completed before issuance of a grading permit by the City of Newport Beach. A Phase II archaeological testing program consists of a control subsurface investigation designed to extract a small sample of the subsurface deposits, but a sample large enough to draw a conclusion on the significance of the site (assuming the site is present). If intact features of an archaeological site, such as hearths, living surfaces, or middens, are discovered in the course of the Phase II investigation, then the project applicant shall have the archaeologist conduct a Phase III investigation. A Phase III investigation, if required, shall be completed before issuance of a grading permit. A Phase III consists of extracting a larger sample of the site materials to document the function, age, and components of the site that would allow for interpretation and comparative analysis with respect to the larger area (e.g. occupation within the Newport Bay area).

3. The Project Applicant shall have a qualified professional archaeologist onsite to monitor for any potential impacts to archaeological or historic resources throughout the duration of any ground disturbing activities. The professional archeologist shall have the authority to halt any activities adversely impacting potentially significant cultural resources until the resources can be formally evaluated. The archaeologist must have knowledge of both prehistoric and historical archaeology. Additionally, the archaeological monitoring program shall include the presence of a local Native American representative (Gabrielino and/or Juaneno). Resources must be recovered, analyzed in accordance with CEQA guidelines, and curated. Suspension of ground disturbance in the vicinity of the discoveries shall not be lifted until the archaeologist has evaluated discoveries to assess whether they are classified as historical resources or unique archaeological sites, pursuant to CEQA.

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

Less Than Significant Impact With Mitigation Incorporated. The project site is generally situated over recent marine terrace deposits (Quaternary) which is underlain by the Tertiary age Capistrano Formation (Mactec 2010a; Rue 2011). At the base of a bluff, the Tertiary age Capistrano formation is locally exposed on the slopes and also underlies the recent marine Quaternary deposits (Mactec 2010b; Rue 2011). The Quaternary and Tertiary deposits have been known to contain paleontological resources (McKenna 2011; Rue 2011). Excavations anywhere in the proposed project area would likely encounter significant fossil vertebrates from the marine and terrestrial Quaternary terrace deposits (Rue 2011). Additionally, potentially significant paleontological resources may also be uncovered during earthmoving if the proposed project involves excavations that impact the Tertiary sedimentary deposits (McKenna 2011; Rue 2011). Tertiary sediment is generally at depths of 8 to 16 feet below the parking lot surface grade (Mactec 2010a). Based on the preliminary geotechnical assessment, it is expected that grading operations would require removal of the existing fill and Quaternary marine deposits in order to allow for a minimum of five feet of properly compacted fill beneath the bottom of the footing. Additionally, the development of the proposed project may also require footings to extend into the Tertiary formation (Mactec 2010a). Furthermore, the planned earthwork along the slope related to shoring and construction of the retaining would also result in disturbance of the Quaternary and Tertiary deposits. With adherence to the mitigation measure below, impacts would be less than significant.

Mitigation Measure

4. The Project Applicant shall retain a qualified professional paleontologist to monitor for any potential impacts to paleontological resources throughout the duration of ground disturbing activities. In the event paleontological resources are uncovered, the professional paleontologist shall have the authority to halt any activities adversely impacting potentially significant fossil resources until the resources can be formally evaluated. If potentially significant fossils are uncovered they must be recovered, analyzed in accordance with CEQA guidelines, and curated at facilities at the Natural History Museum of Los Angeles County, or other scientific institution accredited for curation and collection of fossil specimens. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the paleontologist has evaluated the significance of the resources pursuant to CEQA.

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

Less Than Significant Impact. As discussed in Section 3.5(b), as the project site has a high probability that historic or prehistoric cultural deposits exist beneath the current modern ground surface, there is a possibility human remains may be discovered during site clearing and grading. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Compliance with existing law would reduce potential impacts to human remains to less than significant.

3.6 GEOLOGY AND SOILS

The analysis in this section is based partly on the following technical study, which is included as Appendix E to this Initial Study:

- Report of Geotechnical Consultation Proposed Mariner's Pointe Retail and Parking Structures, Northwest Corner of Dover Drive and West Coast Highway, Newport Beach, California, MACTEC, July 14, 2010.

- Preliminary Geotechnical Consultation Proposed Mariner's Pointe Retaining Wall, Northwest Corner of Dover Drive and West Coast Highway, Newport Beach, California, MACTEC, July 1, 2010.

Site Specific Geology

Based on the subsurface evaluation and background literature review of the site conduced by MACTEC, the site consist of both fill and natural soils. One of the test borings indicated fill soils up to 5 feet in thickness and it is anticipated that deeper fill soils may be found elsewhere at the site (MACTEC 2010a). The fill soils in the street level portion of the site consist of sand and silt deposits. Natural soils at the site consist of recent marine deposits, colluvium, and siltstone bedrock of the Capistrano formation. The recent marine deposits occupy the lower, more level portions of the site and consist of silty sand, silt, clayey silt, sand silt, and silty clay extending to depths ranging from 8 to 15 feet below the existing surface. Below the recent marine layer lies the Capistrano formation which consists of siltstone, clayey siltstone, and diatomaceous siltstone. The colluvium layer consists of silty sand and sand with siltstone fragments and locally mantles the slope. The onsite clayey soils are medium expansive.

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. The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The primary purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to prevent construction of buildings used for human occupancy on the surface of active faults. Unlike damage from ground shaking, which can occur at great distances from the fault, impacts from fault rupture are limited to the immediate area where the fault breaks along the surface.

No known major or active faults traverse the project site. The project site is not located within an Alquist-Priolo Zone. The closest Alquist-Priolo Earthquake Fault Zone, established for an on-shore portion of the Newport-Inglewood Fault, is 4.8 miles to the northwest of the site. No active or potentially active faults have been identified in the project's vicinity. The nearest known active fault with potential surface rupture is the offshore segment of the Newport-Inglewood fault zone 1.5 miles southwest of the project site. Development of the project would not put people or structures at risk from surface rupture of a known fault, and no impact would occur.

ii) Strong seismic ground shaking?

Less Than Significant Impact. As is the case for most locations in Southern California, the subject site is located in a region that is characterized by moderate to severe seismic activity. The project site is within the influence of several fault systems that are considered to be active or potentially active and are capable of producing potentially damaging seismic shaking at the site.

Motion at the ground surface during an earthquake is measured as horizontal ground acceleration in "g," where "g" is the acceleration of gravity. Accelerations of 0.41 g and 0.55 g correspond approximately to an intensity of VIII on the Modified Mercalli Intensity (MMI) Scale (Wald 1999). Ground shaking effects on buildings and people are measured by the Modified Mercalli Intensity (MMI) Scale, a qualitative scale. The MMI is a 12-point Intensity Scale ranging from "I," which is rarely felt by people, to "XII," where damage to structures is total and objects are thrown into the air (USGS 2009). In an Intensity "VIII" earthquake, damage is slight in specially designed structures; ordinary substantial buildings are damaged considerably and partially collapse; and damage is great in poorly built structures. Objects such as chimneys, factory stacks, columns, monuments, and walls fall, and heavy furniture is overturned (USGS 2009).

The project site could be subjected to moderate to strong ground shaking during the life of the proposed residences from several active faults in the region, including the Newport-Inglewood fault zone approximately 1.5 mile from the site. The peak horizontal ground acceleration forecast to occur at or near the project site during an earthquake is approximately 0.42 g[3] and 0.61 g[4] Compliance with seismic design criteria contained in the California Building Code (CBC) would minimize impacts related to earthquakes to the extent feasible. Hazards from ground shaking would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Secondary effects of seismic shaking from earthquakes include ground lurching and shallow ground rupture (see Section 3.6(c)), soil liquefaction, dynamic settlement (see Section 3.6(a)(v)), seiches, and tsunamis (see Section 3.9(j)).

Liquefaction is a seismic phenomenon in which loose, saturated, granular soils behave similarly to a fluid when subject to high-intensity ground shaking. Liquefaction occurs when three general conditions exist: 1) shallow groundwater; 2) low density noncohesive (granular) soils; and 3) high-intensity ground motion. Studies indicate that saturated, loose, near-surface cohesionless soils exhibit the highest liquefaction potential, while dry, dense, cohesionless soils and cohesive soils exhibit low to negligible liquefaction potential. In general, cohesive soils are not considered susceptible to liquefaction. Effects of liquefaction on level ground include settlement, sand boils, and bearing capacity failures below structures. Dynamic settlement of dry sands can occur as the sand particles tend to settle and density as a result of a seismic event. Other types of ground failure typically associated with liquefaction include lateral spreading, flow failure, ground oscillation, loss of bearing strength, and ground lurching (see Section 3.6(c)).

The project site is on the margin of a Liquefaction Hazard Zone as designated by the State of California and maybe partially or wholly within the zone (MACTEC 2010a). The localized onsite recent marine deposits below the water level are anticipated to be susceptible to liquefaction. Overall, liquefaction-induced settlement of about ½ inch is expected to occur primarily due to the shallow depth of the top of

[3] 10 percent probability of exceedance in 50 years (Design Basis Earthquake).

[4] 10 percent probability of exceedance in 100 years (Upper Bound Earthquake).

the Capistrano formation (MACTEC 2010a). However, it is not anticipated that the Capistrano formation material will liquefy. Therefore, potential for liquefaction is considered remote. Impacts would be less than significant and no mitigation measures are required.

iv) Landslides?

Less Than Significant Impact. Landslides are movements of relatively large landmasses, either as nearly intact bedrock blocks, or as jumbled mixes of bedrock blocks, fragments, debris, and soils. Landslide materials are commonly porous and very weathered in the upper portions and along the margins of the slide. They may also have open fractures and joints. Gravity inexorably pulls hillsides down and earthquakes enhance this ongoing process.

The project site is located within an area identified as having a potential for slope instability and a slope portion of the site is located within an area identified as having a potential for earthquake-induced landslides (MACTEC 2010a). The existing slope along the northern boundary line is 45 to 50 feet in height and the upper portion of the slope comprised of Pleistocene terrace deposits is located within the boundaries of the properties bordering the site to the north. The stability of existing and proposed slopes is dependent upon a variety of factors that include height, gradient, geologic materials, geologic structure and orientation of bedrock units, and moisture content. Additionally, the type of vegetation and degree of vegetation coverage also factors into slope stability. Several factors present indicate the overall slope stability to be considered grossly stable from a geologic perspective (MACTEC 2010a). The orientation of the geologic structure in the bedrock materials (dipping into slope) is favorable with respect to slope stability. Additionally, the dense nature of the Pleistocene terrace deposits that overlie the bedrock exposed in the slope is favorable for gross slope stability. Furthermore, there are no known landslides near the site nor is the site in the path of any known or potential landslides. Therefore, impacts from landslides are considered less than significant and no mitigation measures are required.

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

Less Than Significant Impact With Mitigation Incorporated. Development of the proposed project would involve excavation and grading of the site and trenching for the installation and connection of underground utilities. These site preparation activities (demolition and removal of vegetation, asphalt, and building) would result in the disruption of onsite soils and the exposure of soils to potential wind and water erosion impacts. Although some erosion may result from grading and construction operations, it is not anticipated that substantial soil erosion would occur due to the relatively flat topography and the developed nature of the site. However, development of the proposed project would also require construction cuts into the slope on the northern portion of the site. Portions of this slope which are not improved by the proposed development may be surficially unstable.

Implementation of ordinary control measures can control erosion and sediment delivery for the majority of the site which is relatively flat. Implementation of Mitigation Measure 5 would ensure that erosion from the upslope area would be minimized. In addition, the project would be subject to local and state codes and requirements for erosion control and grading. The project would also be subject to National Pollutant Discharge Eliminating System (NPDES) permitting regulations, including the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP), which is further discussed in Section 3.8 of this report. With the adherence to these codes and regulations and implementation of mitigation, impacts would be less than significant.

Mitigation Measure

5. Prior to issuance of grading permits, a detailed engineering-level geotechnical investigation report shall be prepared and submitted with engineered grading plans to further evaluate expansive soils, soil corrosivity, slope stability, landslide potential, settlement, foundations, grading constraints, and other soil engineering design conditions and to provide site-specific recommendations to address these conditions, if determined necessary. The engineering-level report shall include and address each of the recommendations included in the geotechnical reports prepared by MACTEC (2010a and 2010b) and included as Appendix E. The geotechnical reports shall be prepared and signed/stamped by a Registered Civil Engineer specializing in geotechnical engineering and a Certified Engineering Geologist. Geotechnical rough grading plan review reports shall be prepared in accordance with the City of Newport Beach Grading Ordinance.

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 Impact With Mitigation Incorporated. The proposed project would not be located on unstable soils. The project would not result in significant hazards from liquefaction and earthquake-induced landslides (see Section 3.7(a)(iii) and Section 3.7(a)(iv) for detailed discussion).

Lateral Spreading

Lateral displacement of surficial blocks of soil as the result of liquefaction in a subsurface layer is called lateral spreading. Once liquefaction transforms the subsurface layer into a fluid-like mass, gravity plus inertial forces caused by the earthquake may move the mass downslope toward a cut slope or free face (such as a river channel or a canal). Lateral spreading most commonly occurs on gentle slopes that range between 0.3 and 3 degrees, and can displace the ground surface by several meters to tens of meters. Such movement damages pipelines, utilities, bridges, roads, and other structures. Because the liquefiable deposits onsite are isolated, the potential for lateral spreading is considered low (MACTEC 2010a). Lateral spreading is not a significant hazard associated with the site.

Subsidence

Ground subsidence is the gradual settling or sinking of the ground surface with little or no horizontal movement. In the areas of southern California where ground subsidence has been reported, this phenomenon is usually associated with the extraction of oil, gas, or groundwater, or the organic decomposition of peat deposits, with a resultant loss in volume. Ground subsidence can also occur as a response to natural forces such as earthquake movements and the folding and subsiding activity of sedimentary basins. Earthquakes have caused abrupt regional elevation changes in excess of one foot across faults. Ground-surface effects related to regional subsidence can include earth fissures, sinkholes or depressions, and disruption of surface drainage. Damage is generally restricted to structures sensitive to slight changes in elevations, such as canals, levees, underground pipelines, and drainage courses; however, significant subsidence can result in damage to wells, buildings, roads, railroads, and other improvements. The project site is not within an area of known subsidence associated with ground water or petroleum, peat oxidation, or hydrocompaction (MACTEC 2010a).

Settlement

Strong ground shaking can cause soils to become more tightly packed and settle due to the collapse of voids and pore spaces. This type of settlement typically occurs in soils that are loose, granular, and cohesionless, and can occur in either wet or dry soils. Unconsolidated young alluvial sediments are especially susceptible to this hazard. Seismically induced settlement can cause damage to structures and buried pipelines. Ground rupture (subsidence) due to active faulting is not likely to occur onsite because there are no known active fault traces that traverse the site. Minor cracking of near-surface soils due to shaking from distant seismic events is not considered a significant hazard.

Collapse

Soil collapse typically occurs when saturated, collapsible soils undergo a rearrangement of their grains and a loss of cementation, resulting in substantial and rapid settlement under relatively light loads. An increase in surface water infiltration, such as from irrigation, or a rise in the groundwater table, combined with the weight of a building or structure, can initiate rapid settlement and cause foundations and walls to crack.

The site is underlain by natural soils and fill materials associated with previous grading for the existing development. The onsite clayey soil has a medium-expansive index and the existing fill soils are not suitable for support of the proposed structures (Mactec 2010a). The onsite sandy soils, less any debris and organic matter, can be used in required fills. The onsite silt and clay soils are not suitable to be reused for fill as these soils may be very wet and soft and difficult to compact. The project applicant would complete and submit a final soils and engineering geology report to the City of Newport Building Department in compliance with the City Municipal Code, Title 15, Chapter 15.10, Section 15.10.060.

Summary

The project design and development would incorporate all recommended measures outlined in the final geologic reports to ensure that safety is not compromised. With adherence to the Mitigation Measure 5, impacts would be less than significant.

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?

Less Than Significant Impact With Mitigation Incorporated. Soils containing expansive clay minerals can shrink or swell substantially as the moisture content decreases or increases. Structures built on these soils may experience shifting, cracking, and breaking damage as soils shrink and subside or expand. Laboratory testing of soil onsite indicates an expansion index ranging from 65 to 66, which corresponds to the Medium category of expansion potential in the CBC. Laboratory test results also show that soils onsite are rated as having a severe sulfate content with respect to sulfate exposure to concrete. Onsite soils are considered corrosive to ferrous metals and severe for sulfate attack on concrete. While expansive and corrosive soils are present onsite, incorporation of Mitigation Measure 5 and adherence to the recommendations in the final soils and geologic report(s) would ensure that potential impacts would be mitigated to less than significant.

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. There are no septic tanks or alternative wastewater disposal systems existing on or currently proposed for use at the project site. The project will require sewer system service which will be served by the existing City sewer system. No project impacts are anticipated.

3.7 GREENHOUSE GAS EMISSIONS

The analysis in this section is based partly on the following analysis, which is included as Appendix B to this Initial Study:

- *Air Quality and Greenhouse Gas Emissions Analysis*, The Planning Center|DC&E, March 2011.

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

Less Than Significant Impact. Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. The State of California, through its governor and its legislature, has established a comprehensive framework for the substantial reduction of GHG emissions over the next 40-plus years. This will occur primarily through the implementation of Assembly Bill (AB 32) and Senate Bill (SB 375), which will address GHG emissions on a statewide cumulative basis.

GHG emissions generated by the project are associated with the new area sources (natural gas use, landscape equipment, etc.) from the new building structures, transportation emissions associated with vehicles traveling to and from the project site, and indirect emissions associated with purchased energy, energy associated with water (conveyance, treatment, distribution, and treatment of wastewater), and waste disposal. In addition, annual average construction emissions were amortized over 30 years and included in the emissions inventory to account for GHG emissions from the construction phase of the project. In addition, annual average construction emissions were amortized over 30 years and included in the emissions inventory to account for GHG emissions from the construction phase of the project. GHG emissions from project-related operational activities are included in Table 8.

The proposed project would generate approximately 1,640 metric tons (MTons) of GHG emissions per year. Currently, there are no adopted thresholds for GHG emissions for projects within the SCAQMD region. However, SCAQMD has convened a Working Group to identify GHG thresholds for use in the SoCAB. For projects that are not exempt or where no qualifying GHG reduction plans are directly applicable, SCAQMD requires an assessment of GHG emissions. SCAQMD is proposing a screening level threshold of 3,000 MTons annually for all land use types. This threshold is based on a review of the Governor's Office of Planning and Research database of CEQA projects. Based on their review, 90 percent of CEQA projects would exceed 3,000 MTons per year. Projects that exceed the screening threshold would require additional technical analysis to determine the level of significance (see Appendix B to this Initial Study for further details). Because the GHG emissions associated with the project would be below the SCAQMD's proposed screening threshold, the proposed project's cumulative contribution to GHG emissions would be less than significant. No mitigation measures are necessary.

Table 8
Project-Related GHG Emissions

Source	GHG MTons/Year1	Percent of Project Total MTons/Year
Energy	371	23%
Mobile	1,271	74%
Waste	24	1%
Water	21	1%
Amortized Construction Emissions[2,3]	14	1%
Total	**1,640**	**100%**
SCAQMD Proposed Screening Threshold	3,000 MTons	NA
Exceeds the Screening Threshold	No	NA

Source: CalEEMod, Version 2011.1.1. Assumes implementation of the California Green Building Code and 2008 Building and Energy Efficiency Standards.
MTons: metric tons
[1] Based traffic study prepared by RBF (2011) which assumed a land use mix that would yield higher CO_{2E} emissions from all sources compared to the actual proposed land use, therefore results shown in this table are conservative. Please see Table 23 for comparison of trips between the land use mix assumed in the RBF traffic study and the actual proposed land use mix proposed for the project.
[2] Total construction emissions are amortized over 30 years.
[3] Assumes GHG emissions generated from soil haul operations related to the export of 1,600 cubic yards of soil material to an offsite landfill.

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

No Impact. CARB adopted the Scoping Plan on December 11, 2008. The 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. The project's GHG emissions would be further reduced from compliance with these statewide measures.

The state of California recently adopted the 2008 Building and Energy Efficiency Standards and the 2010 Green Building Code. The project would be constructed to achieve the energy efficiency standards of the 2008 Building and Energy Efficiency Standards. The 2008 Standard is 15 percent more energy efficiency compared to the 2005 Building and Energy Efficiency Standards. CARB and the EPA have also adopted new fuel efficiency standards for model years 2012 through 2016. The Scoping Plan also calls for more stringent fuel efficiency standards model years 2016 through 2020 under Pavley II. Because the proposed project would not exceed the SCAQMD's proposed screening threshold for GHG emissions and would achieve the 2008 efficiency standards, the proposed project would not have the potential to interfere with the State of California's ability to achieve GHG reduction goals and strategies.

3.8 HAZARDS AND HAZARDOUS MATERIALS

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

Less Than Significant Impact. The project would not cause a substantial hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The term "hazardous material" is defined in different ways by different regulatory programs. For purposes of this environmental document, the definition of "hazardous material" is similar to that in the California Health and Safety Code, § 25501:

> Hazardous materials that, because of their quantity, concentration, or physical or chemical characteristics, pose a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

"Hazardous waste" is a subset of hazardous materials, and the definition is essentially the same as that in the California Health and Safety Code, § 25517, and in the California Code of Regulations, Title 22, § 66261.2:

> Hazardous wastes are those that, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may either cause, or significantly contribute to an increase in mortality or an increase in serious illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous materials can be categorized as hazardous nonradioactive chemical materials, radioactive materials, and biohazardous materials (infectious agents such as microorganisms, bacteria, molds, parasites, viruses, and medical waste).

Project construction would involve use of small quantities of hazardous materials such as fuels, greases, paints, and cleaning materials. The use, storage, transport, and disposal of hazardous materials by the project would be required to comply with existing regulations of several agencies, including the Department of Toxic Substances Control (DTSC), the US Environmental Protection Agency (EPA), the Occupational Safety & Health Administration (OSHA), Orange County Fire Authority (OCFA), and the Orange County Environmental Health Division. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner, and would minimize the potential for safety impacts to occur. Long-term operations of the proposed project would not involve routine transport, storage, use, and disposal of substantial amounts of hazardous materials. Hazardous materials impacts would be less than significant.

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?

Less Than Significant Impact. The project would not create substantial hazards to the public or the environment due to accidental release of hazardous materials. For the most part, the health and safety procedures that protect workers and other individuals in the immediate vicinity of hazardous materials would also protect the more distant community and environment. The pathways through which the community or the environment (e.g., local air quality and biota) could be accidentally exposed to hazardous materials include air emissions, transport of hazardous materials to or from the site, waste disposal, human contact, and accidents.

The small quantities of hazardous materials, such as fuels, greases, paints, and cleaning substances, may be used during project construction. This small amount would not pose a significant risk to the public or the environment if an onsite accident were to occur. Based on the Phase 1 conducted for the project site, the existing buildings, which were built by 1968, are suspected to have asbestos containing materials (ACM) (AES 2010). SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition activities, including the removal and associated disturbance of ACMs. The requirements for demolition

activities include asbestos surveying; notification; ACM removal procedures and time schedules; ACM handling and cleanup procedures; and storage, disposal, and landfill disposal requirements for asbestos-containing waste materials. The existing buildings may also contain lead-based paints (LBP). According to the Phase 1 report, the suspected LBP present is considered to be a de minimis environmental condition since it can be disposed of as demolition debris (AES 2010).

The project applicant would be required to comply with existing local, state, and federal regulations, which would reduce the risk of accidental releases of hazardous materials. Therefore, impacts would be less than significant and no mitigation measures are necessary.

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. No school facilities are within one-quarter mile of the project site. Furthermore, the proposed commercial/retail/office land uses would not involve handling, use, or disposal of significant quantities of hazardous materials. No significant impacts related to hazardous emissions would occur due to project implementation and no mitigation measures are required.

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 project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Geotracker 2010). No impact to the public or to the environment would occur as a result of the proposed project, and no mitigation measures are required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles or 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 project site is not within an airport land use plan or within two miles of a public airport. The nearest airport is John Wayne Airport (JWA), located approximately 3.75 miles north of the project site (Airnav 2010). The project site is located outside of the airport impact zones of JWA as determined in the Orange Count Airport Environs Land Use Plan (AELUP) for JWA. Additionally, the project site is also outside of the height restriction overlay zone of the AELUP. Therefore, no impact to or from an airport would occur as a result of the proposed project, and no mitigation measures are required.

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 project site is not within the vicinity of a private airstrip or heliport. The nearest heliport is the Hoag Memorial Hospital Heliport approximately 1.5 miles west of the site and the Newport Beach Police Heliport 1.6 miles east of the site (Airnav 2010). The proposed project would have a maximum height of 44 feet, and would be similar in size and scale to the other buildings in the general area of the project site. Due to the size and nature of the proposed project, no safety hazard would result from the proximity of the proposed project to the two nearby heliports. No mitigation measures are necessary.

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

No Impact. The Orange County Operational Area Emergency Operations Center (OCOA/EOC) coordinates emergency response of county agencies and departments in the operational areas, which include the City of Newport Beach. The Standardized Emergency Management System (SEMS) is the state-mandated framework for emergency response and recovery. The EOC acts as a central point for coordination of operational, administrative, and support needs of emergency workers. The project is not a critical facility and would not have the potential to interfere with OCOA/EOC's emergency response plans. No impact would occur and no mitigation measures are necessary.

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. The project site is located in a developed area and is not immediately adjacent to any wildland fire areas. According to Figure S4, *Wildfire Hazards*, of the Safety Element of the City's General Plan, the project site is designated as an area of low-to-no fire hazard (Newport Beach 2006). Additionally, although Newport Beach has a number of areas designated as Special Fire Protection Areas (SFPAs), the project site does not fall within one of these SFPAs (Newport Beach 2011a and 2011b). Areas in SFPAs require fuel modification and a 100-foot setback between the structure and the wildland areas. For these reasons, the project site would not constitute a wildland fire risk. No impacts from wildland fires would occur and no mitigation measures are necessary.

3.9 HYDROLOGY AND WATER QUALITY

The analysis in this section is based partly on the following technical study, which is included as Appendix F to this Initial Study:

- *Water Quality Management Plan for Mariner's Pointe 100-300 West Coast Highway*, Development Plan No. DP 2010-133, Parcel Map No. 2010-133, Anacal Engineering Company Inc., February 28, 2011.

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

Less Than Significant Impact. The project site is located within the Newport Bay Watershed and the receiving water is Lower Newport Bay. Under the Clean Water Act Section 303(d), Newport Bay is identified by the Santa Ana Regional Water Quality Control Board as impaired due to excess sedimentation, nutrients, toxics, and fecal coliform OC Watersheds 2011). Construction of the proposed project could potentially discharge sediment and pollutants to Lower Newport Bay, resulting in a potential significant impact to water quality. Grading and excavation of the site would expose and disturb soils. The storage and use of hazardous materials on-site, including treated wood, paints, solvents, fuels, etc., would be potential sources of pollutants during construction. Storm water pollutants from operations on the site may include sediment (soil erosion), oil, and grease left in the parking area from motor vehicles, and trash and debris blown or dropped onto the site.

Construction Phase

Short-term construction best management practices (BMPs) would be implemented to eliminate sediment and construction debris runoff into area storm drains during the construction period. Implementation of

BMPs is required by the federal Clean Water Act. In the City of Newport Beach, for construction sites under one acre in area, BMP compliance is administered by the City Public Works Department.

Categories of BMPs that are used for construction sites include:

- Erosion controls: cover and/or bind soil surface, to prevent soil particles from being detached and transported by water or wind. Erosion control BMPs include mulch, soil binders, and mats.

- Sediment controls: Filter out soil particles that have been detached and transported in water. Sediment control BMPs include barriers, and cleaning measures such as street sweeping.

- Wind Erosion Control: the aims and methods of wind erosion control are similar to those of erosion control described above.

- Tracking controls: Tracking control BMPs minimize the tracking of soil offsite by vehicles; for instance, stabilizing construction roadways and entrances/exits.

- Non-stormwater management: Prohibit discharge of materials other than stormwater, such as discharges from the cleaning, maintenance, and fueling of vehicles and equipment. Non-stormwater management BMPs also prescribe conducting various construction operations, including paving, grinding, and concrete curing and finishing, in ways that minimize non-stormwater discharges and contamination of any such discharges.

- Waste and Materials Management: management of materials and wastes to avoid contamination of stormwater. Waste and materials management BMPs include spill prevention and control, stockpile management, and management of solid wastes and hazardous wastes.

Implementation of the BMPs would reduce potentially significant impacts to a less than significant level.

Operations Phase

The project is classified as a Priority Project by the Santa Ana Regional Water Quality Control Board (SARWQCB 2009). Anticipated stormwater or urban runoff pollutants associated with this project are:

- Heavy Metals: Metals of concern as water contaminants include cadmium, chromium, copper, lead, mercury, and zinc. Lead and chromium have been used as corrosion inhibitors; metals are also raw materials used in nonmetal products such as fuels, adhesives, and paints.

- Nutrients. Nutrients, including nitrogen, phosphorous, and other compounds can be anticipated to be generated by or found in organic litter, fertilizers, food waste, sewage, and sediment.

- Pesticides. Sources of pesticides include bug-spray, weed killers, and other sources.

- Sediment. Driveways, rooftops, and landscape areas are expected to be common sources of sediment due to wear or erosion.

- Trash and Debris. These sources include common litter, biodegradable organic matter, such as leaves, grass cuttings, and food wastes from landscaped areas and restaurant uses.

- Bacteria and Viruses. Anticipated sources include sanitary sewer overflow and trash container handling areas.

- Oxygen-Demanding Substances. Potential sources include biodegradable organic materials and various chemicals, which deplete dissolved oxygen levels in watercourses.

- Oil and Grease. Potential sources of oil and grease include motor vehicles.

The existing site has approximately 85 percent impervious area. At project completion the site would consist of approximately 90 percent impervious area and 10 percent landscaped area. A Preliminary Water Quality Management Plan (P-WQMP) has been prepared for the project and is included as Appendix F to this Initial Study. The P-WQMP specifies BMPs that the project would implement to use to reduce, prevent, minimize, and/or treat the above-listed pollutants and prevent degradation of downstream receiving waters.

BMPs identified in the P-WQMP are listed below in Table 9 and are described further in the P-WQMP.

Table 9
Water Quality Management Plan BMPs (Project Design and Operation)

Project Design
Site Design BMPs
Minimize impervious areas and directly connected impervious areas
Create Reduced or "Zero Discharge" Areas (Runoff Volume Reduction)
Routine Structural BMPs
Provide storm drain system stenciling and signage
Design and construct trash and waste storage areas to reduce pollution introduction
Use efficient irrigation systems & landscape design
Protect slopes and channels and provide energy dissipation
Treatment Control BMPs
Porous Landscape Detention
Infiltration Trenches equipped with filters to catch trash and debris before stormwater enters receiving waters
Project Operation
Routine Nonstructural BMPs
Education for Property Owners, Tenants and Occupants
Activity Restriction
Uniform Fire Code Implementation
Employee Training
Maintenance and cleaning (landscape maintenance, litter control, BMP maintenance, street/parking lot sweeping, and catch basin inspections,)
Source: Anacal Engineering Co. 2011.

The project would implement BMPs specified in the P-WQMP. As a result, impacts to water quality standards and waste discharge requirements would be less than significant.

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)?

Less Than Significant Impact. The project site is situated over the Coastal Plain of Orange County Groundwater Basin. However, the site is above an area where surface water and shallow groundwater are blocked from percolating into deeper layers of sediment by clay and silt layers within 50 feet of the ground surface. There are no groundwater wells for municipal water supply near the site, and the nearest such well is roughly five miles north of the site (OCSD 2009).

Project development would slightly increase the amount of impervious surfaces onsite from 85 percent to 90 percent of the site. However, the project would include infiltration trenches to infiltrate some stormwater into the soil before stormwater leaves the site and flows into the storm drains. The project would not cause a net increase in runoff leaving the site (Gwatney 2011). The project would not have substantial adverse effects on either groundwater supplies or groundwater recharge, and impacts would be less than significant.

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 a substantial erosion or siltation on- or off-site.

Less Than Significant Impact. Existing site drainage is to the south and east. Drainage to the east enters Dover Street, then enters a catch basin in Dover Drive, leading to a storm drain that discharges into Lower Newport Bay. Drainage to the south enters Pacific Coast Highway, then enters a catch basin connecting to a storm drain that also discharges into Lower Newport Bay.

At project completion, site drainage would be similar to the existing pattern except that on-site drainage would be directed first into infiltration trenches with filtered inlets, and perforated pipes for infiltration; overflow from the infiltration trenches would follow the same routes as existing drainage.

At project completion the entire site would be developed with impervious surfaces and with landscaping, and thus substantial erosion or siltation would not occur. Project construction would implement BMPs for erosion control and sediment control (described further above in Section 3.9.a) that would minimize erosion. The project would not substantially alter the existing drainage pattern on and next to the site, and would not cause substantial erosion. Impacts would be less than significant.

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 Impact. The project would not substantially change the drainage pattern onsite, as described above in Section 3.9.c. The project includes drainage improvements, infiltration trenches that would percolate some drainage into soil and release overflow to adjoining streets. The project would not cause a net increase in runoff leaving the site. The project would not cause flooding on- or off-site, and impacts would be less than significant.

e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. Impacts to drainage and storm drainage systems are described above in Section 3.9.d, and impacts to pollution of runoff are discussed above in Section 3.9.a. Impacts would be less than significant.

f) Otherwise substantially degrade water quality?

Less Than Significant Impact. Project water quality impacts would be less than significant, as substantiated above in Section 3.9(a).

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. According to Federal Emergency Management Agency (FEMA) Flood Map Panel No. 06059C0381J, the project site is not within a 100-year flood hazard area. It is within a Zone X designated area (area of minimal flood hazard) (FEMA 2010). Therefore, no impact would occur as a result of the proposed project and no mitigation measures are necessary.

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

No Impact. The project site is not within a 100-year flood hazard area (FEMA 2010). Therefore, no significant impacts related to redirecting flood flows would occur. No mitigation measures are necessary.

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. As noted in 3.9(g) and (h), the project site is not within a 100-year flood zone. Additionally, the project site is not within the downslope of any large bodies of water that could adversely affect the site in the event of an earthquake-induced dam failure (MACTEC 2010a). Therefore, impacts would be less than significant and no mitigation measures are necessary.

j) Inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact With Mitigation Incorporated. The following describes potential impacts to structures from seiches, tsunamis, and mudflows:

Seiche

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. There are no water bodies upslope from the project site that could pose a flood hazard to the site due to a seiche (MACTEC 2010a), and no impact would occur.

Tsunami

A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. The project site is one mile inland from the Pacific Ocean and at an elevation of

approximately 20 feet. The site is outside of areas that would be flooded by a tsunami as defined by the California Geological Survey and mapped on the *Tsunami Inundation Map for Emergency Planning, Newport Beach Quadrangle* (CGS 2009). Flooding hazards due to tsunamis would be less than significant and no mitigation measures are necessary.

Mudflow

A mudflow is a landslide composed of saturated rock debris and soil with a consistency of wet cement. As previously discussed in Section 3.6(a)(iv), the slope stability of the existing slope north of the site is considered to be geologically stable. However, terrace deposits are moderately erodible and susceptible to surficial instabilities. The potential for erosion and small debris flows is evidenced by observation of accumulation of debris at the base of an erosion gully on the slope near the northern portion of the project site during field investigation. The project design and development would incorporate all recommended measures outlined in the final geologic reports to ensure that safety is not compromised. With adherence to the Mitigation Measure 5, impacts would be less than significant.

3.10 LAND USE AND PLANNING

a) Physically divide an established community?

No Impact. Implementation of the proposed project would not physically divide an existing community. The existing neighborhood surrounding the project site is a mix of residential and commercial uses. The proposed commercial uses are consistent with the City's General Plan land use designation for the project site and would not create any new land use barriers nor divide or disrupt the physical arrangement of the surrounding community. The project site is on the edge of the Mariner's Mile commercial corridor and backs against the Cliff Haven neighborhood and does not possess any design features or characteristics that would disrupt the land use pattern of the area or impede or block physical connections in the area. There would be no impact and no mitigation measures are necessary.

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?

No Impact. The City of Newport Beach regulates land use within its jurisdiction through a General Plan and a Zoning Ordinance. Additionally, the proposed plan would be subject to the guidelines within the Mariner's Pointe Strategic Vision and Design Plan.

General Plan Land Use and Zoning

The project site is designated General Commercial (CG) under the City's General Plan and Commercial General (CG) under the City's Zoning Map. The proposed project would result in the construction of a two-story structure totaling 23,015 gross building square feet in addition to the three-level parking structure on the 0.76-acre site. The CG land use and zoning designation permits a 0.3 FAR. For projects that consolidate parcels for the purpose of developing a larger commercial development and that provide adequate parking, a FAR of up to 0.5 is permitted. The project would construct a 23,015 gross building square-foot structure on a 33,036-square-foot property, which would result in an FAR of approximately 0.7 (69.6 percent). A General Plan Amendment and zoning code change would be required to increase the permitted FAR for the project site.

The City's development standards for the CG zoning district include a height limitation of 31 feet with a sloped roof that has a 3:12 or greater pitch. The height may be increased up to 40 feet with a sloped roof through discretionary approval process via approval of a Site Development Review. The maximum building height proposed for the project is 40 feet with a sloped roof that would have a 3:12 pitch and would therefore require discretionary approval to exceed the 31 feet height limitation.

Variance and Modification Permit

The project would also require a variance under the City's Municipal Code Section 20.52.090 for the encroachment onto the rear yard setback. Additionally, a modification permit would be required under City Municipal code Section 20.52.050 for the cupola feature as it exceeds the 40 feet height maximum by 4 feet.

Parking

Pursuant to the parking requirements outlined in the City's Municipal Code, the proposed project would be required to provide 157 parking spaces as shown in Table 10 (see Appendix G to this Initial Study).

Table 10
City of Newport Beach Parking Requirements

Land Use	*Gross Square Feet*[1]	*Leasable Restaurant Area*[2] *(sf)*	*Net Public Area*[3] *(sf)*	*Parking Rate*[4]	*Required Parking*[5]
Restaurant	9,522	8,280	4,968	1 per 50 sf [6]	100
Retail	10,493	n/a	n/a	1 per 250 sf	42
Medical Office	3,000	n/a	n/a	1 per 200 sf	15
Total	**23,015**				**157**

Source: LSA 2011.
Notes: sf = square feet
[1] Gross square feet of restaurant includes enclosed outside area behind R-103 and R-204.
[2] Estimated as 60 percent of net restaurant area consistent with the project description.
[3] From NBMC 20.40.040.
[4] NBMC-20.40.030(E) requires fractional spaces to be rounded up.
[5] NBMC 20.40.060 allows the Planning Commission to adopt a parking rate between 1/30 sf to 1/50 sf for restaurants.

Table 11, *Shared Parking Time of Day*, show the parking demand by the time of day. Due to the different hours of operation and different offsetting parking activities, not all of the uses at the project will require their full allotment of parking spaces at the same time. As shown in the table, peak parking demand is estimated to occur at 1:00 PM and at 6:00 PM.[5] The afternoon peak would demand 131 parking spaces and the evening peak would demand up to 145 parking spaces. As shown in Table 2, between the hours of 10:00 AM to 5:00 PM with valet service, the parking structure would provide 136 parking spaces. After 5:00 PM, the offsite surface lot would provide 20 additional parking spaces for employees. Therefore, a total of 156 total parking spaces would be available after 5:00 PM. Overall, the project would be able accommodate the parking demand that would be generated. Approval of a CUP would be required to allow rooftop parking, to modify the off-street parking requirements, and to establish a parking management plan for the site.

[5] Includes both patron and employee parking demand.

General Plan Policies

A detailed analysis of the proposed project's consistency with the applicable policies of the various elements of the Newport Beach General Plan is provided in Table 12, *General Plan Consistency Analysis*. As shown in the table, the proposed project would be consistent with the applicable policies of the Newport Beach General Plan.

Table 11
Shared Parking Time of Day

	Time of Day																	
	6:00 a.m.	7:00 a.m.	8:00 a.m.	9:00 a.m.	10:00 a.m.	11:00 a.m.	12:00 p.m.	1:00 p.m.	2:00 p.m.	3:00 p.m.	4:00 p.m.	5:00 p.m.	6:00 p.m.	7:00 p.m.	8:00 p.m.	9:00 p.m.	10:00 p.m.	11:00 p.m.
Time of Day Factors[1]																		
Restaurant[2]					15%	40%	75%	75%	65%	40%	50%	75%	95%	100%	100%	100%	95%	75%
Medical Office			90%	90%	100%	100%	30%	90%	100%	100%	100%	100%	67%	30%	15%			
Retail	1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%
Time of Day Parking																		
Restaurant	0	0	0	0	15	40.0	75.0	75.0	65.0	40.0	50.0	75.0	95.0	100	100	100	95.0	75.0
Office	0	0	13.5	13.5	15	15	4.5	13.5	15	15	15	15	10.1	4.5	2.3	0	0	0
Retail	0.42	2.1	6.3	14.7	27.3	35.7	39.9	42	39.9	37.8	37.8	39.9	39.9	39.9	34	21	12.6	4.2
Total	0	2	20	28	57	91	119	**131**	120	93	103	130	**145**	144	136	121	108	79

Source: LSA 2011.
Bold: Peak demand
[1] Time-of-Day Factors referenced from *Shared Parking, Second Edition*, Urban Land Institute, 2005.
[2] Fine/Casual Dining

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Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Land Use Element	
Goal LU 1 – A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.	
LU 1.5 Economic Health (page 3-6). Encourage a local economy that provides adequate commercial, office, industrial and marine-oriented opportunities that provide employment and revenue to support high quality community services.	***Consistent:*** The proposed project would contribute to the City's economy through the development of a new commercial/retail complex that will offer a wide range of new employment opportunities within Newport Beach. Potential tenants for eight tenant spaces include: restaurants, a jewelry store, clothing stores, fitness center and spa, and offices. The proposed uses would attract additional visitors to the City by expanding the retail and destination services and uses currently provided in the coastal areas of Newport Beach.
Goal LU 2 – A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.	
LU 2.1 Resident Serving Land Uses (page 3-6). Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources, and open spaces.	***Consistent:*** The proposed project would introduce a new commercial/retail complex that will offer a wide range of retail, and destination service, and employment opportunities for existing residents of Newport Beach.
LU 2.4 Economic Development (page 3-7). Accommodate uses that maintain or enhance Newport Beach's fiscal health and account for market demands, while maintaining and improving the quality of life for current and future residents.	***Consistent:*** See response to Policy LU 1.5. Additionally, the proposed project would contribute to the quality of life by providing a new commercial venue that provides opportunities for employment and retail goods and services (see Figure 6a, *Building Elevations–South*), a comprehensive landscape and lighting plan (see Figure 8a, *Landscaping Plan*, and Figure 9, *Third-Level Parking Structure Lighting Plan*, respectively), and an onsite parking and circulation plan that would adequately serve the proposed uses (see Figures 5.a, *Site Plan–Ground Level,* 5b*, Site Plan – Second Level,* 5c*, Site Plan – Third Level*).
LU 2.6 Visitor Serving Uses (page 3-8). Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.	See response to Policies LU1.5 and LU 2.4.
Goal LU 3 – A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environments.	
LU 3.2 Growth and Change (page 3-9). Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	***Consistent:*** The project request includes a General Plan Amendment to increase the allowable floor area ratio from 0.5 FAR to a 0.68 FAR. The project site is located on the corner of West Coast Highway and Dover Drive, and serves as an entry into the Mariner's Mile corridor of the City. The project site itself consists of six lots that have sat vacant for several years as a result of a redevelopment plan that never materialized, resulting in dangerous conditions and public nuisances, including graffiti, abandoned signs, overgrown landscaping, weeds, debris, and broken windows. Without action to stimulate development, the desired goals of redeveloping the site may be difficult. Providing the requested 0.68 FAR for the project site would provide an economic stimulus needed to redevelop the six lots into one unified commercial/retail complex. As stated in the General Plan, Newport Beach residents desire high quality development and redevelopment of underperforming, nonconforming properties. The

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	project site is served by existing infrastructure and public services. The proposed increase in intensity will not necessitate any expansion of existing infrastructure. The traffic impact analysis was prepared for the project and found that the addition of project-related traffic would not have a significant impact at any of the study intersections.
Goal LU 5.2 – Commercial centers and districts that are well designed and planned, exhibit a high level of architectural and landscape quality, and are vital places for shopping and socialization.	
LU 5.2.1 Architecture and Site Design (page 3-55). Require that new development within existing commercial district centers and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the following principles: Seamless connections and transitions with existing buildings, except where developed as a free-standing building Modulation of building masses, elevations, and rooflines to promote visual interest Architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures Extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers Clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscape, wayfinding signage, and so on) Integration of building design and site planning elements that reduce the consumption of water, energy, and other nonrenewable resources	***Consistent:*** The proposed project would exhibit architecture and site design that are consistent with the City's policies. For example, as shown in Figure 6a, *Building Elevations–South*, the buildings and parking structure would include modulated building masses and rooflines and a variation in building materials and colors that would provide visual relief and aesthetically-pleasing building façades. As shown in Figure 6a, the proposed architectural design has a European motif and is characterized by aesthetic detail and interest with varying colors, materials, and façades. The inclusion of architectural elements such as balconies, tower features (the cupola atop the rotunda), awnings, and ornamental windows and the variation in building elevations and protrusions would also enhance the visual quality of the buildings and street frontage. Additionally, as shown in Figure 6a, the building masses and landscaping throughout the project site would be designed to create a sense of unity and would be in accordance with the requirements/guidelines outlined in the Mariner's Mile Strategic Vision and Design Plan. Furthermore, the proposed project would include a comprehensive landscaping plan that would include a variation of trees, shrubs, and ornamental groundcover (see Figures 8a and 8b, *Lighting Plan*). Part of the overall site improvements would include new landscaping treatments and trees along the project frontage, which would help provide a visual buffer and soften the project edge and also help complement and highlight the buildings and the site. The proposed landscape plan would also include new landscaping treatments and areas throughout the project site. The proposed project would include an enhanced and efficient pedestrian walkway system that would not only provide access between the various uses and areas within the project site, but also to the surrounding public sidewalks and uses. All pedestrian walkways and connections would be developed in accordance with Title 24 and all applicable City requirements and standards. The proposed project would be constructed to achieve the energy efficiency standards of the 2008 Building and Energy Efficiency Standards. The proposed project would also incorporate drought-tolerant landscaping.
LU 5.2.2 Buffering Residential Areas (page 3-56). Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through such techniques as: Incorporation of landscape, decorative walls, enclosed trash containers, downward focused lighting fixtures, and/or comparable buffering elements	***Consistent:*** The proposed project would be designed and developed in a manner that would be compatible with the surrounding residential uses to the north atop the bluff and south across West Coast Highway. This would occur through the provision enhanced architectural treatment (see Figure 6a, *Building Elevations–South*), a comprehensive landscape and lighting plan (see Figure 8a, *Landscaping Plan*, and Figure 9, *Third-Level Parking Structure Lighting Plan*, respectively), and an onsite parking and circulation plan that would adequately serve the proposed uses (see Figures 5.a, *Site Plan–Ground Level,* 5b*, Site Plan – Second Level,* 5c*, Site Plan – Third Level*).

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Attractive architectural treatment of elevations facing the residential neighborhood Location of automobile and truck access to prevent impacts on neighborhood traffic and privacy	As shown in Figures 4a and 4b, *Site Photographs*, the existing commercial buildings and surface parking lot are not currently in use, and have not been for many years, and are in a highly deteriorated condition. Development of the proposed project on the site would improve the visual and aesthetic conditions of the site and surrounding area. The roof of the commercial building has been designed to respect the views of the residences above and consists of a combination of flat and sloped roof lines. Roof-top mechanical equipment would be enclosed within an equipment enclosure and would not be visible from the residences above. The equipment enclosure vents would be louvered and orient toward to the front elevation minimizing noise impacts. The lights associated with the proposed project would be directed toward the interior of the site so as not to create impacts to motorists on adjacent roadways or on surrounding residential uses. More specifically, all exterior lighting would be designed, arranged, directed, or shielded in such a manner as to contain direct illumination onsite, in accordance with Section 20.30.070, Outdoor Lighting, of the City's Municipal Code, thereby preventing excess illumination and light spillover onto adjoining land uses and/or roadways. Lighting would be installed to accommodate safety and security while minimizing impacts on surrounding residential areas. Parking area lighting would be the minimum necessary that is consistent with the City's Municipal Code. Development of the proposed project would also be required to comply with California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 6, of the California Code of Regulations, which outlines mandatory provisions for lighting control devices and luminaries.
Goal LU 5.3 – Districts where residents and businesses are intermixed that are designed and planned to assure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.	
LU 5.3.5 Pedestrian-Oriented Architecture and Streetscapes (page 3-58). Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and pedestrian paths, and provide "eyes on the street" in accordance with the following principles: Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries and trash storage and collection	***Consistent:*** See response to Policy LU1 5.2. Additionally, as shown in Figure 6a, *Building Elevations–South*, the location and orientation of proposed ground-level retail uses would be characterized by a high level of customer activity and engagement, transparency, and transition to the sidewalk. The variation in the elevations, materials, articulation and modulation of the building elevations fronting West Coast Highway would promote interest and character. Additionally, the proposed project would include outdoor patio areas for patron use and dining. As shown in Figure 5a, *Site Plan–Ground Level*, the proposed patio area along the eastern building elevation fronting Dover Drive would be enclosed behind a low wall and glass screen. A new water feature design would also encompass the southeast corner of the project site, further enhancing the pedestrian, patron and employee experience. The project site has one unsignalized driveway access along Dover Drive and four unsignalized driveway accesses along West Coast Highway. As shown in Figure 5a, *Site Plan–Ground Elevation*, the proposed project would eliminate the driveway access off of Dover Drive and would provide two main driveway accesses along West Coast Highway. Therefore, development of the proposed project would minimize the number of driveways and ensure that that the continuity of street-facing building elevations would not be interrupted.

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Articulation and modulation of street facing elevations to promote interest and character Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible	
LU 5.3.6 Parking Adequacy and Location (page 3-59). Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.	***Consistent:*** Pursuant to the parking requirements outlined in the City's Municipal Code, and as shown in Table 11, *City of Newport Beach Parking Requirements*, the proposed project would be required to provide 157 parking spaces. The proposed parking garage includes a total of 136 spaces through the use of valet parking. To address the reduction in the minimum number of required parking spaces, the applicant is requesting the approval of a parking management plan that takes into account joint use of parking spaces, the use of valet parking, and the use of off-site parking. The applicant is also providing an additional 20 off-site parking spaces to be used for employee parking after 5:00 PM, daily. Therefore, a total of 136 parking spaces are available before 5:00 PM and a total of 156 spaces are available after 5:00 PM. Because of the different hours of operation and different offsetting parking activities, not all of the uses at the project will require their full allotment of parking spaces at the same time. Based on the *Shared Parking Analysis* prepared by LSA Associates, Inc., the total parking required for the proposed uses has two peaks: 1) one peak in the early afternoon with a demand for 131 parking spaces at 1:00 PM, and 2) a second peak in the early evening with a demand of 145 parking spaces at 6:00 PM. Therefore, as illustrated by the shared parking analysis, the proposed mix of land uses can be provided without exceeding supply of available parking during the two peak hour parking demands. As shown in Figures 5a, *Site Plan–Ground Level*, 5b, *Site Plan–Second Level*, and 5c, *Site Plan–Third Level*, the new parking structure would be located in a manner that would be convenient to employees and patrons of the proposed uses onsite. As illustrated in Figure 6a, *Building Elevations–South*, the proposed project's enhanced landscaping plan, which would include trees, shrubs and vines, would help soften and buffer the massing of the parking structure from surrounding areas and roadways.
Goal LU 5.6 – Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City's environment.	
LU 5.6.1 Compatible Development (page 3-62). Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	***Consistent:*** See response to Policies LU 5.2.1 and 5.2.2.

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
LU 5.6.2 Form and Environment (page 3-62). Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.	***Consistent:*** See response to Policies LU 5.2.1 and 5.2.2.
LU 5.6.3 Ambient Lighting (page 3-62). Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.	***Consistent:*** The lights associated with the proposed project would be directed toward the interior of the site so as not to create impacts to motorists on adjacent roadways or on surrounding residential uses. More specifically, all exterior lighting would be designed, arranged, directed, or shielded in such a manner as to contain direct illumination onsite, in accordance with Section 20.30.070, Outdoor Lighting, of the City's Municipal Code, thereby preventing excess illumination and light spillover onto adjoining land uses and/or roadways. Lighting would be installed to accommodate safety and security while minimizing impacts on surrounding residential areas. Parking area lighting would be the minimum necessary that is consistent with the City's Municipal Code. Development of the proposed project would also be required to comply with California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 6, of the California Code of Regulations, which outlines mandatory provisions for lighting control devices and luminaries.
Goal LU 6.19 – A corridor that reflects and takes advantage of its location on the Newport Bay waterfront, supports and respects adjacent residential neighborhoods, and exhibits a quality visual image for travelers on Coast Highway.	
LU 6.19.6 Compatible Development (page 3-126). Implement landscape, signage, lighting, sidewalk, pedestrian crossing, and other amenities consistent with the Mariners' Mile Specific Plan District and Mariners' Mile Strategic Vision and Design Plan.	***Consistent:*** The project site is the eastern gateway for the Mariner's Mile area. The proposed project would be required to be consistent with the applicable architectural, landscaping, signage, lighting, sidewalk, etc. requirements/guidelines outlined in the Mariners' Mile Strategic Vision and Design Plan. For example, as outlined in Section 3.2, Pacific Coast Highway Edge Landscape, a minimum four-foot wide planting area (from back of sidewalk to parking lot or building) is required along the entire property frontage for sites fronting West Coast Highway. As shown in Figure 8a, the proposed project would provide a minimum four-foot wide landscaped area along the project frontage. Adherence to the requirements/guidelines of Mariner's Mile Strategic Vision and Design Plan would ensure high quality site design, architecture, landscaping, and streetscapes not only within the project development, but also along the project frontage.
LU 6.19.12 Properties Abutting Bluff Faces (page 3-129). Require that development projects locate and design buildings to maintain the visual quality and maintain the structural integrity of the bluff faces.	***Consistent:*** Alteration of the bluff is necessary due to the shallow lot depth of the property. The bluff itself has been altered such that it is no longer a unique natural resource and the plateau above have been altered during the development of the homes above. The face of the slope that extends onto the project site that is to be excavated to extend the building pad has been graded over the years to accommodate the development of the Coast Highway corridor. As outlined in Section 1.3.2, *Project Construction*, the proposed project would include some shoring and the construction of a retention wall along the northern boundary of the project site. Grading and construction activities related to shoring and the retention wall would be performed in accordance with all applicable City

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	regulations and standards. This would be ensured through the City's development review process. Additionally, Mitigation Measure 5 requires that a detailed engineering-level geotechnical investigation report be prepared and submitted prior to the issuance of grading permits to further evaluate expansive soils, soil corrosivity, slope stability, landslide potential, settlement, foundations, grading constraints, and other soil engineering design conditions and to provide site-specific recommendations to address these conditions, if determined necessary.
Historical Resources Element	
Goal HR 2 – Identification and protection of important archeological and paleontological resources within the City.	
HR 2.1 New Development Activities (page 6-12). Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	***Consistent:*** As detailed in Section 3.5, *Cultural Resources*, the project site has a high probability that historic or prehistoric cultural deposits exist beneath the current modern ground surface and possible that potentially significant cultural resources may be uncovered during earthmoving and demolition activities. Additionally, it is possible that potentially significant paleontological resources may be uncovered during earthmoving. Mitigation measures, including the requirement for a Phase II archaeological investigation prior to grading permit issuance and monitoring by a professional archaeologist and paleontologist during grading activities assure that significant impacts to cultural resources would not occur (see Section 3.6, *Cultural Resources*)
HR 2.2 Grading and Excavation Activities (page 6-13). Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.	***Consistent:*** See response to Policy HR 2.1 and Section 3.6, *Cultural Resources*.
HR 2.3 Cultural Organizations (page 6-13). Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.	***Consistent:*** See response to Policy HR 2.1 and Section 3.6, *Cultural Resources*
HR 2.4 Paleontological or Archaeological Materials (page 6-13). Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.	***Consistent:*** See responses to Policy HR 2.1 and Section 3.6, *Cultural Resources*

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Circulation Element	
Goal 2.2 – A safe and efficient roadway system.	
CE 2.2.4 Safe Roadways (page 7-14). Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow. Wherever possible, consolidate driveways and implement access controls during redevelopment of adjacent parcels.	***Consistent:*** The project site has one unsignalized driveway access along Dover Drive and four unsignalized driveway accesses along West Coast Highway. As shown in Figure 5a, *Site Plan–Ground Elevation*, the proposed project would eliminate the driveway access off of Dover Drive and would consolidate the four driveway accesses along West Coast Highway into two main access drives. Therefore, development of the proposed project would minimize the number of driveways along West Coast Highway and ensure that the desired traffic flow along this major road is maintained. Additionally, as outlined in Section 3.16, *Transportation and Traffic*, striping under the proposed project would provide adequate sight distance for exiting purposes at each project driveway. The exit-only driveway would only be 20 feet in width to discourage vehicles from entering. Additionally, signage indicating "Do Not Enter" and/or "Exit Only" would be installed along with a striped outbound-only arrow.
CE 2.2.6 Emergency Access (page 7-14). Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles.	***Consistent:*** The proposed project, including the parking structure, would be designed and developed to provide efficient and safe access for emergency vehicles. As outlined in Section 3.16, *Transportation and Traffic*, California Fire Code (CFC), Section 503 requires approved fire access roads within 150 feet of the exterior walls of the first story of each building. The proposed project includes driveways that would meet the requirements of CFC Section 503. Project plans would be reviewed by the Newport Beach Fire Department to ensure that project driveways would provide adequate turning radii for firefighting vehicles and gates could be accessed by emergency vehicles.
Goal 5.1 – Convenient trail systems that satisfy recreational desires and transportation needs.	
CE 5.1.3 Pedestrian Improvements in New Development Projects (page 7-22). Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.	***Consistent:*** The proposed project would include an enhanced and efficient pedestrian walkway system that would not only provide access between the various uses and areas within the project site, but also to the surrounding public sidewalks and uses. As shown in Figure 6a, *Building Elevations–South*, the existing street edge and sidewalk experience would be enhanced with high-quality architecture and landscaping. All pedestrian walkways and connections would also be developed in accordance with Title 24 and all applicable City requirements and standards. As shown in Figure CE4, Bikeways Master Plan, of the City's General Plan, West Coast Highway between Dover Drive and Riverside Avenue which includes the project site frontage is designated as a Class III bike lane. Additionally, the northbound direction of Dover Drive starting at West Coast Highway is a designated as and contains an existing Class II bike lane. The designated and existing Class II bike lane along the southbound direction of Dover Drive terminates near the mid-point between Cliff Drive and the northern boundary of the project site.
Goal 6.2 – Reduced automobile travel through the use of travel demand management strategies.	
CE 6.2.1 Alternative Transportation Mode (page 7-29). Promote and encourage the use of alternative transportation modes, such as ridesharing, carpools, vanpools, public transit, bicycles, and walking; and provide facilities that support such alternate modes.	***Consistent:*** See response to Policy C 5.1.3. Additionally, in addition to walking and bicycling opportunities, the Orange County Transit Authority provides bus services to the project area. There is an existing bus stop (Coast-Dover) for westbound OCTA Route 1 on the north side of West Coast Highway along the midway point of the project site frontage. As a part of the project development, the bus stop would be relocated to between the two

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	driveways of the proposed parking structure, slightly west from its current location (see Figure 5a, *Site Plan–Ground Level*). Under the proposed striping plan (see Appendix C), a designated "Bus Only" area would also be created between the two driveways. The other bus stops in close proximity of the project site, which includes the Dover-Coast and Dover-Cliff bus stops along Dover Drive north of the project site and the Coast-Bayshore stop near the southeast corner of the West Coast Highway and Dover Drive intersection, would also serve the patrons and employees of the proposed project.
Goal 7.1 – An adequate supply of convenient parking throughout the City.	
CE 7.1.1 Required Parking (page 7-29). Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.	***Consistent:*** See response to Policy LU 5.3.6.
CE 7.1.8 Parking Configuration (page 7-30). Site and design new development to avoid use of parking configurations or management programs that are difficult to maintain and enforce.	***Consistent:*** See response to Policy LU 5.3.6.
Goal 7.2 – An efficiently operated parking system.	
CE 7.2.3 Shared Valet Service (page 7-31). Explore the feasibility of shared valet parking programs in areas with high parking demand and less conveniently located parking facilities, such as Mariners' Mile and McFadden Square.	***Consistent:*** See response to Policy LU 5.3.6.
Natural Resources Element	
Goal NR 3 – Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.	
NR 3.4 Storm Drain Sewer System Permit (page 10-19). Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.	***Consistent:*** The City of Newport Beach is listed as a copermittee for the Santa Ana Regional Water Quality Control Board's (SARWQCB) National Pollutant Discharge Elimination System (NPDES) permit and is bound to comply with all the aspects of the permit requirements. Therefore, the proposed project is under the jurisdiction of the SARWQCB. The City holds an NPDES permit to operate its municipal separate storm sewer systems (MS4s). Newport Beach's MS4 permit (adopted January 2002) directs it to keep pollutants out of its MS4s to the maximum extent practicable and to ensure that dry-weather flows entering recreational waters from the MS4s do not cause or contribute to exceedances of water quality standards. The proposed project would be required to comply with the City's NPDES permit requirements, including the submittal and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs).
NR 3.9 Water Quality Management Plan (page 10-20). Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	***Consistent:*** As required by City of Newport Beach water quality ordinances and City Council Policies L-18 and L-22, at the time of submittal of an application for a new development or redevelopment, project applicants are required to submit a Water Quality Management Plan to the City of Newport Beach that outlines approved postconstruction BMPs including site-design and source- and treatment-control BMPs selected for the project to reduce pollutants in postdevelopment runoff to the best available technology economically achievable /best conventional pollutant control technology performance standards. Additionally, prior to the issuance of a grading

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	permit by the City, project applicants are required to prepare a SWPPP that describes the BMPs to be implemented during the project's construction activities. As discussed in Section 3.6, *Hydrology and Water Quality*, the project applicant prepared a Preliminary Water Quality Management (P-WQMP)(see Appendix F), which outlines a number of site-design, and source- and treatment-control BMPs. Refer to Section 3.6 and the P-WQMP for a detailed list of the proposed BMPs. Collectively, the BMPs outlined in the P-WQMP and the required preparation of a SWPPP would address the anticipated and expected pollutants of concern from the operational and construction phases of the proposed project. Additionally, through the development-review process, the City of Newport Beach complies with various statutory requirements necessary to achieve regional water quality objectives and protect groundwater and surface waters from pollution by contaminated stormwater runoff. Stormwater runoff generated from within the project site would be managed in accordance with all applicable federal, state, and local water quality rules and regulations in order to effectively minimize the project's impact on water quality.
NR 3.10 Best Management Practices (page 10-20). Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.	***Consistent:*** See response to Policy NR 3.9.
NR 3.11 Site Design and Source Control (page 10-20). Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.	***Consistent:*** See response to Policies NR 3.4 and 3.9.
NR 3.14 Runoff Reduction on Private Property (page 10-20). Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.	***Consistent:*** See responses to Policies 3.9 and 3.19.
NR 3.15 Street Drainage Systems (page 10-20). Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.	***Consistent:*** See response to Policy 3.9. All street drainage systems and other physical improvements created by the proposed project would be designed, constructed, and maintained to minimize adverse impacts on water quality. This would be ensured through the City's development review process.
NR 3.17 Parking Lots and Rights-of-Way (page 10-21). Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue.	***Consistent:*** The project site management, tenants and personnel would be required to comply with all applicable City codes and regulations regarding the maintenance and keeping of public and private rights-of-way. For example, Section 6.04.220, Persons Required to Clean Sidewalks, of the city's Municipal Code states that the occupant or tenant, or in the absence of an occupant or tenant, the owner, lessee, or proprietor of any real estate in

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	the City in front of which there is a paved sidewalk shall cause said sidewalk to be swept or otherwise cleaned as frequently as necessary to maintain said sidewalks reasonably free of leaves, dirt, paper, litter, or rubbish of any kind. Sweepings from said sidewalk shall not be swept, or otherwise made or allowed to go into the street or gutter, but shall be disposed of by being placed in a refuse container by the person responsible for the cleanliness of said sidewalk. Additionally, implementation of the operational-related BMPs outlined in Section 3.6 and further detailed in the P-WQMP (see Appendix F) would ensure the maintenance and keeping of public and private rights-of-way. For example, as outlined in Table 10, *Water Quality Management Plan BMPs (Project Design and Operation)*, during project operation, one of the routine nonstructural BMPs that would be implemented includes regular site maintenance and cleaning (e.g., landscape maintenance, litter control, BMP maintenance, street sweeping, and catch basin inspections, pet waste disposal stations and bags)
NR 3.19 Natural Drainage Systems (page 10-21). Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.	***Consistent:*** As discussed in section 3.6, *Hydrology and Water Quality*, and further detailed in the P-WQMP (see Appendix F) the operational phase of the proposed project would include various natural water quality design features, including porous landscape detention and infiltration trenches equipped with filters to catch trash and debris before stormwater enters receiving waters. Implementation of these hydraulic and drainage design features would assist in the retention of stormwater and the recharge of groundwater.
NR 3.20 Impervious Surfaces (page 10-21). Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.	***Consistent:*** As outlined in Section 3.9, *Hydrology and Water Quality*, the existing site has an impervious area of approximately 85 percent. As shown in Figure 3, *Aerial Photograph*, the majority of the impervious landscaped area occurs along the northern boundary of the project site, which abuts the sloped area and bluff, with little to none occurring throughout the remainder of the site. At project completion, the site would consist of approximately 90 percent impervious area and 10 percent landscaped area. As shown in Figure 8a, *Landscaping Plan*, the majority of the impervious landscaped areas would occur along the western, southern and eastern project frontages. Although development of the proposed project would increase the amount of impervious surfaces on the site by approximately five percent, the operational phase of the proposed project would include various project-related water quality design features that would ensure the minimization of site runoff. The permanent treatment-control BMP features that would help minimize site runoff would include porous landscape detention and infiltration trenches. Collectively, implementation of the BMPs outlined in the P-WQMP and the project's proposed water quality design features and enhanced landscape plan would help minimize site runoff during the operational phase of the proposed project.

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Goal NR 4 – Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.	
NR 4.4 Erosion Minimization (page 10-22). Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.	***Consistent:*** As discussed in section 3.6, *Hydrology and Water Quality*, and detailed in the P-WQMP (see Appendix F), the operational phase of the proposed project would include various project-related water quality design features that would ensure the minimization of erosion. The permanent erosion and siltation treatment-control BMP features would include porous landscape detention and infiltration trenches. Collectively, implementation of the BMPs outlined in the SWPPP and the project's proposed water quality design features would address the anticipated and expected erosion impacts during the construction and operational phases of the proposed project.
Goal NR 18 – Protection and preservation of important paleontological and archaeological resources.	
NR 18.1 New Development (page 10-34). Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	***Consistent:*** See responses to Policy HR 2.1.
NR 18.3 Potential for New Development to Impact Resources (page 10-34). Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	***Consistent:*** See responses to Policy HR 2.1.
NR 18.4 Donation of Materials (page 10-34). Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.	***Consistent:*** See responses to Policy HR 2.1.
Noise Element	
Goal N 1 Noise Compatibility – Minimized land use conflicts between various noise sources and other human activities.	
N 1.1 Noise Compatibility of New Development (page 12-25). Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3.	***Consistent:*** As discussed in detail in Section 3.12, *Noise*, the noise analysis demonstrates that the proposed project would comply with the requirements as outlined in the City of Newport Beach's noise standards. Additionally, mitigation measures have been outlined in Section 3.12 that would ensure that construction-related noise impacts would be reduced a level of less than significant. Refer to Section 3.12 for a detailed analysis on compatibility and compliance with noise standards and mitigation.
N 1.8 Significant Noise Impacts (page 12-26). Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is	***Consistent:*** As discussed in Section 3.12 and detailed in Table 13, *Project-Related Weekday Traffic Noise Increases*, the increase in traffic from operation of the proposed project would not significantly increase noise levels for surrounding noise-sensitive receptors. Additionally, the proposed project structures would have the

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below. **CNEL dBA** / **dBA increase** 55 / 3 60 / 2 65 / 1 75 / 1 Over 75 / Any increase considered significant	potential to reduce traffic-related noise levels at the Cliff Haven residences elevated above the site to the north atop the bluff. Noise contours for the area in proximity to the project site are shown in Figure 12, *Opening Year 2013 Without Project Roadway Noise Contours*, and Figure 13, *Opening Year 2013 With Project Roadway Noise* Contours. As shown in Figure 14, *Change in Roadway Noise Levels Between Opening Year 2013 With and Without Project*, implementation of the proposed project would reduce the traffic noise levels in the rear yards of these residences by 1 to 7 dB. As also discussed in detail under Section 3.12, new stationary noise sources from long-term operation of the proposed project would not substantially elevate noise levels in the vicinity of noise-sensitive land uses to the south and north. For example, heating, ventilation, and air conditioning (HVAC) and other mechanical systems (e.g., trash compactors) would be installed to comply with the City's noise regulations outlined in the Municipal Code. For example, Section 10.26.025 of the Municipal Code requires such equipment to be installed to achieve 55 dBA L25 between the hours of 7:00 AM to 10:00 PM (daytime) and 50 dBA L25 between 10:00 PM and 7:00 AM (nighttime). The maximum noise levels from the equipment are also prohibited from exceeding 75 dBA Lmax during the daytime and 70 dBA Lmax during the nighttime hours. The proposed HVAC equipment would also be required to be reviewed during plan check and tested in the field after installation. Additionally, the trash compactor and electric room would be located inside the first floor of the parking structure and the fan room would be located inside the second floor of the parking structure. These areas would be completely enclosed to prevent noise intrusion. Furthermore, as outlined in Chapter 10.28, Loud and Unreasonable Noise, of the City's Municipal Code, stationary equipment or onsite facilities used in a manner that violates the City's noise standards is defined as a public nuisance and is not permitted within the City.
Goal N 2 – Minimized motor vehicle traffic and boat noise impacts on sensitive noise receptors.	
N 2.1 New Development (page 12-26). Require that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.	***Consistent:*** See response to Policies N 1.1, N 1.8 and 4.6.
Goal N 4 Minimization of Nontransportation-Related Noise – Minimized nontransportation-related noise impacts on sensitive noise receptors.	
N 4.1 Stationary Noise Sources (page 12-29). Enforce interior and exterior noise standards outlined in Table N3, and in the City's Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.	***Consistent:*** See response to Policies N 1.1, N 1.8 and 4.6.

Table 12
General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
N 4.2 New Uses (page 12-29). Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code.	***Consistent:*** See response to Policies N 1.1, N 1.8 and 4.6.
N 4.3 New Commercial Developments (page 12-29). Require that new commercial developments abutting residentially designated properties be designed to minimize noise impacts generated by loading areas, parking lots, trash enclosures, mechanical equipment, and any other noise generating features specific to the development to the extent feasible.	***Consistent:*** See response to Policies N 1.1, N 1.8 and 4.6.
N 4.6 Maintenance or Construction Activities (page 12-30). Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.	***Consistent:*** See response to Policies N 1.1 and N 1.8. Additionally, all project-related construction activities would be subject to the provisions of the City of Newport Beach Municipal Code Section 10.28.040, Construction Activity – Noise Regulations. As outlined in this section, construction is permitted on weekdays between the hours of 7:00 AM and 6:30 PM and Saturdays between the hours of 8:00 AM and 6:00 PM. Construction is not permitted on Sundays or any federal holiday. Exceptions to these construction hours can be made when the maintenance, repair, or improvement is of a nature that cannot feasibly be conducted during normal business hours, as outlined in Section 10.28.040 of the City's Municipal Code. All construction activities proposed within the project site would be required to adhere to these standards. Furthermore, any project-related maintenance activities would be required to adhere to the standard outlined in Section 10.28.045, Real Property Maintenance-Noise Regulations, of the City's Municipal Code.
Goal N 5 – Minimized excessive construction-related noise.	
N 5.1 Limiting Hours of Activity (page 12-30). Enforce the limits on hours of construction activity.	***Consistent:*** See response to Policies N1.1 and N 4.6.

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Summary

Applications have been submitted for a General Plan Amendment, Modification Permit, CUP, and variances as discussed above. Upon review and approval of these requests, the proposed project would comply with applicable City plans and policies including the guidelines within the Mariner's Mile Strategic Vision and Design Plan. Therefore, land use impacts would be less than significant.

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

No Impact. The project site is in the plan area of the Orange County Central/Coastal Natural Community Conservation Plan (OCCCNCCP). However, the project site is not in an area designated as a reserve under the OCCCNCCP (Nature Reserve 2010). Project development would not conflict with this NCCP and no mitigation measures are necessary.

3.11 MINERAL RESOURCES

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. According to the Natural Resources Element of the City's General Plan Update, Mineral Resource Zones (MRZ) within the City are either classified as containing no significant mineral deposits (MRZ-1), or the significance of mineral deposits has not been determined (MRZ-3). According to Figure 4.5-4, *Mineral Resource Zones*, of the City's General Plan Update EIR, the project site is located within MRZ-1. The project site and surrounding areas are not recognized as sources of important mineral resources. No significant impacts would occur to mineral resources of regional or statewide importance as a result of the proposed project. Therefore, no impacts to mineral resources are anticipated and no mitigation measures are necessary.

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. Designation of a site as a mineral resource recovery site is a process limited to the identification of significant mineral resources within existing MRZ-2s only. MRZ-2s are areas where the available geologic information indicates that there are significant mineral deposits. The project site is not located in an MRZ-2. As mentioned above, the project site is located within MRZ-1.Therefore, the project site is not designated as a mineral resource recovery site, as indicated by the Department of Conservation Mineral Resource Maps, and does not contain any mineral resource recovery areas. No impacts would occur as a result of the proposed project and no mitigation measures are necessary.

3.12 NOISE

Noise is defined as unwanted sound, and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal government, the State of California, and the City of Newport Beach have established criteria to protect public health and safety and to prevent disruption of certain human activities. The analysis in this section is based partly on the following analysis, which is included as Appendix H to this Initial Study:

- *Noise Analysis*. The Planning Center, March 2011.

Terminology and Noise Descriptors

The following are brief definitions of terminology used in this chapter:

- ***Noise.*** Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
- ***Decibel (dB).*** A unitless measure of sound on a logarithmic scale.
- ***A-Weighted Decibel (dBA).*** An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- ***Equivalent Continuous Noise Level (L_{eq}).*** The mean of the noise level averaged over the measurement period, regarded as an average level.
- ***Day-Night Level (L_{dn}).*** The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the sound levels occurring during the period from 10:00 PM to 7:00 AM.
- ***Community Noise Equivalent Level (CNEL).*** The energy average of the A-weighted sound levels occurring during a 24-hour period with 5 dB added to the sound levels occurring during the period from 7:00 PM to 10:00 PM and 10 dB added to the sound levels occurring during the period from 10:00 PM to 7:00 AM.

L_{dn} and CNEL values rarely differ by more than 1 dB. As a matter of practice, L_{dn} and CNEL values are considered to be equivalent and are treated as such in this assessment.

Existing Noise Environment

The primary source of noise is local traffic on West Coast Highway and Dover Drive that abuts the project site to the south and east, respectively. Other sources of noise in the vicinity are from mechanical systems (heating, ventilation, and air conditioning [HVAC]) and other stationary sources of noise from the nearby residences and activity from Newport Bay.

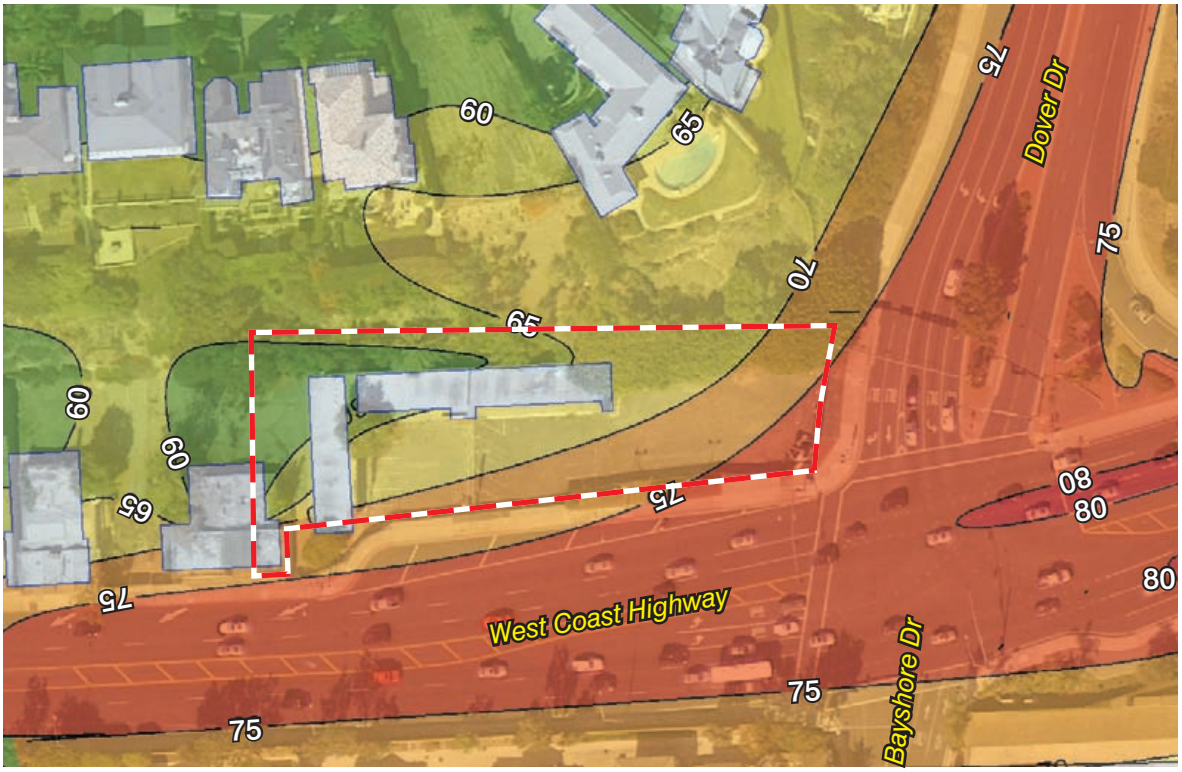
Modeling of Existing Traffic Noise

In order to assess the potential for mobile-source noise impacts, it is necessary to determine the noise currently generated by vehicles traveling through the project area. Noise modeling was conducted using the Federal Highway Administration's Traffic Noise Model (FHWA TNM) Version 2.5. Average daily traffic (ADT) volumes were based on the existing daily traffic volumes provided in the traffic study (RBF 2011). The results of this modeling indicate that average 24-hour noise levels along roadways currently range from approximately 70 dBA to 77 dBA CNEL. Noise levels for existing conditions along analyzed roadways are presented in Table 13.[6] Additionally, the SoundPlan computer model developed by Braunstein and Berndt, GmbH was also utilized to prepare roadway noise contours for the area proximate to the project site as shown in Figure 11, *Existing Roadway Noise Contours*.[7]

[6] See Figure 16, *Study Intersection Locations*, of this Initial Study for roadway segment locations.

[7] Noise modeling of traffic noise in SoundPlan is based on the FHWA's Traffic Noise Model (TNM), which is integrated into the SoundPlan computer model.

Existing Roadway Noise Contours



Noise Level in dB(A) CNEL

Project Site

60 65 70 75 80

0 160

Scale (Feet)

Source: Google Earth Pro 2011

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Table 13
Existing Traffic Noise Levels

Roadway Segment[1]	Noise Levels (dBA CNEL)
West Coast Highway	
Newport Blvd to Riverside Ave[2]	76.9
Riverside Ave to Tustin Ave[2]	76.8
Tustin Ave to Balboa Bay Club[2]	71.5
Balboa Bay Club to Dover Dr[3]	70.7
Dover Dr to Bayside Dr[2]	77.0
Dover Drive	
Westcliff Dr to 16th St[3]	69.8
16th St to Cliff Dr[4]	72.6
Cliff Dr to West Coast Hwy[4]	72.7

Source: Federal Highway Administration (FHWA), Traffic Noise Model (TNM), Version 2.5
Note: Based on traffic volumes provided by RBF (February 2009) and speed limits obtained using Google Maps.
[1] For purposes of this analysis, only segments where the project would increase traffic volumes by 25 percent or more were modeled.
[2] At the nearest non-residential property line, excluding noise reduction from existing sound walls.
[3] At the nearest residential property line.
[4] At the nearest residential property line, includes noise reduction from landscape areas.

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 Impact. The proposed project would construct a 23,015-square-foot two-story commercial building that would provide restaurant, office, and retail uses. The following describes project-related impacts from long-term operation of this project.

Mobile-Source Noise Impacts

The proposed project would generate 1,533 average daily trips (RBF Consulting 2011).[8] Project-related traffic would access the project site along West Coast Highway. Traffic noise modeling was completed for opening year with and with out the proposed project. The modeling results are shown in Table 14.

As shown in the table, the column labeled "Increase in CNEL from Existing (dBA) Due to Project" represents the incremental increase in the ambient noise level attributable to project-related traffic. The column labeled "Increase in CNEL (dBA) from Existing" represents the cumulative noise increase due to project-related traffic plus future ambient traffic growth at buildout. In accordance with General Plan Policy N1.8, project-related noise impacts may occur if there are substantial noise increases (3 dBA or more when the existing CNEL is 60 dBA or less, 2 dBA or more when the CNEL is between 60 and 65 dBA, 1 dBA or more when the CNEL is between 65 and 75, or any amount when the CNEL exceeds 75 dBA in the vicinity of any noise-sensitive receptors) in comparison to Without Project conditions.

[8] The land use mix assumed in the RBF traffic study yields a higher project trip generation in comparison to the proposed land use mix. Please see Appendix H for comparison of trips between the land use mix assumed in the traffic study and the actual land use mix proposed for the project.

Table 14
Project-Related Weekday Traffic Noise Increases

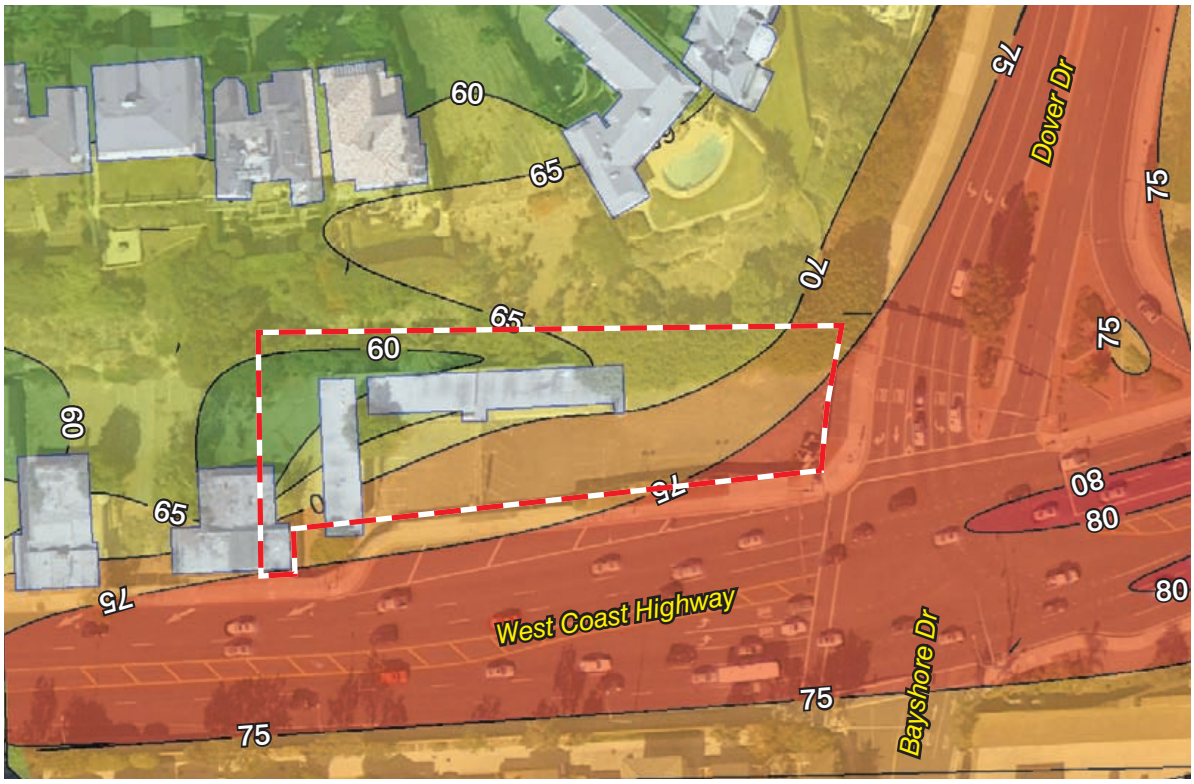
Location[1]	Existing CNEL[1] (dbA)	Year 2013 Without Project CNEL (dBA)	Year 2013 With Project CNEL (dbA)[2]	Increase in CNEL (dBA) from Existing[3]	Increase in CNEL from Existing (dBA) Due to Project[4]
West Coast Highway					
Newport Blvd to Riverside Ave[5]	76.9	77.6	77.6	0.7	0.0
Riverside Ave to Tustin Ave[5]	76.8	77.6	77.6	0.8	0.1
Tustin Ave to Balboa Bay Club[5]	71.5	72.3	72.3	0.8	0.1
Balboa Bay Club to Dover Dr[6]	70.7	71.4	71.4	0.7	0.0
Dover Dr to Bayside Dr[5]	77.0	77.6	77.6	0.6	0.0
Dover Drive					
Westcliff Dr to 16th St[6]	69.8	70.2	70.2	0.4	0.0
16th St to Cliff Dr[7]	72.6	73.0	73.1	0.5	0.1
Cliff Dr to West Coast Hwy[7]	72.7	73.1	73.1	0.4	0.0

Source: Federal Highway Administration (FHWA), Traffic Noise Model (TNM), Version 2.5.
Btwn: Between; n/o: North of; s/o: South of; e/o: East of; w/o: West of
[1] For purposes of this analysis, only segments where the project would increase traffic volumes by 25 percent or more were modeled.
[2] Based on land use mix that would that would yield a higher project trip generation compared to the actual land use mix proposed, therefore the noise levels shown are conservative. Please see Table 23 for comparison of trips between the land use mix assumed in the RBF traffic study and the actual proposed land use mix proposed for the project.
[3] Incremental increase in noise due to project-related traffic plus future ambient traffic growth.
[4] Incremental increase in noise due to project-related traffic.
[5] At the nearest nonresidential property line, excluding noise reduction from existing sound walls.
[6] At the nearest residential property line.
[7] At the nearest residential property line, includes noise reduction from landscape areas.

As shown in the table, ambient noise levels along the segment of West Coast Highway from Riverside Avenue to Tustin Avenue would be over 75 dBA CNEL and the project would contribute 0.1 dBA. However, there are no noise-sensitive uses along this roadway segment. Development of the project would increase noise along the segment of Dover Drive from 16th Street to Cliff Drive where residences are present by a maximum of 0.1 dBA. However, future noise levels at the residences would not exceed 75 dBA CNEL. Therefore, a project-related noise increase of less than 1 dBA along this roadway segment would not significantly contribute to the impacted noise environment in the vicinity of noise-sensitive receptors. Impacts would be less than significant and no mitigation measures are necessary.

Additionally, the proposed structures would have the potential to reduce noise levels at the Cliff Haven residences elevated above the site to the north. Noise contours for the area in proximity to the project site are shown in Figure 12, *Opening Year 2013 Without Project Roadway Noise Contours*, and Figure 13, *Opening Year 2013 With Project Roadway Noise Contours*. As shown in Figure 14, *Change in Roadway Noise Levels Between Opening Year 2013 With and Without Project*, implementation of the project would reduce the traffic noise levels in the rear yards of these residences by 1 to 7 dB. Therefore, the proposed project would result in a beneficial noise impact.

Opening Year 2013 Without Project Roadway Noise Contours



Project Site

Noise Level in dB(A) CNEL

60 65 70 75 80

0 160

Scale (Feet)

Source: Google Earth Pro 2011

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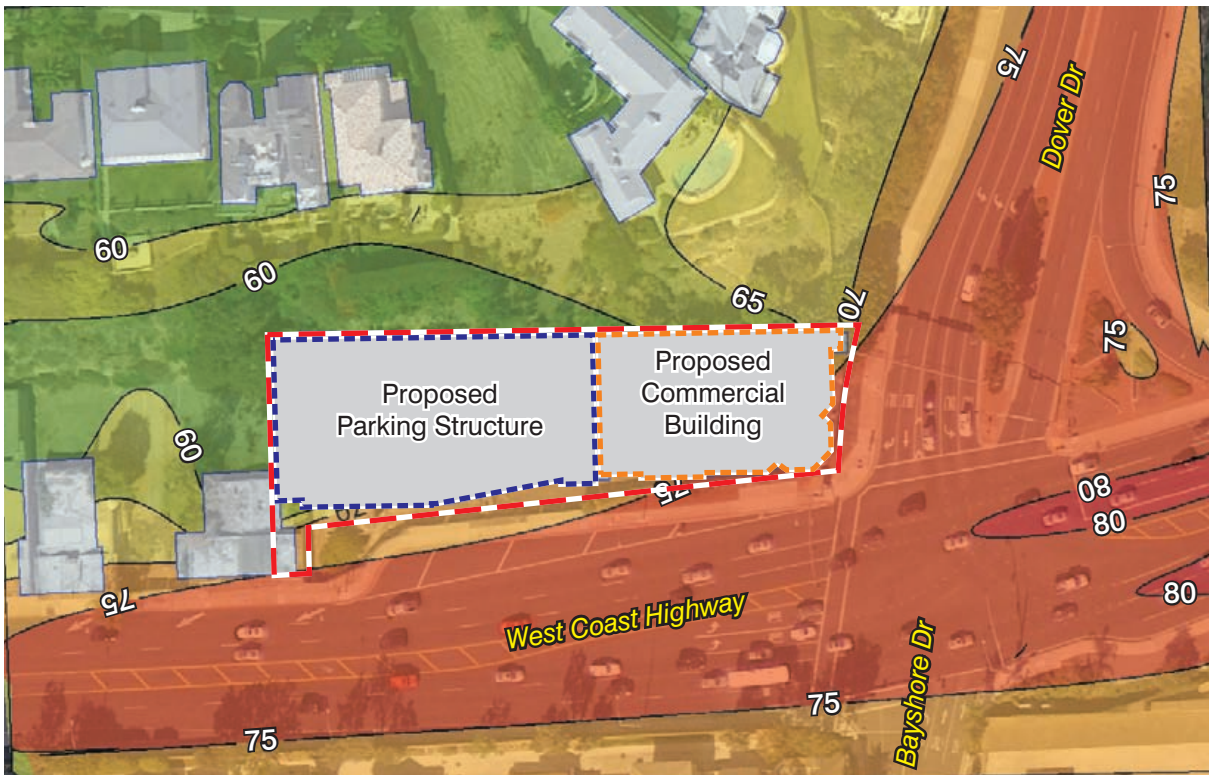
Opening Year 2013 With Project Roadway Noise Contours



Project Site

Proposed Parking Structure

Proposed Commercial Building

Noise Level in dB(A) CNEL

60 65 70 75 80

0 160

Scale (Feet)

Source: Google Earth Pro 2011

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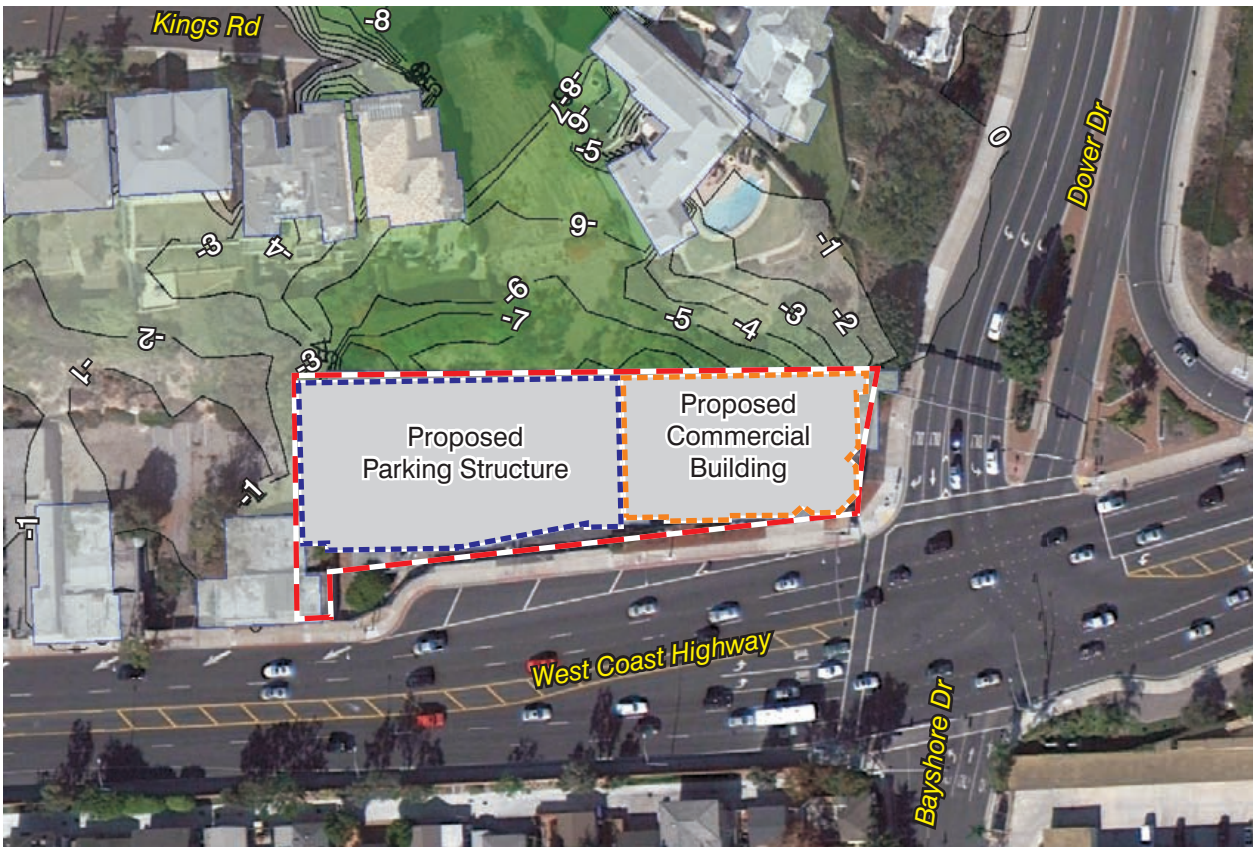
Change in Roadway Noise Levels between Opening Year 2013 With and Without Project



Project Site

Proposed Parking Structure

Proposed Commercial Building

Change in Noise Level in dB(A) CNEL

-8.0 -7.0 -6.0 -5.0 -4.0 -3.0 -2.0 -1.0 0.0

* Net decrease in roadway noise north and northwest of the project site would result due to noise attenuation effect of new structures.

0 160

Scale (Feet)

Source: Google Earth Pro 2011

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Stationary-Source Noise Impacts

Mechanical Systems

The proposed commercial development would lead to the introduction of new stationary-source noise at the project site, including heating, ventilation, and air conditioning (HVAC) units and other machinery (e.g., trash compactors). HVAC and other mechanical systems would be installed to comply with the City's municipal code regulating noise (Section 10.26.025), which requires such equipment to be installed to achieve 55 dBA L_{25} between the hours of 7:00 AM to 10:00 PM (daytime) and 50 dBA L_{25} between 10:00 PM and 7:00 AM (nighttime). In addition, the maximum noise levels from the equipment are prohibited from exceeding 75 dBA L_{max} during the daytime and 70 dBA L_{max} during the nighttime hours. Furthermore, the trash compactor and electric room would be inside the first floor of the parking structure and the fan room would be inside the second floor of the parking structure. These areas would be completely enclosed to prevent noise intrusion. Additionally, rooftop mechanical equipment would be fully enclosed with vents directed toward the highway. Therefore, noise impacts from mechanical equipment would be less than significant.

Parking Structure

Typical parking lot/structure noises include car-door slams, car horns, car audio systems, people talking, vehicle pass-bys, engine idling, and car beeps. Other types of noise that could occur within the parking structure that would be most disruptive would be car alarm noise and horns, because of the high magnitude of noise they generate. Each of these individual noise sources lasts for short duration and their occurrences would be infrequent. The proposed project would construct a three-level parking structure that would provide a mix of self- and valet parking. The parking structure enclosures on the first and second floors would attenuate noise from vehicles and service trucks. The third floor of the parking structure would be used for employee parking and would generate noise.

Figure 15, *3rd Level Parking Structure – Generated Noise Contours*, prepared using SoundPlan, shows the noise contours that would be generated from use of the rooftop area of the parking structure.[9] The rooftop parking would be generally 20 feet below the top of the bluff. As shown in the figure, noise contours generated from the rooftop area of the parking structure would be less than 45 dBA L_{eq} at the nearest residences to the north, which is below the City's nighttime exterior noise standard in the Municipal Code. Similarly, it is anticipated that the noise the existing offsite parking lot at Dover Drive and Cliff Avenue would also only minimally contribute to the overall ambient noise environment. The offsite parking lot is currently in use and the project would not create new types of noise. Additionally, the number of parking spaces would be limited and would be restricted to employees only or valet. It is anticipated that on average, only 9 of the 20 spaces would be needed. Furthermore, during the daytime, traffic noise from West Coast Highway and Dover Drive would be audible over the noise generated at the parking structure. Therefore, impacts from the parking structure and offsite surface parking lot to nearby noise-sensitive receptors would be less than significant. No mitigation measures are necessary.

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

Less Than Significant Impact. Operation of the project would not generate substantial levels of vibration; however, project construction may expose people to groundborne vibration. Construction activities can generate varying degrees of ground vibration, depending on the construction procedures, construction equipment used, and proximity to vibration-sensitive uses. Operation of construction equipment generates

[9] Noise contours are based on sample data from parking lots as provided in SoundPlan.

vibrations that spread through the ground and diminish in amplitude with distance from the source. Vibration is typically noticed nearby when objects in a building generate noise from rattling windows or picture frames. It is typically not perceptible outdoors, and, therefore, impacts are based on the distance to the nearest building. The effect on buildings near a construction site varies depending on soil type, ground strata, and receptor building construction. The generation of vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels. Ground vibrations from construction activities rarely reach levels that can damage structures, but can achieve the audible and perceptible ranges in buildings close to a construction site. Construction-related vibration impacts are described below.

Vibration-Induced Architectural Damage

The closest offsite vibration-sensitive structures are the adjacent single-family residences to the north on top of the bluff overlooking the site and the commercial buildings to the west of the project site. The nearest residential structure is approximately 65 horizontal feet from the northern project boundary and is approximately 30 feet higher than the closest point of the proposed construction activity at the site.

The FTA has established vibration level thresholds that would cause architectural damage to building structures. The FTA criterion for vibration-induced architectural damage is 0.2 inch per second for the peak particle velocity (PPV) for wood-framed structures and 0.5 inch per second for the PPV for steel-reinforced buildings. Vibration levels from construction equipment that would be generated at the nearest structures are shown in Table 15.

Table 15
Construction-Related Architectural Damage

Construction Equipment	*Distance to Receptor (feet)[1]*	*RMS Velocity (in/sec)[1]*	*Significance Threshold (in/sec)*	*Exceeds Significance Threshold?*
Northern Residents				
Large Off-Road Construction Equipment	65	0.021	0.2	No
Small Off-Road Construction Equipment	65	0.001	0.2	No
Jackhammer	65	0.008	0.2	No
Loaded Trucks	65	0.018	0.2	No
Western Commercial Building				
Large Off-Road Construction Equipment	100	0.011	0.2	No
Small Off-Road Construction Equipment	100	0.0004	0.2	No
Jackhammer	100	0.004	0.2	No
Loaded Trucks	100	0.010	0.2	No

Source: Based on methodology from FTA 2006.
RMS velocity calculated from vibration level using the reference of one microinch/second. NA: Not Applicable
[1] Distance as measured between structure and nearest project property line.

As shown in the table, project construction activities would not result in PPV levels that exceed the FTA's criteria for vibration-induced architectural damage at the surrounding structures. Therefore, architectural vibration impacts would be less than significant and no mitigation measures are necessary.

3rd Level Parking Structure–Generated Noise Contours

Noise Level in dB(A) Leq

45 50 55 60 65

Project Site

Proposed Parking Structure

Proposed Commercial Building

0 80

Scale (Feet)

Source: Google Earth Pro 2011

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Vibration Annoyance

Maximum vibration is based on construction equipment operating directly adjacent to the property line. Although the maximum vibration levels associated with certain construction activities could be perceptible in certain instances, its impact would be limited because it would not occur frequently throughout the day. It would occur in the daytime when people are least sensitive to vibration levels and would only occur for a very limited duration when equipment would be working in close proximity. Further construction activities are typically distributed throughout the project site. Therefore, construction vibration is based on average vibration levels (levels that would be experienced by sensitive receptors the majority of the time) that exceed the FTA's criteria for vibration-induced annoyance for residential land uses. Table 16 lists the maximum and average vibration levels for construction equipment anticipated to be used at the project site as measured to the nearest offsite residential structures.

Table 16
Construction-Related Vibration Annoyance

Vibration-Sensitive Use	*Distance to Construction Area (Feet)*	*Velocity Level (VdB)*			
		Large Off-Road Construction Equipment[1]	*Small Off-Road Construction Equipment*[2]	*Jackhammer*	*Loaded Truck*
Maximum Vibration Levels					
Northern Residences	65	79	50	71	78
Southern Residences	120	73	44	65	72
Average Vibration Levels					
Northern Residences	115	74	45	66	73
Southern Residences	205	69	40	61	68
Significance Threshold (VdB)	n/a	78	78	78	78
Exceeds Significance Thresholds?	n/a	No	No	No	No

Source: Based on methodology from FTA 2006.
Avg = Average
[1] Vibration levels from the listed off-road construction equipment are equivalent to vibration levels generated by a large bulldozer.
[2] Vibration levels from the listed off-road construction equipment are equivalent to vibration levels generated by a small bulldozer.

The FTA's criterion for vibration-induced annoyance is 78 VdB for residential uses. While construction equipment could be operating as close as 65 feet to the nearest residential structure, the majority of heavy construction activities would be operating at greater distances. As shown in the table, average vibration levels would not exceed the FTA criterion for vibration annoyance. Because project construction activities would not generate average vibration levels that exceed the FTA's vibration annoyance threshold, no significant vibration impact from exposure of persons to excessive levels of vibration would occur during project construction activities. Therefore, project development impacts related to vibration annoyance would be less than significant.

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

Less Than Significant Impact. The proposed project would not generate a substantial permanent increase in the ambient noise level. Increases in noise levels related to stationary sources associated with the proposed project would not substantially increase the existing noise environment. Similarly, noise from project traffic along local roadways would not significantly increase noise levels in the project area. Impacts from project-related increases to the ambient noise environment would be less than significant.

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

Less Than Significant Impact With Mitigation Incorporated. Short-term construction activities would periodically increase ambient noise levels in the project vicinity and would subside once construction of the proposed project is completed.

Construction Vehicles

The transport of workers and equipment to the construction site would incrementally increase noise levels along site access roadways. Even though there would be a relatively high single-event noise exposure potential with passing trucks (a maximum noise level of 86 dBA at 50 feet), the expected number of workers and trucks is minimal (Caltrans 1998). The truck trips would be spread throughout the workday and would primarily occur during nonpeak traffic periods. The existing roadway volumes along the analyzed roadway segments of West Coast Highway average between 38,000 to 55,000 daily vehicle trips per day and between 10,000 to 25,000 daily vehicle trips per day along Dover Drive (RBF 2011). Construction worker, vendor would be negligible compared to the volumes of traffic currently generated. Therefore, these impacts are less than significant at noise receptors along the construction routes and no mitigation measures are necessary.

Construction Demolition and Soil Haul Trips

Demolition of the existing buildings and surface parking lot would generate haul trips. Based on CalEEMod, demolition of the existing buildings would generate 25 total hauls trips while demolition and removal of the parking lot would generate 13 total haul trips for total of 38 haul trips. As demolition activities would be spread through a 5 to 8 day period, daily haul trips would be minimal. Export of the 1,600 cy of soil material would generate a total of up to 200 haul trips. As the existing roadways volumes for West Coast Highway and Dover Drive average more than 10,000 plus daily vehicle trips, the contribution of demolition and soil haul trips to the ambient noise levels would be negligible. Additionally, the duration period for both hauling operations would be relatively short-term. Therefore, noise impacts from demolition and soil haul trips would be less than significant and no mitigation measures are necessary.

Construction Equipment

Noise generated during construction is based on the type of equipment used, the location of the equipment relative to sensitive receptors, and the timing and duration of the noise-generating activities. Noise levels are the average noise levels for each construction phase. Each stage involves the use of different kinds of construction equipment and, therefore, has its own distinct noise characteristics.

Noise levels from construction activities are dominated by the loudest piece of construction equipment. Noise levels from project-related construction activities were calculated from use of all applicable construction equipment at the same time at average distances (center of construction areas to nearest property line of nearest noise-sensitive receptor offsite) and are shown in Table 17.

Table 17
Average Construction Noise Levels
(dBA L_{eq})

Construction Phase	Northern Residences (dBA L_{eq})[1]	Southern Residences (dBA L_{eq})[1]
Site Preparation[2]		
Ground Clearing/Demolition	76	71
Excavation	64	59
Commercial Building[3]		
Foundation Construction	71	65
Building Construction	66	60
Finishing and Site Cleanup	68	62
Parking Structure[4]		
Foundation Construction	72	65
Building Construction	67	60
Finishing and Site Cleanup	69	62

Source: Bolt, Beranek and Newman 1976, "Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances," prepared for the USEPA, December 31, 1971 based on analysis for industrial construction.

[1] The Minimum Required Equipment in Use noise levels as reported in Bolt, Beranek, and Newman, 1976 are used based on the construction equipment mix verified by the project applicant.

[2] Measured at average distance of 110 feet from center of site to northern residences and 195 feet from center of site to southern residences.

[3] Measured at average distance of 100 feet from center of commercial building construction area to northern residences and 200 feet from center of commercial building construction area to southern residences.

[4] Measured at average distance of 90 feet from center of parking structure construction area to northern residences and 195 feet from center of parking structure construction area to southern residences.[4]

As shown in the table, average noise levels at the surrounding residential properties would range from 59 to 76 dBA L_{eq} for approximately one year from project-related construction activities. The highest potential noise exposure would be from grading operations. However, it is anticipated that grading would only occur for several days and therefore exposure of residences would be brief. Trenching (excavation) operations would last 4 to 5 months and would have an average noise level of 64 dBA L_{eq} at the northern residences. Construction of the commercial building would generate average noise levels between 60 to 71 dBA L_{eq} for approximately eight months. Construction of the parking structure would generate average noise levels between 60 to 72 dBA L_{eq} for a duration of three months. While the magnitude of the average noise levels may at times be slightly higher compared to the ambient noise environment, construction activities would fluctuate throughout the workday because equipment would not be in use at one location for an extended period of time. Furthermore, construction activities would comply with the City's Municipal Code that limits the hours of construction from 7:00 AM and 6:30 PM during the weekday, 8:00 AM to 6:00 PM on Saturday, and at no time on Sunday or any legal holiday.

Overall, construction activities would generally be restricted to the least noise-sensitive portions of the day, and maximum noise levels would be infrequent throughout the workday. Implementation of mitigation measures would further reduce noise levels from construction activities. Therefore, construction-related noise with the implementation of the following mitigation measures would result in less than significant impacts.

Mitigation Measures

6. The contractor shall properly maintain and tune all construction equipment in accordance with the manufacturer's recommendations to minimize noise emissions.

7. Prior to use of any construction equipment, the contractor shall ensure that all equipment is fitted with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.

8. The construction contractor shall locate stationary noise sources (e.g., generators, compressors, staging areas) and material delivery (loading/unloading) areas as far from residences as possible (e.g., eastern portion of the project site).

9. The construction contractor shall post a sign, clearly visible onsite, with a contact name and telephone number of construction contractor to respond in the event of a noise complaint.

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. The project site is not within an airport land use plan or within two miles of a public airport. The nearest airport is John Wayne Airport, located approximately 3.75 miles north of the project site (Airnav 2010). Therefore, people residing or working in the project area would not be exposed to excessive noise levels and no noise impacts from a public airport or public use airport would occur. No mitigation measures are necessary.

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?

Less Than Significant Impact. The project site is not within the vicinity of a private airstrip or heliport. The nearest heliport is the Hoag Memorial Hospital Heliport approximately 1.5 miles west of the site and the Newport Beach Police Heliport 1.6 miles east of the site (Airnav 2010). No noise sensitive receptors would be present on-site due to the nature of the planned potential uses of the proposed project. People residing or working in the project area would not be exposed to excessive noise levels and no noise impacts from a private airstrip would occur. No mitigation measures are necessary.

3.13 POPULATION AND HOUSING

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)?

Less Than Significant Impact. The proposed project would not induce substantial population growth in the area, either directly or indirectly. The project does not propose the development of any residences. The project involves the development of two-story structure and associated parking structure that would provide 23,015 gross square feet of retail and commercial uses. The proposed uses are consistent with the property's land use designation in the General Plan and can be accommodated without expanding the capacity of existing infrastructure (water, sewer, roadway, and drainage, etc.). The size and scope of the proposed project would not be of a regional scale that would directly induce substantial population growth within the City of Newport Beach. Therefore, no significant impacts to population growth are anticipated and no mitigation measures are necessary.

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

No Impact. No housing is currently onsite. Therefore, the project would not displace any existing housing and no impacts would occur.

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

No Impact. No housing is currently located onsite. Therefore, the project would not displace any people and would not necessitate construction of replacement housing elsewhere. No impact would occur.

3.14 PUBLIC SERVICES

Would the 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:

a) Fire protection?

Less Than Significant Impact. The Newport Beach Fire Department (NBFD) is responsible for reducing loss of life and property from fire, medical, and environmental emergencies. In addition to fire suppression, NBFD also provides fire prevention and hazard reduction services. The Fire Prevention Division works in conjunction with the City's planning, public works, and building departments to ensure that all new construction and remodels are built in compliance with local and State building and fire codes, including the provision of adequate emergency access and on-site fire protection measures.

The NBFD currently employs 151 full-time employees to provide 24-hour protection and response to the City's residents and visitors. NBFD is divided into five divisions: Fire Operations, Emergency Medical Services (EMS), Fire Prevention, Training and Community Education, and Fire Administration. The Fire Operations Division contains the fire suppression and emergency medical services personnel and consists of 117 full-time fire fighters spread over eight fire stations. NBFD divides its staff into three shifts per day, with approximately 39 personnel working each shift. Three stations have paramedic ambulances, and two have ladder trucks. Of the 117 employees, 8 paramedics serve per shift. There are always two paramedics on duty at Stations 2, 3, and 5 with paramedic ambulances. Station 8 and Truck 2 also has one paramedic firefighter (Gamble 2011). The locations of fire stations available to respond to the project are shown in Table 18.

Table 18
Fire Protection Services

Fire Station Location	Equipment	Number of Personnel
Station1 - 110 E. Balboa	One Engine	3
Station 2 - 475 32nd Street	One Tractor Drawn Aerial Ladder Truck, One Engine, One Paramedic Van	4 3 2
Station 3 - 868 Santa Barbara	One Tractor Drawn Aerial Ladder Truck, One Engine, One Paramedic Van, One Battalion Command Vehicle	4 3 2 1
Station 4 – 124 Marine Ave.	One Engine	3
Station 5 – 410 Marigold Ave	One Engine, One Paramedic Van	3 2
Station 6 – 1348 Irvine Ave.	One Engine	3
Station 7 - 20401 SW Acacia St.	One Engine	3
Station 8 - 6502 Ridge Park Road	One Engine	3

Source: NBFD 2011.

Station 6, approximately 1.5 miles from the project site and paramedics from Station 2, approximately 2 miles from the project site, would be the first response in engine and medic units for medical aid. For a first alarm assignment for a fire, these units would be joined by crews from Station 4 and Station 2. The average response time for fire incidents from the 911 call to the first unit to arrive is 5 minutes and 43 seconds. For medical emergencies, the average response time is 5 minutes and 8 seconds (Gamble 2011). According to the NBFD, there is sufficient fire and emergency medical service capacity to serve the proposed project without the need for any increases in facilities, equipment, or staff (Gamble 2011). Therefore, impacts to fire protection and emergency medical services would be less than significant and no mitigation measures are necessary.

b) Police protection?

Less Than Significant Impact. The Newport Beach Police Department (NBPD) provides police service to the proposed project site. The police department is located at 870 Santa Barbara Drive and provides services in crime prevention and investigation, community awareness programs, and other services, such as traffic control. NBPD currently has authorization for 149 sworn officers. The average police response time to emergency calls is under 4 minutes, while the average response time for nonemergency calls is under 10 minutes. (Hartford 2011). NBPD would be able to provide police protection to the project using existing police facilities without adverse effect on levels of police protection to either the project or the surrounding community. No new or expanded police facilities would be needed (Hartford 2011), and impacts would be less than significant.

c) Schools?

No Impact. The project does not propose any residences and would not directly generate any students. It is anticipated that employees would either live in the City of Newport Beach or within the surrounding area and commute to the project site. New housing to support project employees is not anticipated. The project involves the development of two-story structure and associated parking structure that would provide 23,015 gross square feet of retail and commercial uses. Due to the type of project that is proposed, no direct impacts to schools are anticipated. The project, however, will be subject to the payment of fees at the time of

building permit issuance in accordance with Senate Bill 50 for school facilities. No mitigation measures are necessary.

d) Parks?

No Impact. The project does not propose any residences. The project involves the development of two-story structure and associated parking structure that would provide 23,015 gross square feet of retail and commercial uses. Due to the type of project that is proposed, no impacts to parks are anticipated and no mitigation measures are necessary.

e) Other public facilities?

No Impact. The project does not propose any residences. The project involves the development of two-story structure and associated parking structure that would provide 23,015 gross square feet of retail and commercial uses. Due to the type of project that is proposed, no impacts to other public facilities such as libraries are anticipated and no mitigation measures are necessary.

3.15 RECREATION

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

No Impact. The project does not propose any residences. The project involves the development of two-story structure and associated parking structure that would provide 23,015 gross square feet of retail and commercial uses. Due to the type of project that is proposed, no impacts to recreational facilities are anticipated and no mitigation measures are necessary.

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 project involves the development of two-story structure and associated parking structure that would provide 23,015 gross square feet of retail and commercial uses. The project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. No impacts are anticipated and no mitigation measures are necessary.

3.16 TRANSPORTATION/TRAFFIC

The analysis in this section is based partly on the following technical study, which is included as Appendix C to this Initial Study.

- Mariner's Pointe Traffic Impact Analysis, RBF Consulting, February 17, 2011.

Methodology

City of Newport Beach

The intersection impacts analysis is based on the Intersection Capacity Utilization (ICU) methodology as utilized by the City of Newport Beach for signalized intersection analysis. Table 19 shows the relationship

between the various volume-to-capacity (V/C) ratios and the corresponding Level of Service (LOS) for signalized intersections.

Table 19
Signalized Intersection LOS Criteria

Volume to Capacity Ratio	Level of Service
≤ 0.60	A
0.61 to ≤ 0.70	B
0.71 to ≤ 0.80	C
0.81 to ≤ 0.90	D
0.91 to ≤ 1.00	E
> 1.00	F

Source: RBF 2011.

In accordance with the City of Newport Beach Traffic Phasing Ordinance (TPO), the ICU analysis assumes a capacity of 1,600 vehicles per hour for each travel lane (including turn lanes) through an intersection, with no factor for yellow time included in the lane capacity assumptions. The City of Newport Beach TPO methodology calculates ICU value to three decimal places, and then reports the resulting ICU value rounded down to two decimal places.

State Highway Intersection

Caltrans advocates use of Highway Capacity Manual (HCM) intersection analysis methodology to analyze the operation of signalized intersections. The HCM analysis methodology describes the operation of an intersection using a range of LOS from LOS A (free-flow conditions) to LOS F (severely congested conditions), based on the corresponding stopped delay experienced per vehicle as shown in Table 20.

Table 20
State Highway Intersection LOS & Delay Ranges

Delay (in seconds) Signalized Intersections	Level of Service
< 10.0	A
> 10.0 to < 20.0	B
> 20.0 to < 35.0	C
> 35.0 to < 55.0	D
> 55.0 to < 80.0	E
> 80.0	F

Source: RBF 2011.

Level of service is based on the average stopped delay per vehicle for all movements of signalized intersections. The Caltrans target for peak hour intersection operation is LOS C or better.

Threshold of Significance

City of Newport Beach

The traffic impact analysis measures intersection performance using LOS, a qualitative measure describing the efficiency of traffic flow on a roadway or at an intersection. LOS range from A, indicating free flow with minimal delays, to F, indicating severely congested conditions. LOS calculations in the traffic impact analysis were based on 2009 and 2010 traffic counts. The City of Newport Beach target for peak hour intersection operation as stated in the General Plan Circulation Element is LOS D or better (RBF 2011). However, LOS E or better is considered acceptable at the following locations:

- Intersections in the John Wayne Airport Area shared with the City of Irvine
- Dover Drive/West Coast Highway (SR-1)
- Riverside Avenue/West Coast Highway (SR-1)
- Goldenrod Avenue/East Coast Highway (SR-1)
- Marguerite Avenue/East Coast Highway (SR-1)

To determine whether the addition of project-generated trips at a signalized study intersection results in a significant impact, the City of Newport Beach has established the following threshold of significance:

- A significant impact occurs when the addition of project-generated trips causes the level of service at a study intersection to deteriorate from an acceptable LOS (LOS D or better in most cases) to a deficient LOS (LOS E or F); or

- A significant impact occurs when the addition of project-generated trips increases the intersection capacity utilization at a study intersection by one percent or more of capacity (V/C $\geq$ 0.010), worsening a projected baseline condition of LOS E or LOS F.

State Highway Intersections

While Caltrans has not established traffic thresholds of significance at State Highway intersections, the following traffic threshold of significance is utilized:

- A significant project impact occurs at a State Highway study intersection when the addition of project-generated trips causes the peak hour level of service of the study intersection to change from acceptable operation (LOS A, B, or C) to deficient operation (LOS D, E or F).

Existing Traffic Conditions

The study area includes 12 signalized intersections, which are shown in Figure 16, *Study Intersection Locations*. The study area is bounded by West Coast Highway to the south and Dover Drive to the east. The 12 signalized intersections identified for analysis are:

- Newport Boulevard (SR-55) Southbound Off-Ramp/West Coast Highway (SR-1)
- Riverside Avenue/West Coast Highway (SR-1)
- Tustin Avenue/West Coast Highway (SR-1)
- Balboa Bay Club Driveway/West Coast Highway (SR-1)
- Irvine Avenue/17th Street
- Irvine Avenue/Dover Drive

- Dover Drive/Westcliff Drive
- Dover Drive/16th Street
- Dover Drive/Cliff Drive
- Dover Drive/West Coast Highway (SR-1)
- Bayside Drive/East Coast Highway (SR-1)
- Jamboree Road/East Coast Highway (SR-1)

West Coast Highway, which is designated as State Route 1 (SR-1), trends in an east-west direction with four- to five-lane divided roadway segments. The segment between Balboa Bay Club Entry and Dover Drive is a four-lane divided roadway with a continuous left-turn lane. Dover Drive trends in a north-south direction and is a four-lane divided roadway with a raised landscaped median. For a more complete description of West Coast Highway and Dover Drive, and a description of the other roadways within the project study area, please see the traffic study included as Appendix C of the Initial Study.

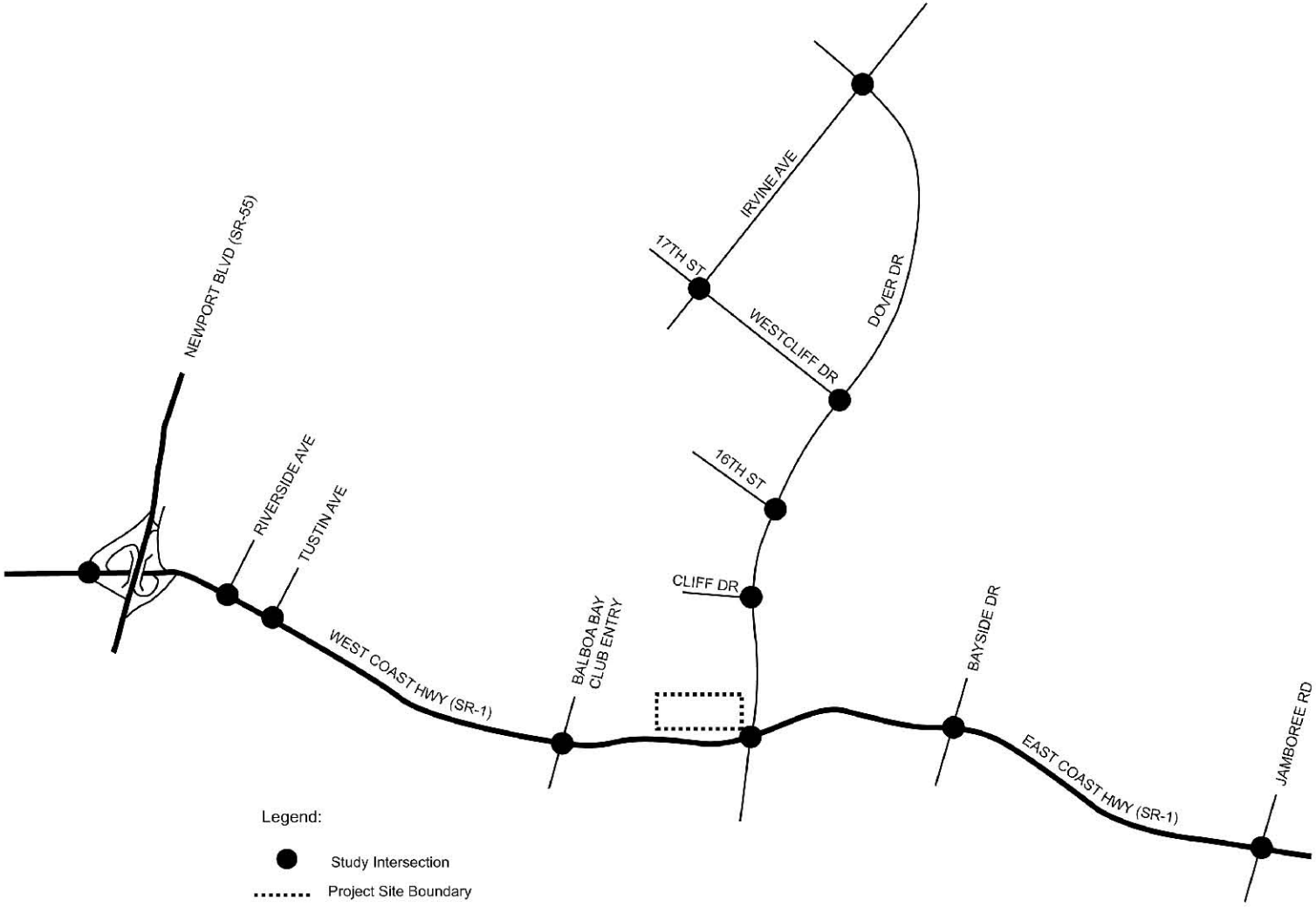
Existing LOS at the 12 study intersections are shown in Table 21 and the existing intersection peak-hour turning volumes are shown on Figure 17, *Existing Conditions Peak-Hour Turning Volumes*. The existing LOS are based on 2009/2010 AM and PM peak hour traffic counts provided by the City of Newport Beach and traffic counts performed by RBF Consulting for the intersections of Dover Drive/Cliff Drive and Balboa Bay Club Driveway/West Coast Highway (SR-1). All study area intersections currently operate at LOS D or better during both peak hours.

Table 21
Existing LOS, Study Area Intersections

Intersection No.	Intersection	AM Peak- Hour		PM Peak-Hour	
		LOS	V/C	LOS	V/C
1	Irvine Ave/Dover Dr	A	0.543	B	0.661
2	Irvine Ave/17th St	A	0.496	B	0.690
3	Dover Dr/Westcliff Dr	A	0.368	A	0.414
4	Dover Dr/16th St	A	0.588	A	0.493
5	Dover Dr/Cliff Dr	A	0.545	A	0.492
6	Newport Blvd SB Ramps/W. Coast Hwy (SR-1)	D	0.839	B	0.646
7	Riverside Ave/W. Coast Hwy (SR-1)	B	0.658	C	0.715
8	Tustin Ave/W. Coast Hwy (SR-1)	B	0.660	A	0.580
9	Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	B	0.659	B	0.694
10	Dover Dr/W. Coast Hwy (SR-1)	B	0.639	C	0.718
11	Bayside Dr/E. Coast Hwy (SR-1)	B	0.601	A	0.571
12	Jamboree Rd/E. Coast Hwy (SR-1)	A	0.560	B	0.679

Source: RBF 2011

Study Intersection Locations



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Source: RBF Consulting 2011

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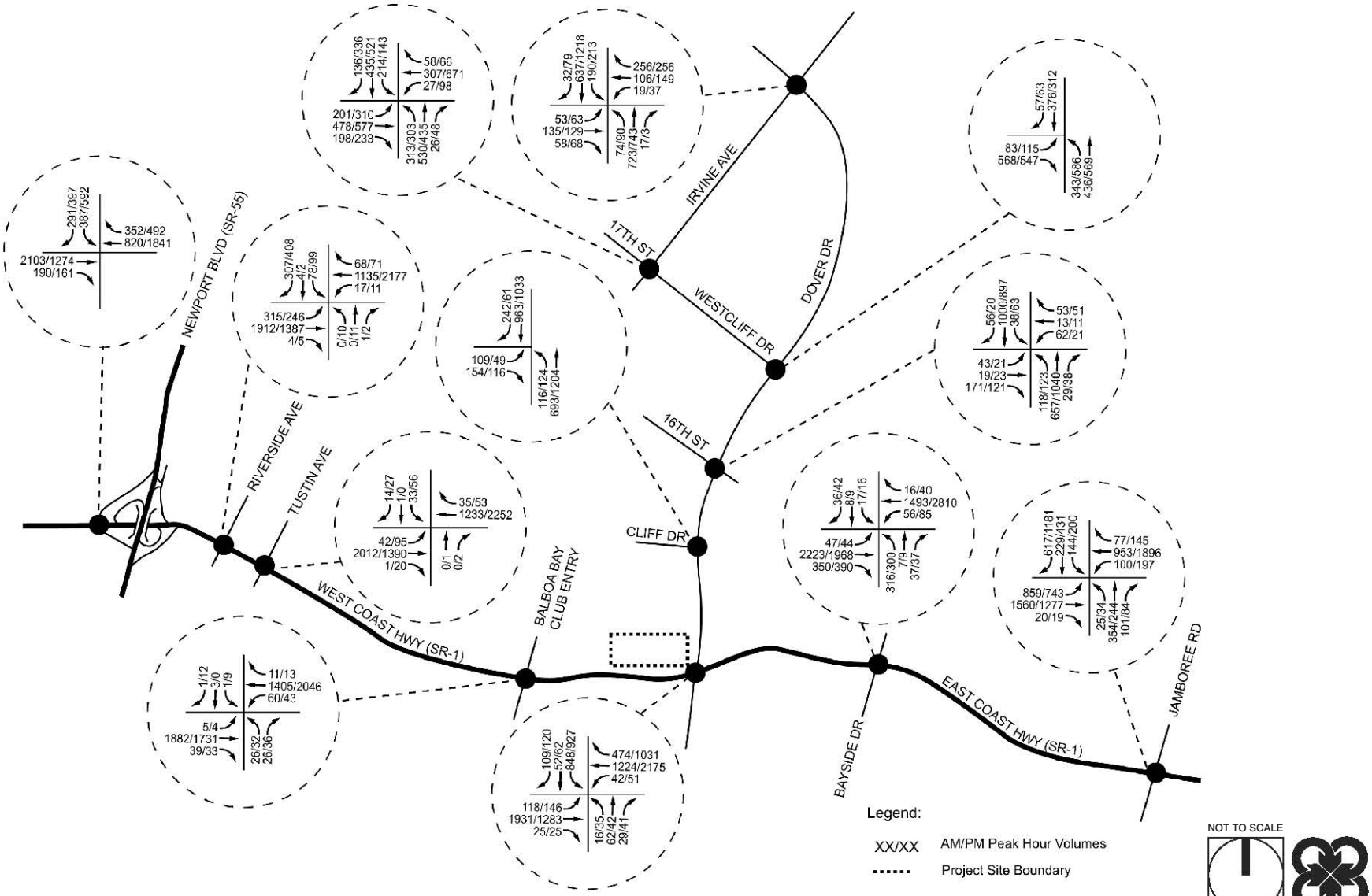
Existing Conditions Peak-Hour Turning Volumes



Source: RBF Consulting 2011

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State Highway Intersections

Table 22 summarizes existing AM and PM peak hour LOS of the State Highway study intersections.

Table 22
Existing LOS, State Highway Intersections

Intersection No.	Intersection	AM Peak- Hour		PM Peak-Hour	
		LOS	Delay	LOS	Delay
6	Newport Blvd SB Ramps/W. Coast Hwy (SR-1)	B	15.6	B	18.0
7	Riverside Ave/W. Coast Hwy (SR-1)	B	12.3	B	16.0
8	Tustin Ave/W. Coast Hwy (SR-1)	A	3.4	A	6.4
9	Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	A	4.5	A	4.8
10	Dover Dr/W. Coast Hwy (SR-1)	C	20.6	C	22.1
11	Bayside Dr/E. Coast Hwy (SR-1)	B	12.2	B	12.6
12	Jamboree Rd/E. Coast Hwy (SR-1)	C	27.3	C	28.2

Source: RBF 2011

As shown in the table, the State Highway study intersections are currently operating at an acceptable LOS (LOS C or better) according to Caltrans performance criteria.

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 Impact with Mitigation Incorporated. Project trip generation was estimated in the traffic impact analysis using trip generation rates from the Institute of Transportation Engineers' (ITE) Trip Generation, (8th edition). The analysis in the traffic study as summarized in this section is based on the land use mix detailed in Table 23 (Traffic Study Land Use Mix). Subsequent to preparation of the traffic study, the proposed land use mix was refined to include slightly less restaurant square footage and slightly more specialty retail square footage (2,229 SF was reallocated from restaurant to retail use). The overall square footage for the project, 23,015 did not change. To assure that the traffic study conservatively addresses potential project impacts and does not underestimate trip generation, a comparison of trip generation for the land uses as analyzed in the study versus the refined land use was quantified and is shown in Table 23. As detailed, the traffic study as prepared reflects the generation of 93 more daily trips than would be anticipated from the project as currently proposed. Similarly, with the exception of the peak hour, 'out' trips that increases by one trip) trip generation for each of the peak hours would be slightly less than analyzed in the traffic study. The study therefore was determined to be conservative for the project as currently proposed.

the project is forecast to generate 16 AM peak-hour trips, 84 PM peak-hour trips, and 1,533 total weekday daily trips. Project trip assignment onto study area roadways is shown in Figure 18, *Project Trip Distribution*.

Table 23
Project-Related Trip Generation

Land Use	AM Peak Hour Trips			PM Peak Hour Trips			Daily Trips
	In	Out	Total	In	Out	Total	
Trip Generation Rates							
Specialty Retail (tsf)	0.0	0.0	0.0	1.19	1.52	2.71	44.32
Quality Restaurant (tsf)	0.66	0.15	0.81	5.02	2.47	7.49	89.95
Medical Office (tsf)	1.82	0.48	2.30	0.93	2.53	3.46	36.13
Traffic Study Land Use Mix							
Specialty Retail - 7.293 tsf	0	0	0	9	11	20	323
Quality Restaurant - 12.722 tsf	8	2	10	64	31	95	1,144
Pass-by Discount (44% in p.m.)[1]	*0*	*0*	*0*	*- 28*	*- 14*	*- 42*	*- 42[2]*
Medical Office - 3.000 tsf	5	1	6	3	8	11	108
Total	**13**	**3**	**16**	**48**	**36**	**84**	**1,533**
Refined Land Use Mix (Proposed Project)							
Specialty Retail - 9.522 tsf	0	0	0	11	14	25	422
Quality Restaurant - 10.493 tsf	7	2	9	53	26	79	944
Pass-by Discount (44% in p.m.)[1]	*0*	*0*	*0*	*-23*	*-11*	*-34*	*-34[2]*
Medical Office - 3.000 tsf	5	1	6	3	8	11	108
Total	**12**	**3**	**15**	**44**	**37**	**80**	**1440**

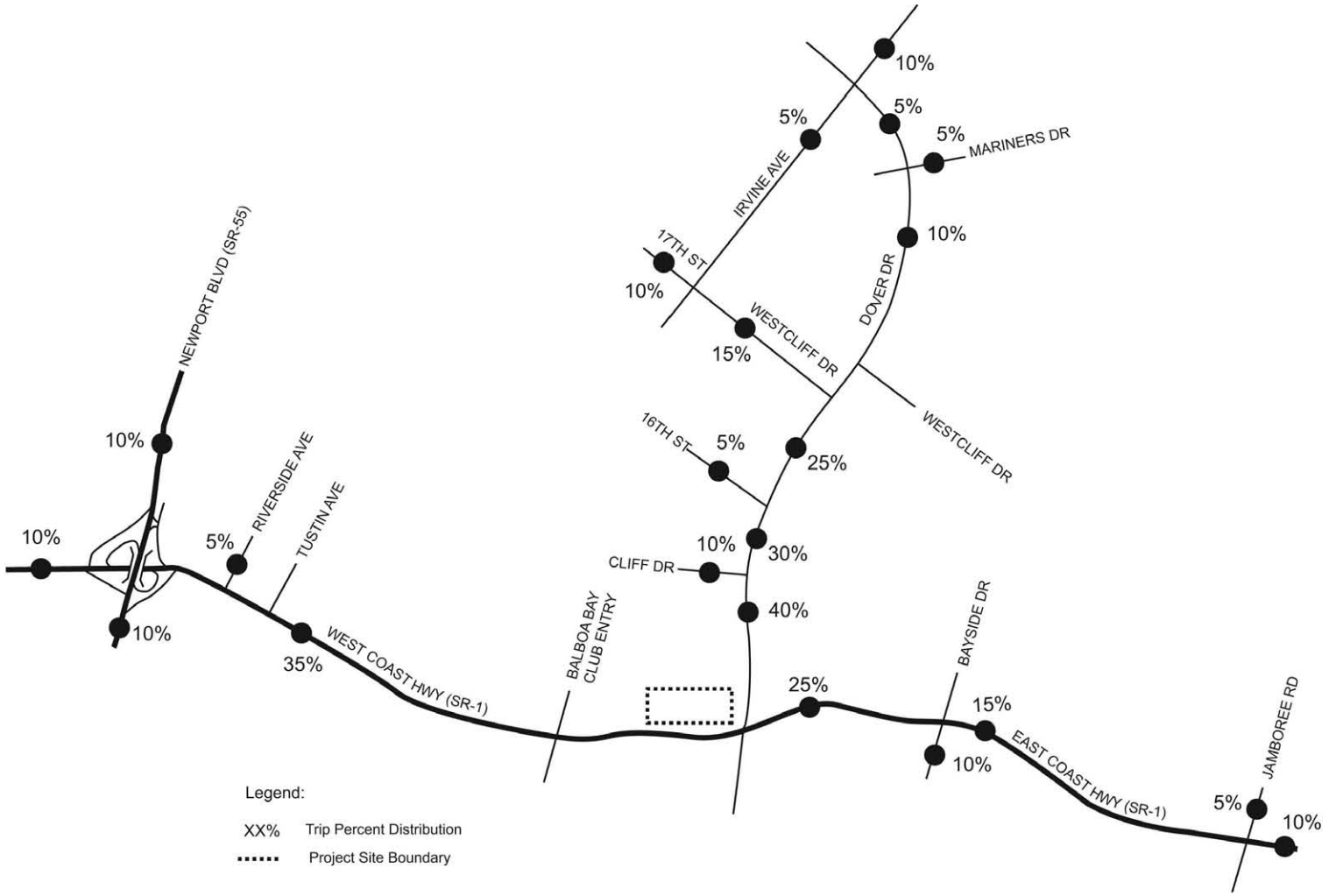
Source: RBF 2011.
Notes: tsf = thousand square feet
[1] Pass-by discount determined using ITE Trip Generation Manual, 2nd Edition
[2] Daily trip reduction assumes total p.m. peak hour trip reduction.

Alternative Modes of Transportation

Public Transit

There is an existing bus stop (Coast-Dover) for westbound OCTA Route 1 on the north side of West Coast Highway along the midway point of frontage of the project site. The bus stop would be relocated to between the two driveways of the proposed parking structure, slightly west from its current location. Additionally, under the proposed striping plan (see Appendix C), a designated "Bus Only" area would also be created between the two driveways**.** The other bus stops near the project site which includes the Dover-Coast and Dover-Cliff bus stops along Dover Drive north of the project site and the Coast-Bayshore stop near the southeast corner of the West Coast Highway and Dover Drive intersection would continue to operate as normal. Development of the proposed project would therefore not impact public transit operations.

Project Trip Distribution



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Source: RBF Consulting 2011

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Bicycle and Pedestrian Facilities

The eastbound and westbound directions of West Coast Highway between Dover Drive and Riverside Avenue, which includes the project site frontage, is designated as a Class III bike lane.[10] Additionally, the northbound direction of Dover Drive starting at West Coast Highway is a designated as and contains an existing Class II bike lane.[11] The designated and existing Class II bike lane along the southbound direction of Dover Drive terminates near the mid-point between Cliff Drive and the northern boundary of the project site and would not be physically impacted by development of the proposed project. Development of the proposed project would also not conflict with the Class II and Class III bike lane designations. The existing Class II bike lanes would not be altered or affected by development of the proposed project. Development of the project would not substantially change the location of the existing curb fronting the project site except for the portion located at the planned "exit-only" driveway. While project construction may temporarily disrupt sidewalks along the project site frontage on West Coast Highway and Dover Drive, the sidewalks would be restored before project completion, and the project would not have any lasting adverse impact on pedestrian facilities.

Existing With Project Conditions

Existing year plus project LOS conditions at study area intersections are shown below in Table 24 and in Figure 19, *Existing Plus Project Peak-Hour Turning Volumes*. Project traffic conditions were estimated by adding project-generated trips assigned to study area roadways to the existing conditions without-project traffic condition estimate shown above.[12] As shown in this table, based on the City traffic impact standards, all of the study intersections operate at LOS D or better and would not result in a significant impact.

[10] Class III bike lanes provide a shared use with motor vehicle traffic and may be identified by signage (Newport Beach 2006).

[11] Class II bike lanes provide a striped and stenciled lane for bicycle travel on a street or highway (Newport Beach 2006).

[12] The land use mix assumed in the RBF traffic study yields a higher project trip generation than the actual proposed land use mix. Please see Table 23 for comparison of trips between the land use mix assumed in the RBF traffic study and the actual proposed land use mix proposed for the project.

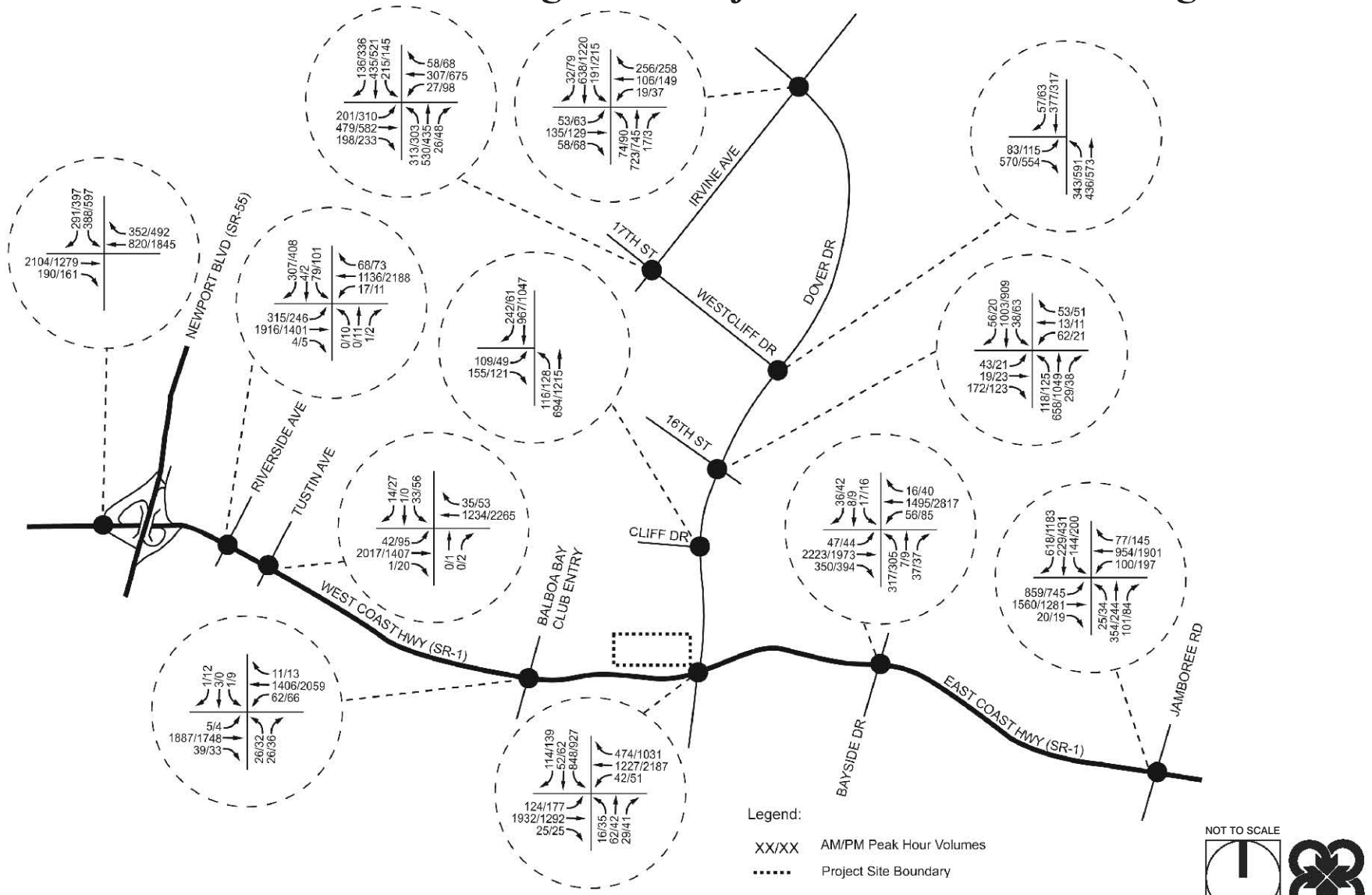
Table 24
Existing Plus Project Level of Service at Study Area Intersections

Intersection	Without Project				With Project[1]				Increase in V/C		Significant Impact?
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour				
	LOS	V/C	LOS	V/C	LOS	V/C	LOS	V/C	AM	PM	
Irvine Ave/Dover Dr	A	0.543	B	0.661	A	0.544	B	0.663	0.001	0.002	No
Irvine Ave/17th St	A	0.496	B	0.690	A	0.496	B	0.692	0.000	0.002	No
Dover Dr/Westcliff Dr	A	0.368	A	0.414	A	0.369	A	0.419	0.001	0.005	No
Dover Dr/16th St	A	0.588	A	0.493	A	0.590	A	0.497	0.002	0.004	No
Dover Dr/Cliff Dr	A	0.545	A	0.492	A	0.547	A	0.502	0.002	0.010	No
Newport Blvd SB Ramps/W. Coast Hwy (SR-1)	D	0.839	B	0.646	D	0.839	B	0.648	0.000	0.002	No
Riverside Ave/W. Coast Hwy (SR-1)	B	0.658	C	0.715	B	0.660	C	0.717	0.002	0.002	No
Tustin Ave/W. Coast Hwy (SR-1)	B	0.660	A	0.580	B	0.661	A	0.583	0.001	0.003	No
Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	B	0.659	B	0.694	B	0.662	B	0.698	0.003	0.004	No
Dover Dr/W. Coast Hwy (SR-1)	B	0.639	C	0.718	B	0.639	C	0.730	0.000	0.012	No
Bayside Dr/E. Coast Hwy (SR-1)	B	0.601	A	0.571	B	0.601	A	0.573	0.000	0.002	No
Jamboree Rd/E. Coast Hwy (SR-1)	A	0.560	B	0.679	A	0.560	B	0.680	0.000	0.001	No

Source: RBF 2011.

[1] The land use mix assumed in the RBF traffic study yields a higher project trip generation than the actual proposed land use mix. Therefore, project impacts to LOS as shown are conservative. Please see Table 23 for comparison of trips between the land use mix assumed in the RBF traffic study and the actual proposed land use mix proposed for the project.

Existing Plus Project Peak-Hour Turning Volumes



Source: RBF Consulting 2011

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State Highway Intersections

Table 25 summarizes forecast existing plus project conditions AM peak hour and PM peak hour LOS of the State Highway study intersections.

Table 25
Existing Plus Project Level of Service at State Highway Intersections

Intersection	Without Project				With Project[1]				Significant Impact?
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		
	LOS	Delay, sec.	LOS	Delay, sec.	LOS	Delay, sec.	LOS	Delay, sec.	
Newport Blvd SB Ramps/W. Coast Hwy (SR-1)	B	15.6	B	18.0	B	15.6	B	18.0	No
Riverside Ave/W. Coast Hwy (SR-1)	B	12.3	B	16.0	B	12.3	B	16.0	No
Tustin Ave/W. Coast Hwy (SR-1)	A	3.4	A	6.4	A	3.4	A	6.4	No
Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	A	4.5	A	4.8	A	4.6	A	5.3	No
Dover Dr/W. Coast Hwy (SR-1)	C	20.6	C	22.1	C	20.7	C	22.7	No
Bayside Dr/E. Coast Hwy (SR-1)	B	12.2	B	12.6	B	12.3	B	12.7	No
Jamboree Rd/E. Coast Hwy (SR-1)	C	27.3	C	28.2	C	27.3	C	28.2	No

Source: RBF 2011.

[1] The land use mix assumed in the RBF traffic study yields a higher project trip generation than the actual proposed land use mix. Therefore, project impacts to LOS as shown are conservative. Please see Table 23 for comparison of trips between the land use mix assumed in the RBF traffic study and the actual proposed land use mix proposed for the project.

As shown in the table, with the addition of project-generated trips, the State Highway study intersections are forecast to operate at an acceptable LOS (LOS C or better) according to Caltrans performance criteria for forecast existing plus project conditions. Therefore, no significant traffic impacts would result from development of the proposed project.

Forecast Cumulative Without Project Conditions

Forecast cumulative without project traffic conditions was derived from adding trips from 12 foreseeable projects within the project vicinity as identified by City staff to the baseline year 2013 traffic conditions. The 12 foreseeable projects include the following:

- Newport Beach Country Club
- Mariner's Medical Arts
- WPI-Newport, LLC
- Banning Ranch
- Sunset Ridge Park
- Marina Park

- Pres Office Building
- Conexant
- Koll Conceptual Plan
- Aerie
- Dolphin Striker
- Newport Coast

The baseline year 2013 traffic conditions includes ambient traffic growth, based on an annual growth factor of one percent, and trips from 16 approved projects as identified by the City of Newport Beach added to the existing traffic conditions. The 16 approved projects include the following:

- Fashion Island Expansion
- Temple Bat Yahm Expansion
- Ciosa-Irvine Project
- Newport Dunes
- Hoag Hospital Phase III
- St. Marks Presbyterian Church
- OLQA Church Expansion
- 2300 Newport Boulevard
- Newport Executive Court
- Hoag Health Center
- North Newport Center
- Santa Barbara Condo
- Newport Beach City Hall;
- 328 Old Newport Medical Office
- Coastline Community College
- Bayview Medical Office

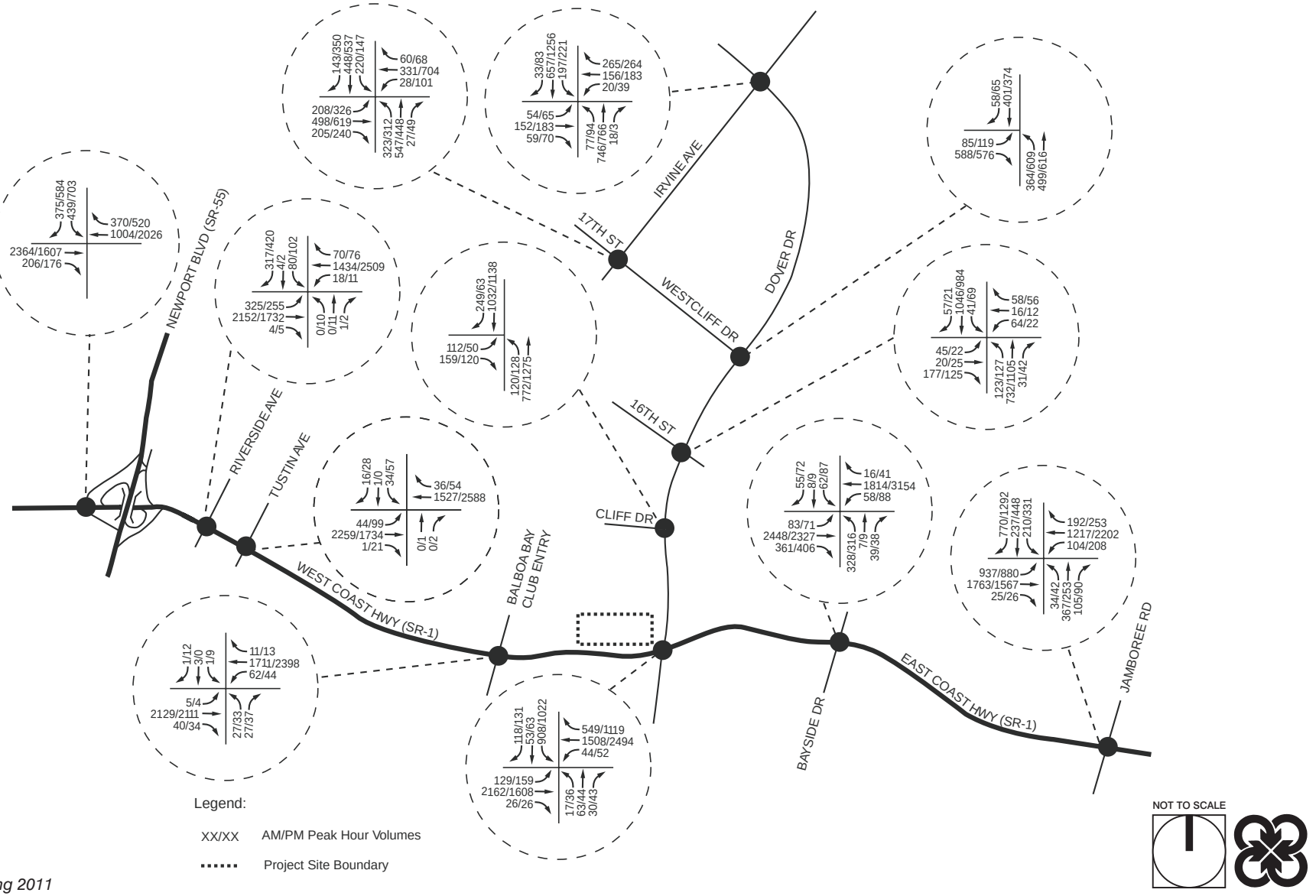
Forecast cumulative without project LOS conditions at study area intersections are shown below in Table 26 and in Figure 20, *Forecast Cumulative Without Project Peak-Hour Turning Volumes*.

Table 26
Forecast Cumulative Without Project
Level of Service at Study Area Intersections

Intersection No.	Intersection	AM Peak Hour		PM Peak Hour	
		LOS	V/C	LOS	V/C
1	Irvine Ave/Dover Dr	A	0.561	B	0.682
2	Irvine Ave/17th St	A	0.514	C	0.718
3	Dover Dr/Westcliff Dr	A	0.391	A	0.461
4	Dover Dr/16th St	B	0.613	A	0.523
5	Dover Dr/Cliff Dr	A	0.575	A	0.530
6	Newport Blvd SB Ramps/W. Coast Hwy (SR-1)	E	0.973	D	0.867
7	Riverside Ave/W. Coast Hwy (SR-1)	C	0.735	C	0.791
8	Tustin Ave/W. Coast Hwy (SR-1)	C	0.739	B	0.654
9	Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	C	0.738	D	0.805
10	Dover Dr/W. Coast Hwy (SR-1)	C	0.702	D	0.809
11	Bayside Dr/E. Coast Hwy (SR-1)	B	0.664	B	0.670
12	Jamboree Rd/E. Coast Hwy (SR-1)	B	0.664	D	0.841

Source: RBF 2011

Forecast Cumulative Without Project Peak-Hour Turning Volumes



Source: RBF Consulting 2011

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As shown in the table, with the addition of cumulative project-generated trips, the study intersections are forecast to operate at an acceptable LOS (LOS D or better) for forecast cumulative without project conditions according to City of Newport Beach performance criteria with the exception the Newport Boulevard Southbound Ramps/West Coast Highway (SR-1) study intersection during the AM peak hour which is forecast to operate at LOS E.

State Highway Intersections

Table 27 summarizes forecast cumulative without project AM and PM peak hour LOS of the State Highway study intersections.

Table 27
Forecast Cumulative Without Project
Level of Service at State Highway Intersections

Intersection No.	Intersection	AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
6	Newport Blvd SB Ramps/W. Coast Hwy (SR-1)	C	23.3	C	23.9
7	Riverside Ave/W. Coast Hwy (SR-1)	B	12.7	B	16.6
8	Tustin Ave/W. Coast Hwy (SR-1)	A	3.7	A	6.5
9	Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	A	5.0	A	5.7
10	Dover Dr/W. Coast Hwy (SR-1)	C	21.0	C	23.7
11	Bayside Dr/E. Coast Hwy (SR-1)	B	14.1	B	15.1
12	Jamboree Rd/E. Coast Hwy (SR-1)	C	29.0	C	32.6

Source: RBF 2011

As shown in the table, the State Highway study intersections would operate at an acceptable LOS (LOS C or better) according to Caltrans performance criteria.

Forecast Cumulative With Project Conditions

Forecast cumulative conditions plus project LOS at study area intersections are shown below in Table 28 and in Figure 21, *Forecast Cumulative With Project Peak-Hour Turning Volumes*. Project traffic conditions were estimated by adding project-generated trips assigned to study area roadways to the forecast cumulative conditions without-project traffic scenario.[13]

[13] Please see Appendix C to the Initial Study for the complete description.

Table 28
Forecast Cumulative Conditions
Level of Service at Study Area Intersections

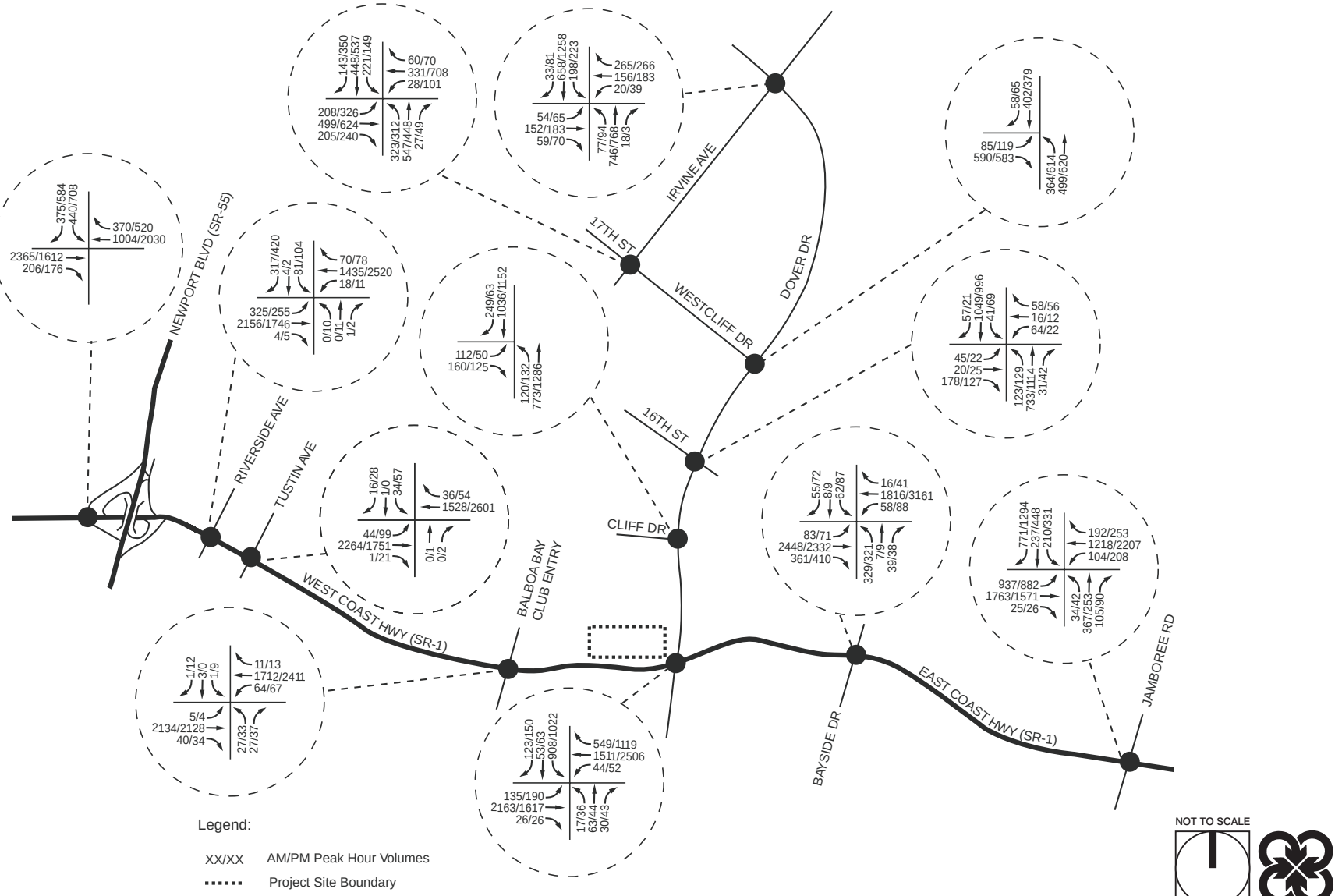
Intersection	Without Project				With Project[1]				Increase in V/C		Significant Impact?
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour				
	LOS	V/C	LOS	V/C	LOS	V/C	LOS	V/C	AM	PM	
Irvine Ave/Dover Dr	A	0.561	B	0.682	A	0.562	B	0.684	0.001	0.002	No
Irvine Ave/17th St	A	0.514	C	0.718	A	414	C	0.72	0	0.002	No
Dover Dr/Westcliff Dr	A	0.391	A	0.461	A	0.392	A	0.466	0.001	0.005	No
Dover Dr/16th St	B	0.613	A	0.523	B	0.614	A	0.521	0.001	-0.002	No
Dover Dr/Cliff Dr	A	0.575	A	0.53	A	0.577	A	0.54	0.002	0.01	No
Newport Blvd SB Ramps/W. Coast Hwy (SR-1)	**E**	**0.973**	D	0.867	**E**	**0.973**	D	0.869	0	0.002	No
Riverside Ave/W. Coast Hwy (SR-1)	C	0.735	C	0.791	C	0.737	C	0.794	0.002	0.003	No
Tustin Ave/W. Coast Hwy (SR-1)	C	0.739	B	0.654	C	0.74	B	0.657	0.001	0.003	No
Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	C	0.738	D	0.805	C	0.741	D	0.809	0.003	0.004	No
Dover Dr/W. Coast Hwy (SR-1)	C	0.702	D	0.809	C	0.702	D	0.822	0	0.013	No
Bayside Dr/E. Coast Hwy (SR-1)	B	0.664	B	0.67	B	0.664	B	0.672	0	0.002	No
Jamboree Rd/E. Coast Hwy (SR-1)	B	0.664	D	0.841	B	0.664	D	0.843	0	0.002	No

Source: RBF 2011.

[1] The land use mix assumed in the RBF traffic study yields a higher project trip generation than the actual proposed land use mix. Therefore, project impacts to LOS as shown are conservative. Please see Table 23 for comparison of trips between the land use mix assumed in the RBF traffic study and the actual proposed land use mix proposed for the project.

As shown in the table, with the addition of proposed project-generated trips, the study intersections are forecast to continue to operate at an acceptable LOS (LOS D or better) for forecast cumulative with project conditions according to City of Newport Beach performance criteria with the exception of the Newport Boulevard Southbound Ramps/West Coast Highway (SR-1) study intersection during the AM peak hour which is forecast to continue to operate at LOS E. However, the project would not result in increasing the intersection capacity utilization by one percent or more of capacity (V/C $\geq$ 0.010). Therefore, the project would not result in a significant impact.

Forecast Cumulative With Project Peak-Hour Turning Volumes



Source: RBF Consulting 2011

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State Highway Intersections

Table 29 summarizes forecast cumulative with project conditions AM peak hour and PM peak hour LOS of the State Highway study intersections.

Table 29
Forecast Cumulative with Project Conditions
Level of Service at State Highway Intersections

Intersection	Without Project				With Project[1]				Significant Impact?
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		
	LOS	Delay, sec.	LOS	Delay, sec.	LOS	Delay, sec.	LOS	Delay, sec.	
Newport Blvd SB Ramps/W. Coast Hwy (SR-1)	C	23.3	C	23.9	C	23.3	C	24.0	No
Riverside Ave/W. Coast Hwy (SR-1)	B	12.7	B	16.6	B	12.7	B	16.6	No
Tustin Ave/W. Coast Hwy (SR-1)	A	3.7	A	6.5	A	3.7	A	6.5	No
Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	A	5.0	A	5.7	A	5.0	A	6.3	No
Dover Dr/W. Coast Hwy (SR-1)	C	21.0	C	23.7	C	21.0	C	24.4	No
Bayside Dr/E. Coast Hwy (SR-1)	B	14.1	B	15.1	B	14.2	B	15.2	No
Jamboree Rd/E. Coast Hwy (SR-1)	C	29.0	C	32.6	C	29.0	C	32.6	No

Source: RBF 2011.
[1] The land use mix assumed in the RBF traffic study yields a higher project trip generation than the actual proposed land use mix. Therefore, project impacts to LOS as shown are conservative. Please see Table 23 for comparison of trips between the land use mix assumed in the RBF traffic study and the actual proposed land use mix proposed for the project.

As shown in the table, with the addition of project-generated trips, the State Highway study intersections are forecast to operate at an acceptable LOS (LOS C or better) according to Caltrans performance criteria for forecast cumulative plus project conditions. Therefore, no significant traffic impacts would result from development of the proposed project.

City of Newport Beach Traffic Phasing Ordinance (TPO) Analysis

The above Existing Plus Project and Forecast Cumulative Plus Project analyses address project traffic impacts pursuant to CEQA requirements. The following scenario is evaluated pursuant to the City's TPO and is provided for informational purposes only. Pursuant to the City's TPO, trips that would be generated by the existing 5,447 square-foot buildings would be credited against the total trips that would be generated by the proposed project. As shown in Table 30, the resulting net trips of 1,292 ADT would be utilized only for the TPO traffic analysis (forecast year 2013 with project conditions).

Table 30
Net Forecast Project Trip Generation Utilized in TPO Analysis

Land Use	AM Peak Hour Trips			PM Peak Hour Trips			Daily Trips
	In	Out	Total	In	Out	Total	
Existing Site (displaced)	0	0	0	-6	-8	-14	-241
Proposed Mariner's Pointe Project	13	3	16	48	36	84	1,533
Total	**13**	**3**	**16**	**42**	**28**	**70**	**1,292**

Source: RBF 2011.

Forecast Year 2013 Without Project Conditions

Forecast year 2013 without project LOS conditions at study area intersections are shown below in Table 31 and in Figure 22, *Forecast Year 2013 Without Project Peak-Hour Turning Volumes*. As stated, year 2013 traffic conditions were estimated by adding the ambient traffic growth, based on an annual growth factor of one percent, and trips from the 16 approved projects as previously listed. Per the TPO, the table only shows the LOS for intersections where the proposed project would add more than one percent of the background traffic during the peak hours.

Table 31
Forecast Year 2013 Without Project
Level of Service at Study Area Intersections

Intersection No.	Intersection	AM Peak Hour		PM Peak Hour	
		LOS	V/C	LOS	V/C
3	Dover Dr/Westcliff Dr	A	038	A	0.43
4	Dover Dr/16th St	B	0.61	A	0.51
5	Dover Dr/Cliff Dr	A	0.57	A	0.51
9	Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	C	0.72	C	0.77
10	Dover Dr/W. Coast Hwy (SR-1)	B	0.69	C	0.77
11	Bayside Dr/E. Coast Hwy (SR-1)	B	0.69	B	0.64

Source: RBF 2011.

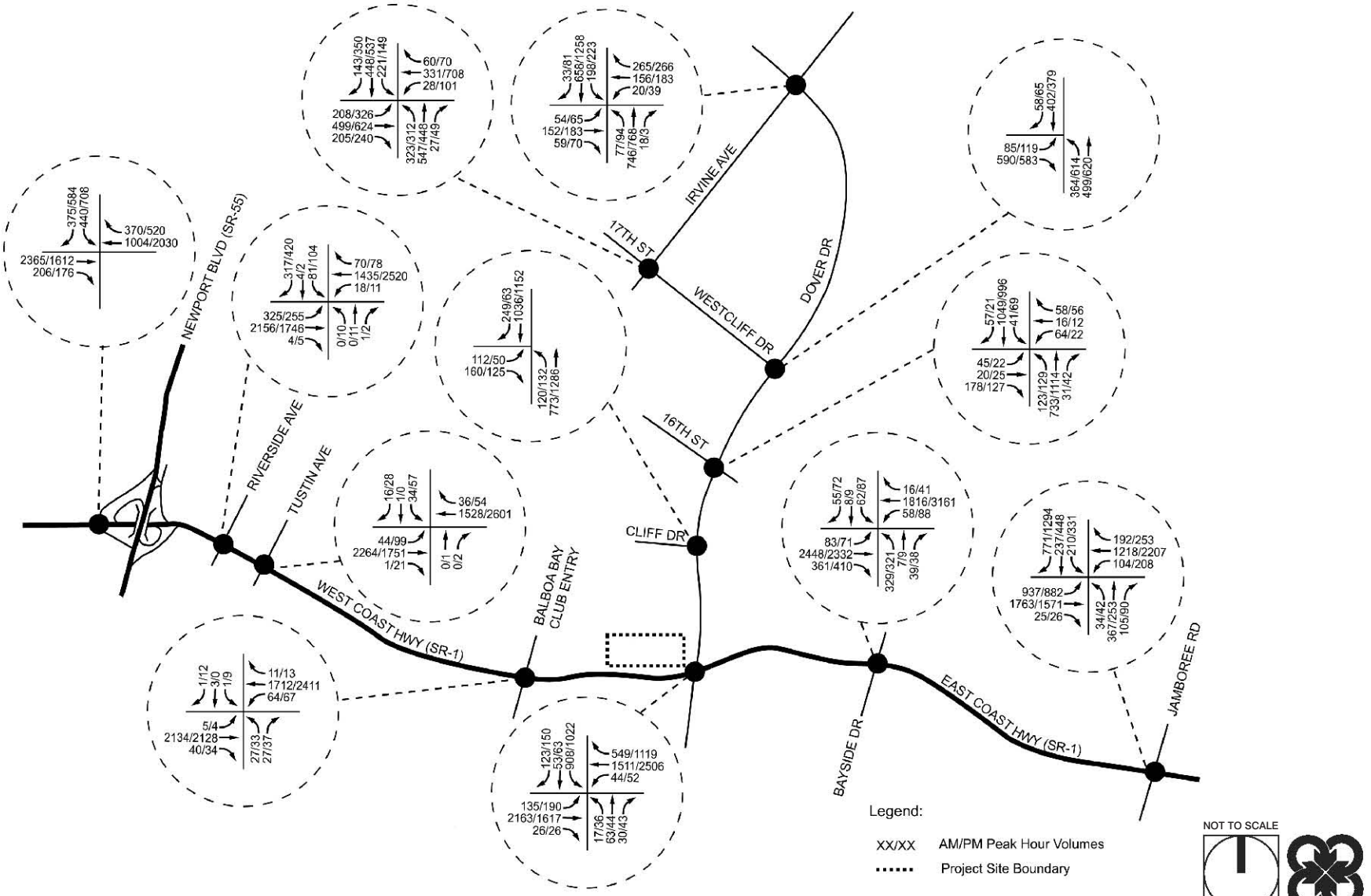
As shown in Table xx, with the addition of trips forecast to be generated by the approved projects, the TPO study intersections are forecast to operate at an acceptable LOS (LOS D or better) for forecast year 2013 without project conditions according to City of Newport Beach performance criteria.

Forecast Year 2013 With Project Conditions

Forecast Year 2013 with project LOS conditions at study area intersections are shown below in Table 32 and in Figure 23, *Forecast Year 2013 With Project Peak-Hour Turning Volumes*. Project traffic conditions were estimated by adding project-generated trips assigned to study area roadways to the forecast year 2013 without-project traffic scenario.[14] As shown in this table, based on the City's traffic impact standards, the project would not result in a significant impact.

[14] Please see Appendix C to the Initial Study for the complete description.

Forecast Year 2013 Without Project Peak-Hour Turning Volumes



Source: RBF Consulting 2011

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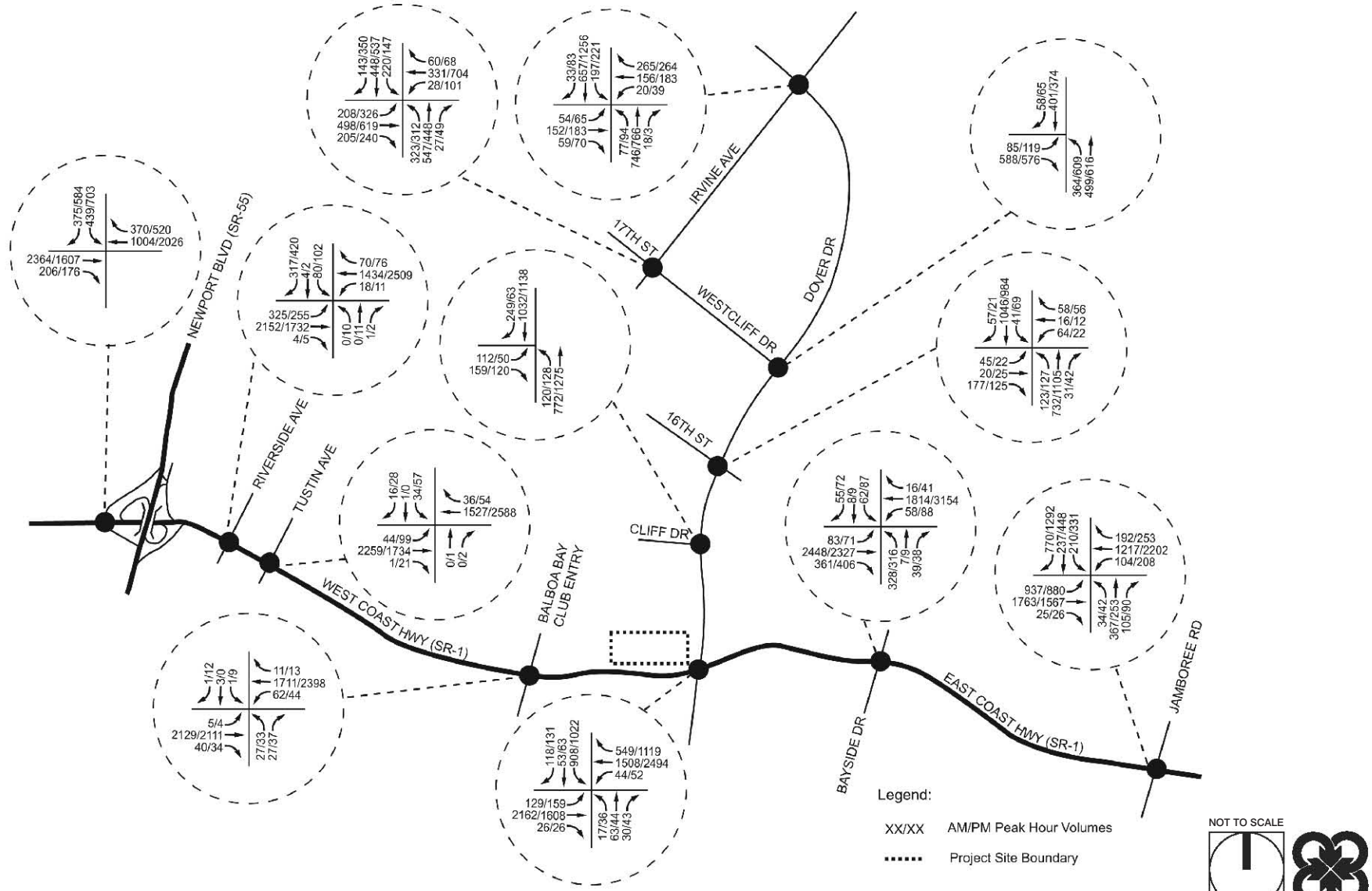
Forecast Year 2013 With Project Peak-Hour Turning Volumes



Source: RBF Consulting 2011

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Table 32
Forecast Year 2013 With Project Level of Service at Study Area Intersections

Int. No	Study Intersection	Forecast Year 2013 Without Project Conditions				Forecast Year 2013 With Project Conditions				Increase in V/C		Significant Impact?
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour				
		LOS	V/C	LOS	V/C	LOS	V/C	LOS	V/C	AM	PM	
3	Dover Dr/Westcliff Dr	A	038	A	0.43	A	038	A	0.43	0.00	0.00	No
4	Dover Dr/16th St	B	0.61	A	0.51	B	0.61	A	0.52	0.00	0.01	No
5	Dover Dr/Cliff Dr	A	0.57	A	0.51	A	0.57	A	0.52	0.00	0.01	No
9	Balboa Bay Club Dwy/W. Coast Hwy (SR-1)	C	0.72	C	0.77	C	0.72	C	0.77	0.00	0.00	No
10	Dover Dr/W. Coast Hwy (SR-1)	B	0.69	C	0.77	B	0.69	C	0.78	0.00	0.01	No
11	Bayside Dr/E. Coast Hwy (SR-1)	B	0.69	B	0.64	B	0.69	B	0.65	0.00	0.01	No

Source: RBF 2011

As shown in the table, with the addition of project-generated trips, the TPO study intersections are forecast to continue to operate at an acceptable LOS (LOS D or better) for forecast year 2013 with project conditions according to City of Newport Beach performance criteria. Based on City of Newport Beach established thresholds of significance, the addition of project-generated trips is forecast to result in no significant TPO impacts at the study intersections for forecast year 2013 with project conditions.

General Plan Amendment

The project site currently permits a 0.50 Floor Area Ratio (FAR) maximum, which would allow development of a building up to 16,923 building square feet. The project proposes to increase the maximum FAR on the project site to 0.68, which would permit development of 23,015 square-foot building. Therefore, the proposed project would increase the maximum FAR by 0.18 and increase the allowable total square footage by 6,092 square feet. Table 33 shows the number of trips forecast to be generated by the net incremental square footage increase.

Table 33
Incremental Increase in Trips Per Proposed Project Site FAR Increase

Land Use	AM Peak Hour			PM Peak Hour			Daily Trip
	In	Out	Total	In	Out	Total	
Trip Rate							
Specialty Retail (tsf)	0.0	0.0	0.0	1.19	1.52	2.71	44.32
Trips Generated							
Proposed Specialty Retail Square Footage Increase - 6.092 tsf	0[1]	0[1]	0[1]	7	9	16	270
Proposed Incremental Trip Increase	**0[1]**	**0[1]**	**0[1]**	**7**	**9**	**16**	**270**

Source: RBF 2011.
Note: tsf: thousand square feet
[1] Zero a.m. peak hour trips since ITE a.m. peak hour rate for specialty retail is zero.

As shown in the table, the increased floor area allowed by the respective FAR increase of 0.18 for the project site would be responsible for generation of approximately 270 of the new daily trips. No new AM peak trips would be attributed to this increase and approximately 16 new PM peak hour trips could be attributed to the FAR increase. Under the City's TPO, projects that are estimated to generate less than 300 daily trips are not required to prepare a traffic study. This nominal level of traffic generation would therefore, not be anticipated to result in significant impacts.

Construction Worker and Vendor Traffic

During project construction, construction workers, vendors, and the haul trucks used to move debris would be entering and leaving the site throughout the workday, creating some impacts on traffic volume. Table 34 shows the estimated number of daily trips for each construction activity.

Table 34
Construction-Related Worker and Vendor Trips per Day

Construction Phase	*Worker Trips Per Day*	*Vendor Trips Per Day*	*Haul Trips Per Day*[1]
Demolition (buildings)	5	0	6
Demolition (parking lot)	5	0	4
Grading	8	0	0
Retention Wall Construction	13	0	9
Parking Structure Construction	30	12	0
Trenching and Utilities	5	0	0
Building Construction	30	12	0
Architectural Coating	6	0	0
Maximum Daily Construction Trips[2]	**36**[2]	**12**[2]	**10**

Source: CalEEMod, Version 2011.1.1.
Note: These figures are based on CalEEMod calculations in determining worker, vendor, and haul trips for each construction phase.
[1] Based on 25 total demolition (building) haul trips divided by four days (expected duration),13 total demolition (parking) haul trips divided by 3 days (expected duration), and 200 total soil haul trips divided by 23 days.
[2] Based on the total number of trips from trenching and building construction phases.

As shown in the table, each construction phase would generate a minimal number of trips per day. The project would generate the highest number of construction-related trips during the trenching and parking construction and trenching and building construction operations as these activities partially overlap. During overlap of these construction activities, the project would generate up to 36 worker trips and 12 vendor trips for total of 48 maximum daily construction trips. This is estimated to occur over a four-month period. The worst-case day for haul trips would occur during the anticipated one day overlap between demolition of the building and parking lot which would generate approximately 10 demolition haul trips. Soil haul operations would generate up to nine daily haul trips. Overall, the amount of construction-related traffic would be minimal compared to the amount of traffic volumes on the roadways surrounding the site and would be temporary. Development of a Construction Traffic Management Plan under Mitigation Measure 10 would ensure that construction-related traffic impacts are further reduced. Therefore, impacts would be less than significant with incorporation of mitigation.

Mitigation Measure

10. Prior to issuance of a grading permit, the project will be required to develop a Construction Traffic Management Plan that includes the following elements:

- Restrict construction worker and equipment delivery trips to occur outside of the weekday AM and PM peak hours.
- Identify and establish truck haul routes and restrict haul operations to occur outside of the weekday AM and PM peak hours.
- Provide Traffic Control Plans for detours and temporary road closures (if necessary) that meet the minimum Caltrans, City, and County criteria.

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?

Less Than Significant Impact. West Coast Highway (Hwy 1) is a Principal Arterial on the County's Congestion Management Plan Highway System. However, the project would not generate significant trips (i.e., 1,600 or more vehicle trips per day) to any CMP intersection. Therefore, the project would not have the potential to conflict with the CMP. No significant impact would occur and no mitigation measures are necessary.

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 commercial nature of the project would not result in a population increase in the City of Newport Beach. Thus, the project is not expected to result in a substantial increase in air traffic levels. In addition, the project would not construct structures that would pose a hazard to air navigation, and the project site is not in an area where there are substantial crash hazards from aircraft approaching or departing from an airport. Therefore, there would be no impacts from implementation of the proposed project and no mitigation measures are necessary.

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 Impact. The setback for the buildings under the proposed project would provide adequate sight distance and an unobstructed view of westbound traffic along West Coast Highway for exiting vehicles at each project driveway. Additionally, signage indicating "Do Not Enter" and/or "Exit Only" would be installed along with a striped outbound-only arrow. Furthermore, a dedicated bus only zone would be created which would serve as a refuge for buses at the relocated bus stop and also to discourage vehicles from using as a secondary driveway. Therefore, impacts would be less than significant and no mitigation measures are necessary.

e) Result in inadequate emergency access?

Less Than Significant Impact. California Fire Code, Section 503 requires approved fire access roads within 150 feet of the exterior walls of the first story of each building. Such roads must be at least 20 feet wide, have a minimum of 13.5 feet of vertical clearance, and must provide all-weather driving capabilities for firefighting

vehicles. The project site plans have been designed in coordination with the NBFD to ensure that the project would provide adequate access for firefighting and emergency vehicles and to meet the requirements of CFC Section 503. Therefore, impacts would be less than significant and no mitigation measures are necessary.

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

Less Than Significant Impact With Mitigation Incorporated. Development of the proposed project would accommodate bus service as currently available along the frontage of the project site. Although the location of the existing bus stop would be relocated slightly westerly from its existing location, it would continue to operate after completion of the proposed project. Striping under the proposed project would create a dedicated "bus only" zone which would serve as a refuge for buses at the relocated bus stop which would be consistent with Policy CE 6.2.2 of the City General Plan (Newport Beach 2006). Additionally, adherence to Mitigation Measure 11 would ensure that potential impacts to public transit during project construction would be minimized.

As shown on Figure CE4, Bikeways Master Plan, of the City's General Plan, the segment of West Coast Highway along the project site frontage is designated as a Class III bike lane. Development of the proposed project would accommodate this segment to operate as a Class III bike lane and would not conflict with this designation. Additionally, the existing Class II bike lanes along Dover Drive would not be altered or affected by development of the proposed project. Furthermore, development of the project would be consistent with Policy CE 5.1.3 of the City General Plan as it would improve the sidewalks along Dover Drive and West Coast Highway (Newport Beach 2006). Overall, improvements from development of the proposed project would be consistent with City policies. Therefore, impacts to bicycle and pedestrian facilities would be less than significant.

Mitigation Measure

11. The applicant shall contact OCTA and coordinate operation of the Coast-Dover bus stop along the project's West Coast Highway frontage during project construction. Mitigation as required to suspend operation, or modify or temporarily relocate the bus stop during project construction activities shall be negotiated with OCTA. The applicant shall provide the plans/mitigation to the City as negotiated with OCTA for review and approval by the City of Newport Beach's Planning Department and Public Works Department prior to issuance of grading permits.

3.17 UTILITIES AND SERVICE SYSTEMS

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

Less Than Significant Impact. The City of Newport Beach is the wastewater service provider for the project site. Wastewater from the City's sewer system is treated by the Orange County Sanitation District (OCSD). Wastewater treatment at the OCSD facility is required to meet applicable Santa Ana Regional Water Quality Control Board standards. The project would not exceed wastewater treatment requirements and impacts would be less than significant. No mitigation measures are necessary.

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?

Less Than Significant Impact. Wastewater from the City's sewer system is treated by the Orange County Sanitation District (OCSD). The two sewage water treatment plants operated by the OSCD include Treatment Plant No. 2 in Huntington Beach, and Reclamation Plant No. 1 in Fountain Valley. A majority of the City's sewage flow is pumped to the OCSD Plant No. 2 which would serve the proposed project. Treatment Plant No. 2 maintains a design capacity of 276 million gallons per day (mgd) and currently treats on average a flow of 153 mgd and is operating at 55 percent of design capacity (Newport Beach 2006).

The existing uses are currently not generating any wastewater. The proposed project would generate the following amounts of wastewater as shown in Table 35.

Table 35
Estimated Project Wastewater Generation

Land Use	Square Feet	Wastewater Generation Rate (gal/year/sf)		Wastewater Generated (gal/year)		Total (gal/year)
		Indoor	Outdoor	Indoor	Outdoor	
Restaurant	10,493	303.53	19.37	3,184,979	203,297	3,388,276
Commercial-Retail	9,522	74.07	45.40	705,335	432,292	1,137,627
Medical Office	3,000	125.48	23.90	376,442	71,703	448,145
					Total	**4,974,048**

[1] Calculated from wastewater generation rates used in CalEEMOD.

As shown in the table, the project would generate 4,974,048 gallons of wastewater per year or about 13,628 gallons per day which is about 0.005 percent of the design capacity of Plant No. 2. There is adequate treatment capacity in the region for the amount of wastewater the project would generate. Project development would not require building new or expanded wastewater treatment facilities and impacts would be less than significant.

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 Impact. The project would include onsite construction of infiltration trenches equipped with filters; drainage from the site would be routed into the infiltration trenches where some drainage would infiltrate into soil before stormwater leaves the site and flows into storm drains. The project would not result in any net increase in runoff leaving the site, in compliance with Santa Ana Regional Water Quality Control Board requirements (Gwatney 2011). Thus, project development would not require construction or expansion of off-site drainage facilities. Impacts would be less than significant, and no mitigation measures are necessary.

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 Impact. Water services for the project site are provided by the City of Newport Beach. Domestic water for the project site is supplied by both groundwater and imported surface water. Local wells are not a source of water supply for the areas serviced by the City's water services, which

includes the project site. Currently, a majority of water supplied to the City, including the project site, is supplied by groundwater from the Lower Santa Ana Basin (Basin). Specifically, approximately 75 percent of the water supplied by the City's service area, including the project site, is supplied by groundwater from the Basin, and the remaining 25 percent of water is imported and purchased from the Municipal Water District (MWD). According to the City of Newport Beach, there are sufficient existing water supplies in the City to meet the project's estimated water demand, and project development would not require new or expanded water supplies (Parks 2011). Impacts would be less than significant and no mitigation measures are necessary.

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?

Less Than Significant Impact. Less As discussed in response 3.16b above, adequate wastewater treatment capacity would be available for the proposed project.

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

Less Than Significant Impact. The City of Newport Beach is under contract with Waste Management of Orange County for solid waste hauling and disposal. The Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in Irvine, is the closest facility for solid waste disposal. The Frank R. Bowerman Sanitary Landfill, which is owned and operated by the Orange County Integrated Waste Management Department (IWMD), opened in 1990 and is scheduled to operate until approximately 2053. The current average disposal rate at the landfill is roughly 5,000 tons per day, and the maximum permitted disposal rate is 8,500 tons per day. The landfill's remaining capacity is approximately 200 million cubic yards (Arnau 2010), or 107 million tons of solid waste. Table 36 shows the estimated solid waste generation by the proposed project, using solid waste generation rates from CalRecycle.

Table 36
Estimated Project Solid Waste Generation

Land Use	*Square Feet*	*Solid Waste Generation, pounds/day*	
		Generation Rate (lbs/sf)[1]	*Total (lbs/day)*
Restaurant	10,493	0.064	672
Commercial-Retail	9,522	0.042	400
Medical Office	3,000	0.178	534
		Total	**1,606 lbs/day (0.8 tons/day)**

[1] Calculated from solid waste generation rates used in CalEEMOD and obtained from CalRecycle:
Quality Restaurant: 11.65 tons/1,000 square feet/year
Specialty Retail: 7.6 tons/1,000 square feet/year
Medical Office: 32.4 tons/1,000 square feet/year
1 ton/1,000 square feet/year = 0.00548 pound/square foot/day.

As shown in Table 29, development of the proposed project would result in an additional 0.827 tons per day of solid waste to be disposed of at the Frank R. Bowerman Sanitary Landfill, representing approximately 0.01 percent of the amount of solid waste the landfill is allowed to accept daily. With the remaining capacity of approximately 107 million tons, as well as a 42-year lifespan at the Frank R. Bowerman Sanitary Landfill, the

increase in solid waste generated by the proposed development would not exceed the capacity of the landfill. No deficiencies currently exist at the Frank R. Bowerman Sanitary Landfill, as there is adequate daily surplus capacity to accept the additional solid waste generated from the proposed project. Therefore, as the Frank R. Bowerman Sanitary Landfill would have sufficient capacity to serve the proposed project, impacts associated with solid waste disposal would be less than significant and no mitigation measures are necessary.

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

No Impact. The project would comply with federal, state, and local laws and regulations governing solid waste. The Resource Conservation and Recovery Act (RCRA) of 1976 and the Solid Waste Disposal Act of 1965 govern solid waste disposal. The EPA administers these laws.

Assembly Bill 939

AB 939 (Integrated Solid Waste Management Act of 1989; Public Resources Code 40050 et seq.) established an integrated waste-management system that focused on source reduction, recycling, composting, and land disposal of waste. AB 939 required every California city and county to divert 50 percent of its waste from landfills by the year 2000; and also requires each county to prepare a countywide siting element specifying areas for transformation or disposal sites to provide capacity for solid waste generated in the jurisdiction that cannot be reduced or recycled for a 15-year period.

Jurisdictions select and implement the combination of waste prevention, reuse, recycling, and composting that best meets the needs of their residents while achieving the diversion requirements of the act. Cities and counties also have the flexibility to work cooperatively toward the 50 percent goal by forming a regional agency.

In 2009 the target disposal rates for the City of Newport Beach under AB 939 were 9.6 pounds per person per day (PPD) for residential solid waste, and 11.5 pounds per employee per day for solid waste from businesses. Actual disposal rates in the City in 2009 were 5.5 PPD from residences, and 7 PPD for businesses (CalRecycle 2010b). Therefore, the City of Newport Beach is complying with AB 939 goals. The project would not affect the City's ability to meet the required AB 939 waste diversion requirements. No impact would occur.

Assembly Bill 1327

AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991, added Chapter 18 to Part 3 of Division 30 of the Public Resources Code. Chapter 18 required the California Integrated Waste Management Board (CIWMB) to develop a model ordinance requiring adequate areas for the collection and loading of recyclable materials in development projects. Local agencies were then required to adopt and enforce either the model ordinance, or an ordinance of their own, by September 1, 1993. The project would include areas for the collection of recyclable material and comply with federal and state laws regulating solid waste disposal. No impact would occur.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict

the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact. The proposed project site is located in an urbanized area that does not contain any sensitive natural resources that could be disturbed as a result of the proposed project. Because of the highly urbanized nature of the project area, the project is not expected to: reduce the habitat of fish and wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of a rare or endangered plant or animal. The buildings within and adjacent to the project area, individually or collectively, are not significantly associated with events or persons important in history, and they are not architecturally distinctive. Impacts would be less than significant.

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.)

Less Than Significant Impact With Mitigation Incorporated. The proposed project would involve the development and operation of a two-story commercial/retail building in an urbanized area where supporting infrastructure currently exists. All of the impacts generated by the proposed project would be reduced to less than significant levels with mitigation measures incorporated. In consideration of the preceding factors, the project's contribution to cumulative impacts would be rendered less than significant; therefore, project impacts would not be cumulatively considerable.

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

Less Than Significant Impact With Mitigation Incorporated. As discussed in the respective sections of this Initial Study, implementation of the proposed project would result in potentially significant impacts in the areas of noise and traffic which may cause adverse effects on human beings. However, feasible mitigation measures have been identified to reduce these impacts to less than significant levels. Therefore, the proposed project would have no substantial adverse effects on human beings.

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Appendix A.
Valet Plan

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Appendix B.
Air Quality and Greenhouse Gas Emissions Analysis

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Appendix C.
Traffic Impact Analysis

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Appendix D.
Cultural Report

D1: Cultural Report, February 2, 2011.

D2: Paleontological Resources Letter, February 11, 2011.

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Appendix E.
Geotechnical Evaluations

E1: Site Geotechnical Study, July 14, 2010.

E2: Retaining Wall Study, July 1, 2010.

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Appendix F.
Preliminary Water Quality Management Plan

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Appendix G.
Shared Parking Analysis

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Appendix H.
Noise Analysis

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Appendix I.
Service Letters

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