Initial Study and
Mitigated Negative Declaration
Newport Business Plaza

Prepared for:

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July 2010

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Acronyms and Abbreviations

AB	Assembly Bill
ADTs	average daily trips
AELUP	Airport Environment Land Use Plan
AQMP	Air Quality Management Plan
ASTM	American Society for Testing and Materials
Basin	South Coast Air Basin
BMPs	best management practices
Cal/OSHA	California Occupational Safety and Health Administration
CalEPA	California Environmental Protection Agency
CARB	California Air Resources Board
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
cfs	cubic feet per second
CH4	methane
City	City of Newport Beach
CNEL	community noise equivalent level
CO	carbon monoxide
CO2	carbon dioxide
CO2e	CO2 equivalent
DAMP	Drainage Area Management Plan
dBA	A-weighted decibels
EIR	environmental impact report
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
FTA	Federal Transit Administration
GHG	greenhouse gas
IPS	inch per second

IRWD	Irvine Ranch Water District
IS/MND	Initial Study/Draft Mitigated Negative Declaration
Leq	equivalent continuous noise level
LOS	level of service
LST	Localized Significance Threshold
MMT	million metric tons
MRZ	Mineral Resource Zones
MU-H2	Mixed Use Horizontal-2
N2O	nitrous oxide
NPDES	National Pollutant Discharge Elimination System
O3	ozone
OCSD	Orange County Sanitation District
OCTA	Orange County Transportation Authority
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PC-15	Koll Center Planned Community
PF	Public Facilities
PM10	particulate matter 10 microns or less in size
PM2.5	particulate matter 10 microns or less in size
PPV	peak particle velocity
proposed project	Newport Business Plaza General Plan and Planning Community Text Amendments
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SARWQCB	Santa Ana Regional Water Quality Control Board
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SWPPP	stormwater pollution prevention plan
TMDL	total maximum daily load
TPO	Traffic Phasing Ordinance
USGS	U.S. Geological Survey
V/C	volume-to- capacity ratio
VMT	vehicle miles traveled
WPI	World Premier Investments

Chapter 1
Introduction

Chapter 1
Introduction

Overview

The City of Newport Beach (City) has prepared this Initial Study/Draft Mitigated Negative Declaration (IS/MND) to evaluate the potential environmental consequences associated with the Newport Business Plaza General Plan and Planned Community text amendments (proposed project). The project site is located at 4699 Jamboree Road and 5190 Campus Drive, at the southwest corner of Jamboree Road and Campus Drive, in the City of Newport Beach. As part of the permitting process for the City, and prior to consideration by the Planning Commission and the City Council, the proposed project is required to undergo an environmental review pursuant to the California Environmental Quality Act (CEQA).

Authority

The preparation of this IS/MND is governed by two principal sets of documents: CEQA (Public Resources Code Section 21000 *et seq.)* and the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*).

One of the main objectives of CEQA is to disclose to the public and decision makers the potential environmental impacts of proposed activities. CEQA requires that the lead agency determine whether a project is subject to CEQA review or exempt under statutory exemptions (CEQA Guidelines, Article 18, Sections 15260 *et seq*.) or categorical exemptions (CEQA Guidelines, Article 19, Section 15300 *et seq*.). The City determined that the proposed project is not exempt from CEQA and therefore proceeded to the preparation of an IS to determine whether an environmental impact report, a negative declaration, or an MND is appropriate. The City is the lead agency for the proposed project under CEQA.

The preparation of an IS is guided by Section 15063 of the State CEQA Guidelines, and Sections 15070–15075 of Article 6 guide the process for the preparation of an MND. Where appropriate and supportive to an understanding of the issues, reference will be made to the statute, the State CEQA Guidelines, or appropriate case law.

This IS/MND meets CEQA content requirements by including a project description; a description of the environmental setting, potential environmental impacts, and mitigation measures for any significant impacts; discussion of consistency with plans and policies; and names of preparers.

Scope of the Initial Study/ Mitigated Negative Declaration

This IS/MND evaluates the proposed project's impacts on the following resource topics:

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

Impact Terminology

The following terminology is used to describe the level of significance of impacts.

- A finding of *no impact* is appropriate if the analysis concludes that the proposed project would not affect the particular resource in any way.
- An impact is considered *less than significant* if the analysis concludes that it would cause no substantial adverse change to the environment and requires no mitigation.
- An impact is considered *less than significant with mitigation incorporated* if the analysis concludes that it would cause no substantial adverse change to the environment with the inclusion of environmental commitments that have been agreed to by the applicant.
- An impact is considered *potentially significant* if the analysis concludes that it could have a substantial adverse impact on the environment.

Organization of the Initial Study/ Mitigated Negative Declaration

The content and format of this report are designed to meet the requirements of CEQA. The report contains the following sections.

- Chapter 1, "Introduction," identifies the purpose and scope of this IS/MND and the terminology used in the report.
- Chapter 2, "Project Description and Environmental Setting," identifies the location, setting description, background, and planning objectives of the proposed project and describes the proposed project in detail.
- Chapter 3, "Initial Study Environmental Checklist," presents the CEQA environmental checklist and responses for each resource topic in the checklist. This section includes a brief setting section for each resource topic and identifies the impacts of implementing the proposed project.
- Chapter 4, "References," identifies all printed references and individuals cited in this IS/MND.
- Chapter 5, "List of Preparers," identifies the individuals who prepared this report and their roles in the proposed project.

Chapter 2

Project Description and Environmental Setting

Chapter 2

Project Description and Environmental Setting

Overview

The proposed project involves a General Plan amendment and an amendment to the Koll Center Newport Planned Community text for two existing parcels in the City of Newport Beach, California, as well as the redevelopment of the parcels with a new 1-story bank, two 3-story office buildings, and a 2-level parking structure. Details regarding the project objectives, location, environmental setting, discretionary actions, and construction and operation of the proposed project are included in this chapter.

Objectives

The applicant's objectives for the proposed project include:

- upgrading and improving a prominent corner to the gateway to Newport Beach,
- generating greater architectural presence at a vital intersection (Jamboree Road and Campus Drive) and along the Jamboree Road corridor and Campus Drive frontages, and
- meeting the demand for modern office space in the City of Newport Beach.

Location

The project site is located in the northernmost portion of the City of Newport Beach, near the City of Irvine's western and southern borders, in central Orange County, California. Figure 2-1 depicts the regional location of the project area. The project site is composed of two adjoining parcels (Assessor's Parcel Numbers 445-151-09 and 445-151-08) located at 4699 Jamboree Road and 5190 Campus Drive, at the southwest corner of Jamboree Road and Campus Drive in the Koll Center Newport Planned Community. Interstate 405 is located to the north, State Route 73 is located to the south, and San Diego Creek is located to the east/southeast of the project site. Other land uses in the general vicinity of the project site include the John Wayne Airport to the west, the University of California Irvine Arboretum, the San Joaquin Marsh, the Irvine

Ranch Water District Michelson Water Reclamation Plant, and the University of California Irvine campus to the east and southeast. Figure 2-2 shows the local vicinity of the project site.

Environmental Setting and Surrounding Land Uses

The project site is currently occupied by two connected buildings comprising a one story office building and bank. The project site is the former location of the Far East Bank and several mortgage and real estate businesses. The first building, 5190 Campus Drive, is 10,200 square feet, and the second building, 4699 Jamboree Drive, is 11,100 square feet. Currently, World Premier Investments (WPI)/United American Properties is using both buildings as office spaces, which together have approximately 45 occupants. Prior to September 2008, Far East Bank, WPI, and the other businesses in the buildings were fully staffed and operational. Approximately 65 employees worked in the onsite buildings. For the purposes of the environmental impact analysis, the baseline conditions assume occupation of the buildings and operation of the businesses with 65 employees.

The entire project site is 78,883 square feet, or approximately 1.76 acres, and is approximately 52 feet above sea level. It is generally flat with sloped, landscaped areas along Jamboree Road and Campus Drive. The project site has limited vegetation with minimal ornamental trees and landscaping around the building and in the surface parking lot. Approximately 75% of the project site is impervious surfaces (e.g., parking lot, building), including 113 parking spaces located in an open surface lot to the south of the buildings. There are two ingress/egress points, one from Campus Drive (a four-lane undivided secondary road), and one from Jamboree Road (a six lane divided major road).

The surrounding land uses include a mix of commercial, office, residential, and open space. Commercial and office buildings are located to the north/northwest of the project site (across Campus Drive). Three high-rise condominium towers (The Plaza) are located to the north/northeast of the project site. The University of California Irvine Arboretum is located to the east/southeast of the project site (across Jamboree Road), and consists of several buildings, parking lots, and open space areas that adjoin the San Joaquin Marsh. Immediately adjacent to the project site to the south is the Harbor Justice Center and The Campus Plaza office complex is to the west. Figure 2-3 identifies the existing conditions on the project site and surrounding area.

Regulatory Setting

City of Newport Beach General Plan

The City of Newport Beach (City) approved a comprehensive update to the General Plan in July 2006 (City of Newport Beach 2006a). The General Plan

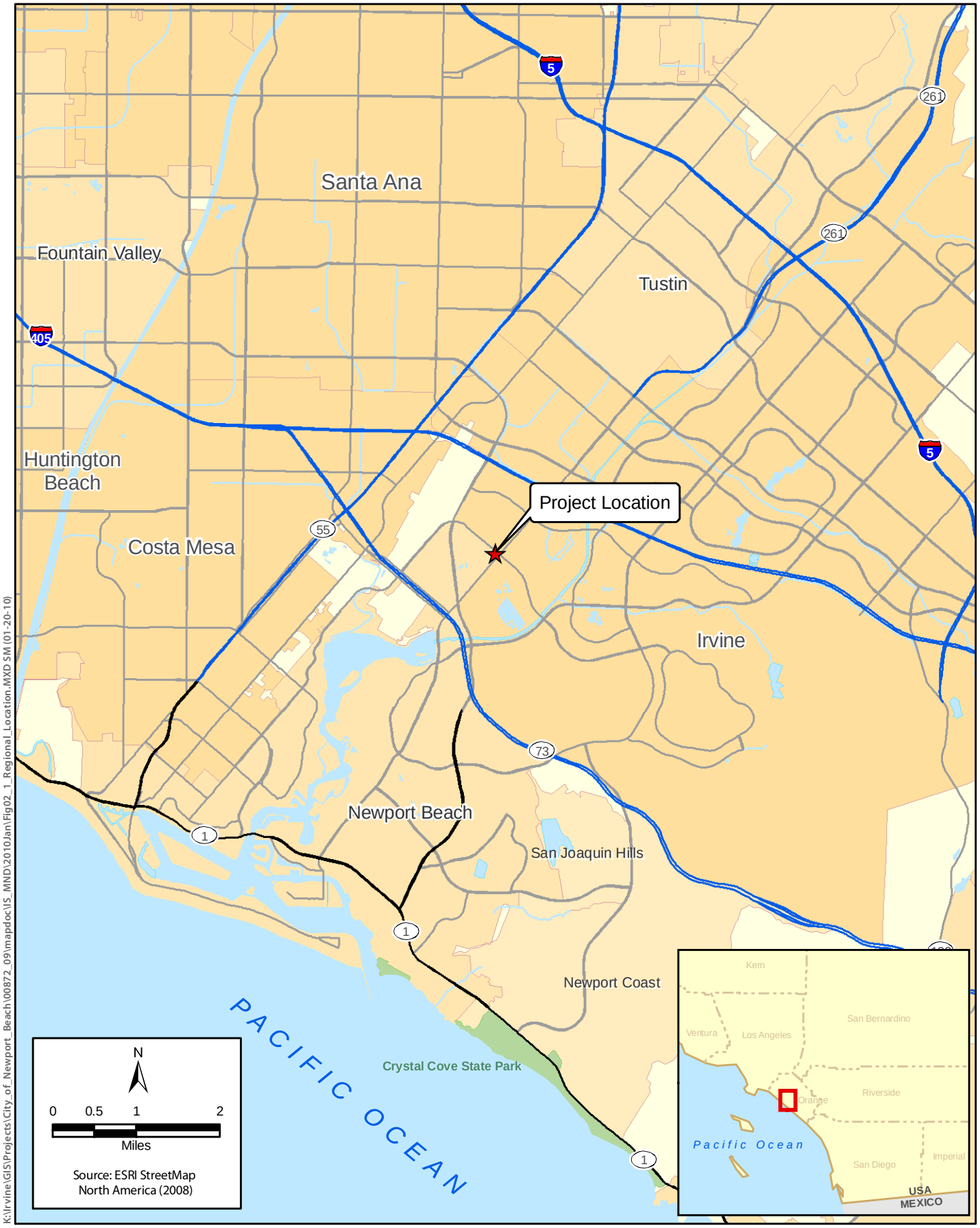

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Figure 2-1
Regional Location
Newport Business Plaza

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Figure 2-2
Local Vicinity Map
Newport Business Plaza

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Figure 2-3
Existing Conditions
Newport Business Plaza

consists of eleven elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreational, Arts and Cultural, Natural Resources, Safety, and Noise. The General Plan and each of these elements present a vision for the City's future and goals and policies to implement that vision.

The project site is located in the designated Airport Area (Statistical Area L2) in the northern portion of the City of Newport Beach. The Airport Area encompasses the properties abutting and east of John Wayne Airport and is in close proximity to the Irvine Business Complex and the University of California, Irvine. This area includes a mixture of low-, medium-, and high-rise office uses as well as research and development and higher technology businesses.

The project site is designated as Mixed-Use Horizontal 2 (MU-H2) per the General Plan Land Use Element. The MU-H2 designation provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. The properties in the City of Newport Beach that abut the project site to the northwest also have a land use designation of MU-H2, and the property located to the southwest has a land use designation of Public Facilities (PF). Figure 2-4 identifies the land use designations and the project site boundary.

The development limit for the project site is identified in Table LU2 of the General Plan Land Use Element as Anomaly Number 6. Table LU2 provides precise development limits for each of the anomaly locations identified on each of the land use maps. The development limit for the existing parcels (Anomaly Number 6) is 34,500 gross square feet as identified in Table LU2.

City of Newport Beach Zoning Code

The City of Newport Beach zoning code is intended to carry out the policies of the City of Newport Beach General Plan (City of Newport Beach 2009a). It is the intent of the zoning code to promote the orderly development of the City; promote and protect the public health, safety, peace, comfort, and general welfare; protect the character, social and economic vitality of the neighborhoods; and to ensure the beneficial development of the City. The project site is zoned PC-15, Koll Center Newport Planned Community (PC-15). The PC-15 zoning provides property development regulations for property located within the Koll Center Newport Planned Community.

Koll Center Newport Planned Community

The Koll Center Newport is a 180-acre planned community in the City of Newport Beach, adopted by the City on August 14, 1972 (Ordinance No. 1449). The Koll Center Newport was developed as a master planned campus office park. The planned community development standards provide comprehensive zoning for the area and limit the development of parcels by defining allowable building

areas for nine development sites (Office Sites A through F, Industrial Site 1, Retail and Service Site 1, and the Court House). The project site is identified as Professional and Business Office Site F in the Koll Center Newport Planned Community. The allowable building area for Office Site F is 24,300 net square feet as defined by the Koll Center Newport Planned Community text.

Airport Land Use Plan

The project site is located in the Orange County Airport Environment Land Use Plan (AELUP) for John Wayne Airport, which is administered by the Airport Land Use Commission. The project is within the height restriction zone for the John Wayne Airport and the notification area of the Federal Aviation Regulation (FAR) Part 77 imaginary surfaces aeronautical obstruction area. Section 77.13 of the FAR requires the notification of the Federal Aviation Administration (FAA) for any construction or alteration to buildings meeting specific criteria, including heights greater than 200 feet above ground level.

Description

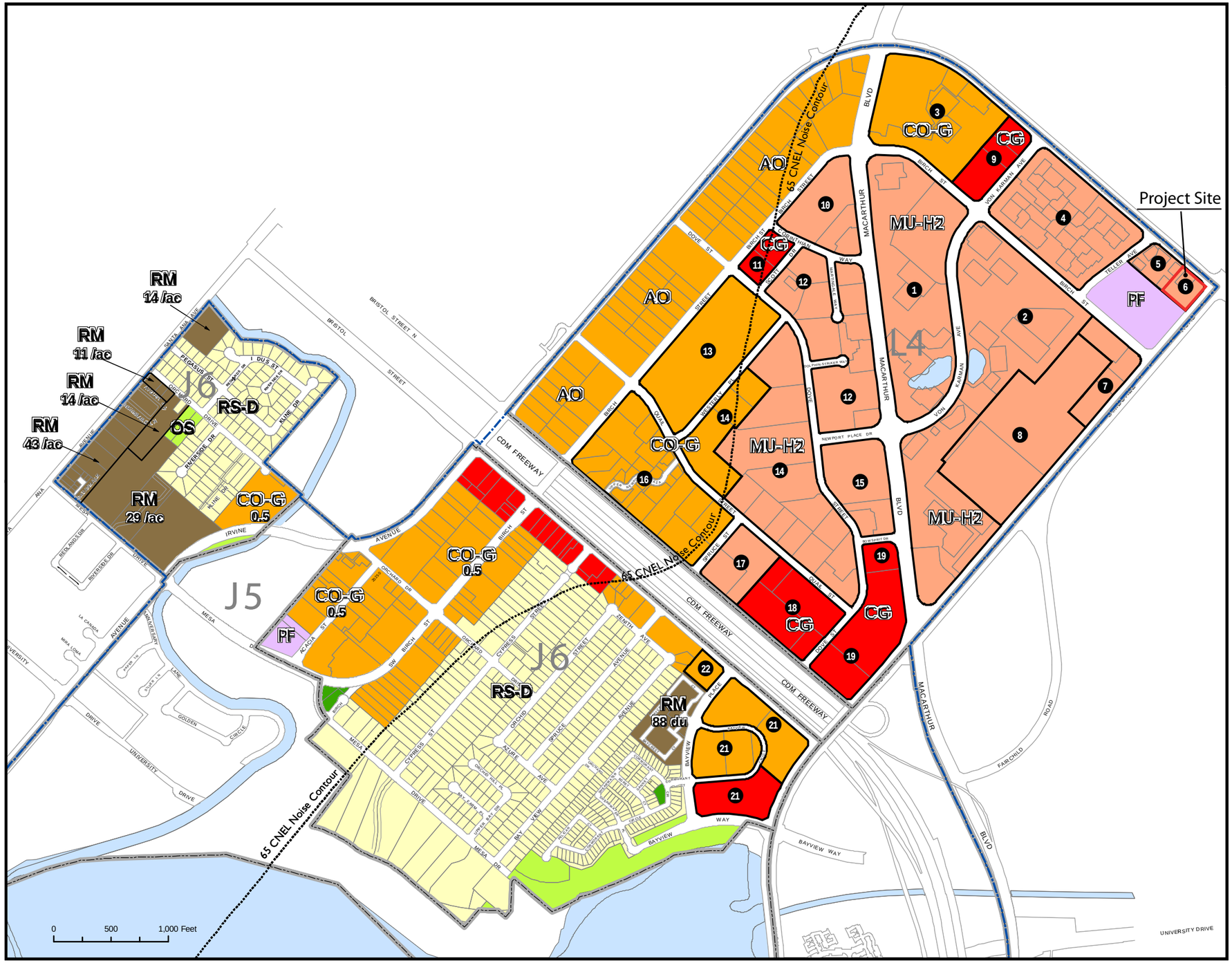
The proposed project involves a General Plan amendment and an amendment to the Koll Center Newport Planned Community text, which would accommodate the development of a new business plaza comprised of a new 1-story bank, two 3-story office buildings and a 2-level parking structure. The proposed project includes the preparation of a parcel map to combine the two existing lots into a single parcel. Discretionary actions associated with the proposed project include:

- General Plan amendment
- Koll Center Newport Planned Community text amendment
- Tentative parcel map for commercial condominium purposes

The proposed amendments and the proposed office building development plan are discussed separately below.

General Plan Amendment and Koll Center Newport Planned Community Amendment

The proposed project involves a General Plan amendment and a Koll Center Newport Planned Community text amendment to increase the allowable development square footage of the project site. The General Plan amendment would increase the maximum development limit for Anomaly Number 6 by 11,544 gross square feet, and the Koll Center Newport Planned Community text amendment would increase the allowable building area for Professional & Business Office Site F by 18,346 net square feet. Table 2-1 below identifies the



CITY of NEWPORT BEACH
GENERAL PLAN

Figure LU11

STATISTICAL AREAS
J6, L4

Residential Neighborhoods

- RS-D Single-Unit Residential Detached
- RS-A Single-Unit Residential Attached
- RT Two-Unit Residential
- RM Multiple-Unit Residential
- RM-D Multiple-Unit Residential Detached

Commercial Districts and Corridors

- CN Neighborhood Commercial
- CC Corridor Commercial
- CG General Commercial
- CV Visitor Serving Commercial
- CM Recreational and Marine Commercial
- CR Regional Commercial

Commercial Office Districts

- CO-G General Commercial Office
- CO-M Medical Commercial Office
- CO-R Regional Commercial Office

Industrial Districts

- IG Industrial

Airport Supporting Districts

- AO Airport Office and Supporting Uses

Mixed-Use Districts

- MU-V Mixed Use Vertical
- MU-H Mixed Use Horizontal
- MU-W Mixed Use Water Related

Public, Semi-Public and Institutional

- PF Public Facilities
- PI Private Institutions
- PR Parks and Recreation
- OS Open Space
- TS Tidelands and Submerged Lands

City of Newport Beach Boundary

Statistical Area Boundary L4

Land Use Delineator Line

Refer to anomaly table

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Figure 2-4
General Plan Land Use Designation and Statistical Area Location
Newport Business Plaza

existing square footage limits, the proposed changes, and overall proposed increase in allowable square footage.

Table 2-1. Proposed General Plan and Koll Center Newport Planned Community Text Square Footage Increase

	General Plan - Anomaly Number 6 (gross square feet[2])	Proposed Koll Center Newport Planned Community Text (net square feet[3])
Existing	34,500	24,300
Proposed Project[1]		
Office Building A	24,782	23,242
Office Building B	17,259	15,970
Bank	4,003	3,434
Total Proposed Project	46,044	42,646
Proposed Increase	11,544	18,346

[1] The General Plan and Koll Center Newport Planned Community text define square feet differently; thus, the numbers in the table for the proposed development are different.

[2] The General Plan uses the term *gross square footage* to calculate development limits. Chapter 20.63 of the zoning code defines gross floor area, which is the same as applicable gross square footage, as "the area of a building or portion thereof including the surrounding exterior walls, except that outdoor dining areas utilized in conjunction with an eating and drinking establishment shall also be included. Any finished portion of the building which measures more than 4 feet from finished floor to ceiling and is accessible shall be included in calculations of gross floor area. Areas utilized for stairwells and elevator shafts shall be counted towards gross floor area only on the first level."

[3] The Koll Center Newport Planned Community text uses the term *net square footage* to calculate allowable building area. Chapter 20.03 of the zoning code defines net floor area as "the area included within the surrounding walls of a building, exclusive of vent shafts, elevator shafts, stairways, exterior corridors or balconies, rooms containing only mechanical and electrical equipment used for service of the building, utility shafts and parking."

The physical details, architecture, and construction of the business plaza are discussed below.

Proposed Business Plaza Development

As discussed above, the proposed land use amendments would increase the allowable building square footage to accommodate the development of a new business plaza. The existing office building and bank would be demolished for the new development. The proposed business plaza would be comprised of four levels and would include a 1-story bank building, two 3-story office buildings (A and B), and a 2-level parking structure. The first level (at or below grade) would consist of the first level of parking. The second level (also known as the podium level and above grade) would consist of the second level of parking, a plaza, and

the first story of the bank and two office buildings. The third and fourth levels would consist of the second and third stories of the two office buildings. An average of 148 employees is expected to work in the proposed business plaza. Figure 2-5 illustrates the project site plan.

The maximum height of the business plaza would be approximately 62 feet above the original grade. Approximately 26% of the project site would be landscaped, with the remaining area (74 %) covered by buildings and other impervious surfaces. The two levels of parking would provide 214 spaces, which exceeds the 190 spaces required by current City codes based on the proposed uses. The existing ingress/egress locations on Campus Drive and Jamboree Road would remain in the same locations. The Jamboree Road ingress/egress would be modified slightly to allow for entrance into the first, at-grade parking level.

The proposed architectural style of the business center would be "Newport Nautical" theme using simple clean lines to give visual prominence and presence to this center. The parking structure would be configured to blend into the overall composition of the architecture of the bank and two office buildings. The two sides of the proposed parking structures that abut neighboring properties would use paint, textures, planters, and softscape to soften the composition of the parking structure wall. The proposed business plaza would incorporate a plaster exterior skin, reflective glass, aluminum panels, and canopy elements. Figure 2-6 shows an architectural rendering of the proposed project.

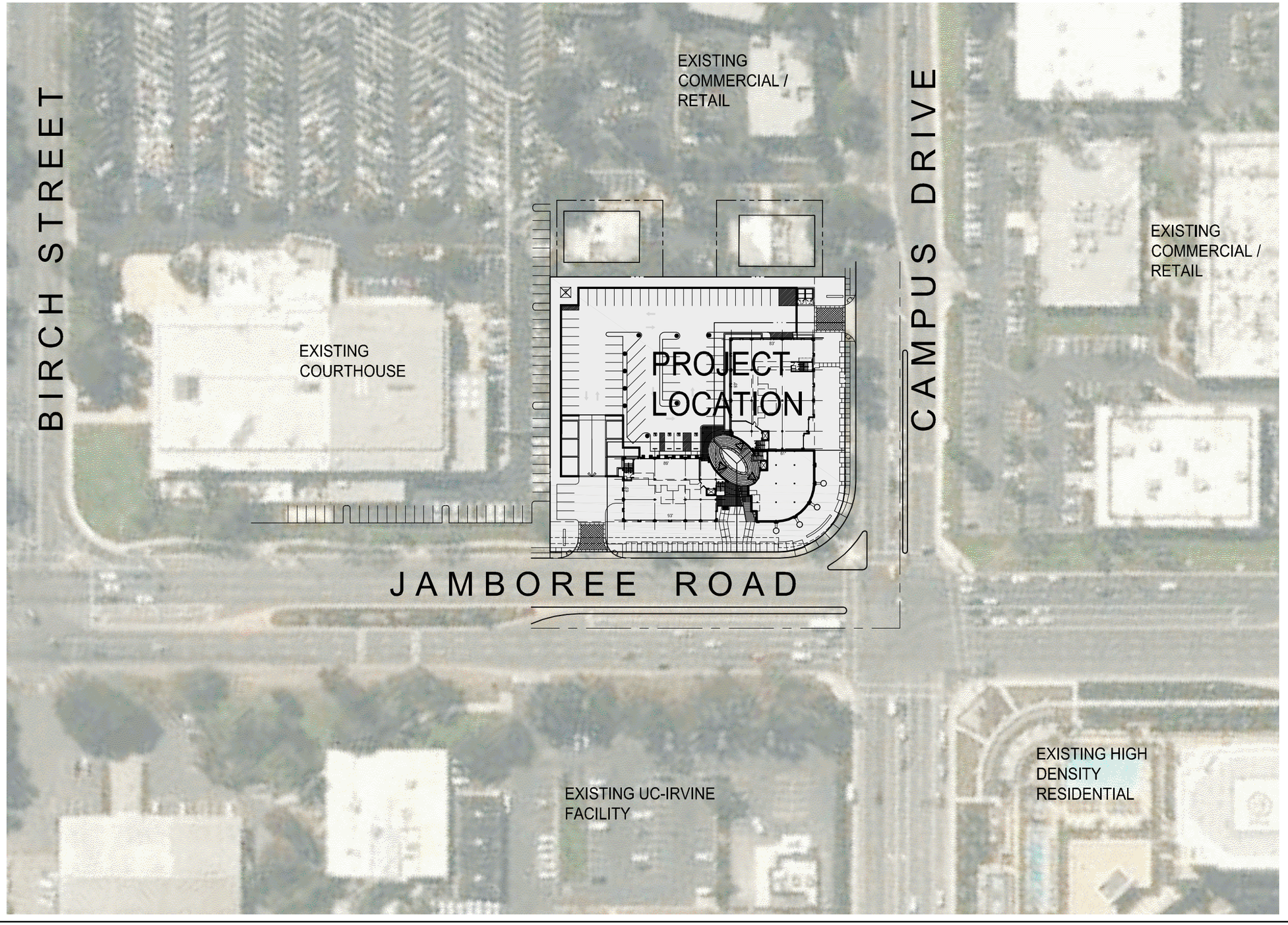
Equipment such as heating, ventilation, and air conditioning units would be screened from the public view by the height of the buildings. All equipment would be centrally located on the roof surfaces, prohibiting views of the equipment.

Construction Activities

Prior to construction, all current employees would be relocated to another existing office building in the South Coast Metro area or the Irvine area. Demolition and construction is assumed to start in winter 2011, depending on market conditions and final City approval, and would last approximately 14 months. The construction schedule may include some overlap of construction activities. The construction activities and their approximate duration are identified below.

- Approximately 2 weeks for demolition of the existing buildings and parking lot.
- Approximately 1 month for grading and site preparation.
- Approximately 9 months for building construction.
- Approximately 3 months for architectural finishing.

Approximately 3,000 cubic yards of soil would be exported from the project site to accommodate the construction of the foundation and parking lot during grading and site preparation. Approximately 260 roundtrip truck trips would be



SOURCE: Ware Malcomb (2009)

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Figure 2-5
Proposed Project Plan
Newport Business Plaza

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SOURCE: Ware Malcomb (2009)

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Figure 2-6
Proposed Project Rendering
Newport Business Plaza

required throughout the entire construction schedule to haul soils, building materials, and equipment, with the majority of the truck trips associated with the nine months of building construction. A total of 47 construction workers would be required, with the most workers required during the building construction (approximately 20). The construction staging area would be located in the southeast corner of the project site adjacent to Jamboree Road.

All buildings would comply with all applicable codes, including those related to seismic activity. Construction crews would work no more than 8 hours per day and would restrict their activities to between 7:00 a.m. and 6:00 p.m. on non-federal-holiday weekdays and between 8:00 a.m. and 5:00 p.m. on Saturdays. Per the Municipal Code, construction would not occur on Sundays or federal holidays.

Chapter 3

Initial Study Environmental Checklist

Chapter 3
Initial Study Environmental Checklist

1. Project Title:	Newport Business Plaza
2. Lead Agency Name and Address:	City of Newport Beach Planning Department 3300 Newport Boulevard Newport Beach CA 92658
3. Contact Person and Phone Number:	Janet Johnson Brown, Associate Planner 949/644 3236
4. Project Location:	Located at 4699 Jamboree Road and 5190 Campus Drive in Newport Beach, the business plaza would be at the intersection of Jamboree Road and Campus Drive.
5. Project Sponsor's Name and Address:	WPI-Newport, LLC John E. Young 5190 Campus Drive Newport Beach CA 92660
6. General Plan Designation:	Mixed-Use Horizontal 2 (MU-H2)
7. Zoning:	PC-15, Koll Center Newport Planned Community
8. Description of Project:	See Chapter 2, Project Description and Environmental Setting.
9. Surrounding Land Uses and Setting:	See Chapter 2, Project Description and Environmental Setting.
10. Other Public Agencies Whose Approval Is Required:	John Wayne Airport Land Use Commission

Environmental Factors Potentially Affected:

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

☐ I. Aesthetics	☐ II. Agriculture and Forest Resources	☐ III. Air Quality
☐ IV. Biological Resources	☐ V. Cultural Resources	☐ VI. Geology and Soils
☐ VII. Greenhouse Gas Emissions	☐ VIII. Hazards and Hazardous Materials	☐ IX. Hydrology and Water Quality
☐ X. Land Use and Planning	☐ XI. Mineral Resources	☐ XII. Noise
☐ XIII. Population and Housing	☐ XIV. Public Services	☐ XV. Recreation
☐ XVI. Transportation and Traffic	☐ XVII. Utilities and Service Systems	☐ XVIII. Mandatory Findings of Significance

Determination:

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 to 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 an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" 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 ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

Signature

5-14-10
Date

Evaluation of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained if it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, 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 environmental impact report (EIR) is required.

4. "Less-than-Significant Impact with Mitigation Incorporated" applies when the incorporation of mitigation measures has reduced an effect from a "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. (Mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced.)

5. Earlier analyses may be used if, pursuant to tiering, program EIR, or other California Environmental Quality Act (CEQA) process, an effect has been adequately analyzed in an earlier EIR or negative declaration [Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following.

   (a) Earlier Analysis Used. Identify and state where earlier analyses are available for review.

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

   (c) Mitigation Measures. For effects that are "Less-than-Significant with Mitigation Incorporated," describe the mitigation measures that 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, when appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

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

9. The 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 a less-than-significant level.

I.	AESTHETICS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	Would the project:				
a.	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b.	Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings along a scenic highway?	☐	☐	☐	☒
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	☐	☒	☐	☐

Discussion

Would the project:

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

No Impact. The proposed project would not affect a scenic vista. Figure 3-1, which represents Designated Public Viewpoints, in the City of Newport Beach's (City's) General Plan, identifies the existing public view points throughout the City. The project site is not identified as a public view point, nor would the proposed business plaza obstruct views from any public viewpoints (City of Newport Beach 2006a). The project site is located in a fully developed business and professional office park. It is currently occupied by a 1-story office building and bank, landscaping, and a 113-space surface parking lot. Therefore, as there are no scenic vistas in the general proximity of the project site, no impacts would occur.

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

No Impact. The project site does not consist of any rock outcroppings that are of significant visual quality. There are no historic buildings on site or in the project area that would be affected by the proposed project. Furthermore, there are no designated scenic highways in the vicinity of the proposed project (California Department of Transportation 2009). Therefore, the proposed project would not damage a scenic resource along a scenic highway, and no impacts would occur.

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

Less-than-Significant Impact. The proposed project would not adversely affect the existing visual character or quality of the site and its surroundings because the project site is located in a fully developed business and professional office park and would not damage any scenic resources. The proposed project would blend in with the existing character of the area and surrounding land uses. The surrounding land uses are varied. Commercial and office buildings are located to the

north/northwest of the project site (across Campus Drive). Three high-rise condominium towers (The Plaza) are located to the north/northeast of the project site. The University of California Irvine Arboretum is located to the east/southeast of the project site (across Jamboree Road). The Arboretum consists of several buildings, parking lots, and open space areas that adjoin the San Joaquin Marsh. Immediately adjacent to the project site to the south is the Harbor Justice Center. The Campus Plaza office complex is located to the west.

The proposed business plaza would include a 1-story bank, two 3-story office buildings, and a 2-level parking structure; therefore, it would be a similar use when compared to the existing office and bank uses currently on site. The maximum height of the business plaza would be approximately 62 feet above the original grade (Ware Malcomb 2010). The proposed architectural style of the business plaza would be a "Newport Nautical" theme using simple, clean lines to give visual prominence and presence to the business plaza. The proposed parking structure would be configured to blend into the overall composition of the architecture of the business plaza. The two sides of the parking structures, which would abut neighboring properties, would use paint, textures, planters, and softscape to soften the composition of the parking structure wall. The proposed business plaza would incorporate a plaster exterior skin, reflective glass, aluminum panels, and canopy elements (see Figure 2-6 for the architectural rendering of the proposed project). Equipment such as heating, ventilation, and air conditioning (HVAC) units would be screened from the public view by the height of the building. All equipment would be centrally located on the roof surfaces, prohibiting views of the equipment. The proposed project would aesthetically update the corner from the existing office and bank uses and improve the overall aesthetic quality of the Campus and Jamboree intersection. Therefore, the proposed project would not substantially degrade the existing character of the project site or surrounding area and impacts would be less than significant.

d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

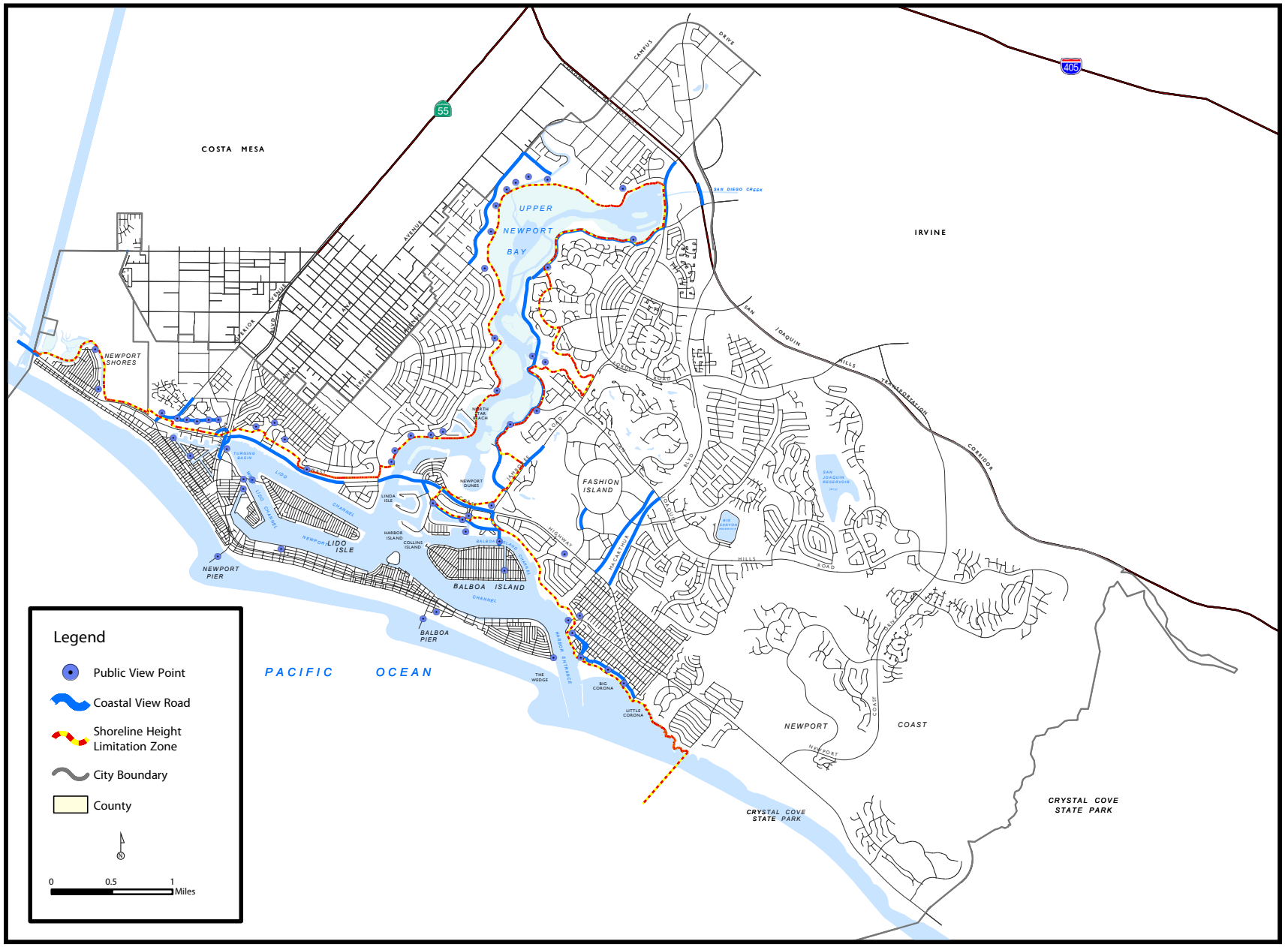
Less-than-Significant Impact with Mitigation Incorporated. The project site is located in an area that is developed with a mixture of commercial, office, residential, and open space. The existing parking lot is lighted for nighttime parking for safety purposes. Any lighting associated with the proposed project would generally be similar to the existing lighting in the area. **Mitigation Measures A-1, A-2, and A-3** would ensure that the proposed project would not add substantial amounts of lighting to the area. Therefore, impacts would be less than significant with mitigation.

Mitigation Measures:

Mitigation Measure A-1*:* 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.

Mitigation Measure A-2: Prior to the issuance of building permits, the applicant shall prepare a final lighting plan for approval by the Planning Department that demonstrates spill light trespass and glare are below or at luminance levels pursuant to recommendations of the Illuminating Engineering Society of North America.

Mitigation Measure A-3: 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-



Source: City of Newport Beach, 2005

ICF Jones & Stokes
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Figure 3-1
Designated Public Viewpoints
Newport Business Plaza

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off fixtures and light standards shall not exceed 20 feet in height.

	II. AGRICULTURE AND FOREST RESOURCES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	In determining whether impacts on 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 Department 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?	☐	☐	☐	☒
b.	Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d.	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e.	Involve other changes in the existing environment that, 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?	☐	☐	☐	☒

Discussion

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 would not convert any farmland to a non-agricultural use. The project site is not designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance (California Department of Conservation 2009). The project site and the surrounding land are identified as "urban and built-up land" by the California Department of Conservation's Farmland Mapping and Monitoring Program. Furthermore, the project site is located in an existing developed commercial and mixed-use setting with no agricultural uses on or surrounding the site. No impacts would occur.

b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?

No Impact. The proposed project would not conflict with existing zoning or agriculture use. The project site is currently zoned PC-15, Koll Center Newport Planned Community), which does not allow agricultural uses. The Williamson Act applies to parcels consisting of least 20 acres of Prime Farmland or at least 40 acres of farmland not designated as Prime Farmland. The project site is not located within a Prime Farmland designation, nor does it consist of more than 40 acres of farmland. Therefore, the project site is not eligible to be placed under a Williamson Act Contract. No impacts would occur.

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 proposed project would not conflict with existing zoning or cause rezoning of forest land. The project site is located within an urban area far from any forest lands. Therefore, no impacts would occur.

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

No Impact. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. The project site is located within an urban area far from any forest lands. Therefore, no impacts would occur.

e. Involve other changes in the existing environment that, 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 proposed project would not result in the conversion of farmland to non-agricultural use, nor result in the conversion of forest land to non-forest use. The project site is not currently used for agriculture and is not located in or near agricultural areas or forest lands. Therefore, the proposed project would not disrupt or damage the operation or productivity of any areas designated as farmland and no farmland or forest land would be affected by the proposed project. No impacts would occur.

III.	AIR QUALITY	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	When 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?	☐	☐	☐	☒
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d.	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e.	Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

Would the project:

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

No Impact. The project site is located in the South Coast Air Basin (Basin). The South Coast Air Quality Management District (SCAQMD) is required, pursuant to the federal Clean Air Act, to reduce emissions of criteria pollutants for which the Basin is in nonattainment (i.e., ozone [O_3], and particulate matter 10 microns or less in size [PM_{10}], and particulate matter 2.5 microns or less in size [$PM_{2.5}$]). As such, the proposed project would be subject to the SCAQMD's 2007 Air Quality Management Plan (AQMP). The AQMP contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving ambient air quality standards. These strategies are developed, in part, based on regional population, housing, and employment projections prepared by the Southern California Association of Governments (SCAG). SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties, and addresses regional issues relating to transportation, economy, community development, and environment. With regard to air quality planning, SCAG has prepared the Regional Comprehensive Plan, which includes Growth Management and Regional Mobility chapters that form the basis for the land use and transportation control portions of the AQMP. These documents are used in the preparation of the air

quality forecasts and consistency analysis included in the AQMP. Both the Regional Comprehensive Plan and AQMP are based, in part, on projections originating with County and City General Plans.

The proposed project involves a General Plan amendment and a Koll Center Newport Planned Community text amendment to increase the allowable development square footage of the project site. The General Plan amendment would increase the maximum development limit for Anomaly Number 6 by 11,544 gross square feet, and the Koll Center Newport Planned Community text amendment would increase the allowable building area for Professional and Business Office Site F by 18,346 net square feet.

A project is consistent with the AQMP if it is consistent with the population, housing, and employment assumptions that were used in its development. The most recent AQMP adopted by SCAQMD incorporates SCAG's 2008 Regional Transportation Plan (RTP) socioeconomic forecast projections of regional population and employment growth. The project site is located in the SCAG's City of Newport Beach Subregion. The 2008 RTP projects that employment in this subregion will grow by about 879 jobs between the years 2010 and 2020. The proposed project's addition of approximately 83 net new jobs would represent approximately 9% of the total employment growth projected for the subregion (Southern California Association of Governments 2001). Such levels of employment growth are consistent with the forecasts for the subregion as adopted by SCAG, and as such are consistent with the AQMP. No impacts would occur, and no mitigation measures are necessary.

Additionally, emissions generated by construction and operation would not exceed thresholds as described in the analysis below in III(b) and III(c). The thresholds in III(b) and (c) are based on the AQMP and are designed to bring the Basin into attainment for the criteria pollutants for which it is in nonattainment. Therefore, because the proposed project would not exceed any of the thresholds it would not conflict with SCAQMD's goal of bringing the Basin into attainment for all criteria pollutants and, as such, is consistent with the AQMP. No impacts would occur and no mitigation measures are necessary.

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

Less-than-Significant Impact. As discussed in Section III(a), the project site is located in the Basin. State and federal air quality standards often are exceeded in many parts of the Basin. The proposed project would contribute to air pollutant emissions during construction (short-term) and operations (long-term). A discussion of the proposed project's potential construction-period and operations-period air quality impacts are provided below.

Regional Construction Impacts

SCAQMD has established methods to quantify air emissions associated with construction activities such as air pollutant emissions generated by operation of on-site construction equipment, fugitive dust emissions related to grading and site work activities, and mobile (tailpipe) emissions from construction worker vehicles and haul/delivery truck trips. Emissions would vary from day to day, depending on the level of activity, the specific type of construction activity occurring, and, for fugitive dust, prevailing weather conditions.

With respect to the proposed project, construction activities are expected to extend over a period of approximately 14 months. Major construction activities include demolition, grading and site

preparation, building construction, concrete, and architectural finishing. A mass emissions inventory for the construction period was compiled based on an estimate of construction equipment as well as scheduling and phasing assumptions. More specifically, the mass emissions analysis takes into account:

- combustion emissions from operating on-site construction equipment,
- fugitive dust emissions from moving soil on site, and
- mobile-source combustion emissions from worker commute travel.

For the purpose of estimating emissions associated with the construction activities, a project time frame of January 2011 through March 2012 was assumed. Emissions were calculated using the URBEMIS2007 emissions inventory model. The quantity, duration, and the intensity of construction activity have an effect on the amount of construction emissions, and related pollutant concentrations, occurring at any one time. As such, the emission forecasts reflect a specific set of conservative assumptions based on the expected construction scenario wherein a relatively large amount of construction is occurring in a relatively intensive manner. Because of this conservative assumption, actual emissions could be less than those forecasted. If construction is delayed or occurs over a longer time period, emissions could be reduced because of (1) a more modern and cleaner-burning construction equipment fleet mix, and/or (2) a less intensive buildout schedule (i.e., fewer daily emissions occurring over a longer time interval). A conservative estimate of the proposed project's regional mass emissions during construction is presented in Table 3-1 (Appendix A includes detailed results from the URBEMIS model). As shown in Table 3-1, all criteria pollutant emissions would remain well below their respective thresholds. Thus, impacts would be less than significant.

Table 3-1. Forecast of Regional Construction Emissions

	Criteria Pollutant Emissions (pounds per day)					
Construction Phase	**ROG**	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Demolition	2.80	24.35	11.95	<0.01	3.20	1.44
Grading/Excavation	3.40	29.77	15.14	0.01	7.90	2.65
Construction	3.28	21.60	13.69	<0.01	1.22	1.11
Concrete	1.14	7.33	7.52	<0.01	0.58	0.52
Architectural Finishing	44.84	0.03	0.47	<0.01	<0.01	<0.01
Maximum Regional Project Emissions	**45**	**30**	**15**	**<1**	**8**	**3**
SCAQMD Regional Emissions Threshold (lbs/day)	75	100	550	150	150	55
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

ROG = reactive organic gas
NO_X = oxides of nitrogen
CO = carbon monoxide
SO_X = sulfur oxides
PM_{10} = particulate matter equal to or less than 10 microns
$PM_{2.5}$ = particulate matter less than 2.5 microns
Source: Appendix A, URBEMIS 2007 outputs

Localized Construction Impacts

SCAQMD Localized Significance Threshold (LST) methodology guidelines are used to determine potential impacts on sensitive receptors that are located in the immediate vicinity of the activity emitting emissions, in this case the high density residential receptors located approximately 500 feet northeast of the project site. When quantifying mass emissions for localized analysis, only emissions that occur on site are considered. As shown in Table 3-2, localized emissions for all criteria pollutants would remain below their respective SCAQMD LST significance thresholds (Appendix A includes detailed results from the LST analysis). As such, localized impacts that may result from air pollutant emissions during the construction phases would be less than significant.

Table 3-2. Forecast of Localized Construction Emissions

	Criteria Pollutant Emissions (pounds per day)					
Construction Phase	**ROG**	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Demolition	2.63	22.36	10.47	<0.01	3.10	1.36
Grading/Excavation	3.08	26.09	12.53	<0.01	7.73	2.50
Construction	3.15	20.98	10.44	<0.01	1.17	1.08
Concrete	1.01	6.71	4.27	<0.01	0.53	0.49
Architectural Finishing	44.83	<0.01	<0.01	<0.01	<0.01	<0.01
Worst Case On-Site Total	**45**	**26**	**13**	**<1**	**8**	**3**
SCAQMD Localized Significance Threshold (lbs/day)[a]	--	108	1,090	--	27	9
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

[a] These localized thresholds were taken from tables provided in the SCAQMD Localized Significance Thresholds Methodology guidance document based on the following: 1) The project site is located in SCAQMD Source Receptor Area No. 20, 2) sensitive receptors located within 100 meters of construction activity, and 3) the maximum site area disturbed is 1 acre.

ROG = reactive organic gas
NO_X = oxides of nitrogen
CO = carbon monoxide
SO_X = sulfur oxides
PM_{10} = particulate matter equal to or less than 10 microns
$PM_{2.5}$ = particulate matter less than 2.5 microns

Source: Appendix A, URBEMIS 2007 outputs

Regional Operations Impacts

SCAQMD also has established significance thresholds to evaluate the potential impacts associated with long-term project operations. Regional air pollutant emissions associated with project operations would be generated by the consumption of electricity and natural gas and the operation of on-road vehicles. Pollutant emissions associated with energy demand (i.e., electricity generation and natural gas consumption) are classified by SCAQMD as regional stationary-source emissions. Electricity is considered an area source because it is produced at various locations in and outside the Basin. Because it is not possible to isolate where electricity is produced, these emissions conservatively are considered to occur in the Basin and be regional in nature. Criteria pollutant emissions associated with the production and consumption of energy were calculated using emission factors from the

SCAQMD's *CEQA Air Quality Handbook* (South Coast Air Quality Management District 1993; Appendix to Chapter 9).

Mobile-source emissions were calculated using the URBEMIS2007 emissions inventory model, which multiplies an estimate of daily vehicle miles traveled (VMT) by applicable EMFAC2007 emissions factors.[1] The URBEMIS2007 model output and worksheets for calculating regional operational daily emissions are provided in Appendix A. As shown in Table 3-3, the proposed project's net regional emissions would not exceed regional SCAQMD thresholds. Therefore, regional operations emissions would not result in a significant long-term regional air quality impact.

Table 3-3. Forecast of Regional Operational Emissions

	Criteria Pollutant Emissions (pounds per day)					
	ROG	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Existing						
Mobile[a]	9.5	14.4	127.6	0.2	25.5	5.0
Area	0.4	0.2	3.2	<0.1	<0.1	<0.1
Stationary[b]	<0.1	1.1	0.2	0.1	<0.1	<0.1
Existing Operational Emissions	**9.9**	**15.6**	**131.0**	**0.2**	**25.6**	**5.0**
Proposed Project						
Mobile[a]	6.7	9.7	87.3	0.1	17.3	3.4
Area	0.5	0.4	3.4	<0.1	<0.1	<0.1
Stationary[b]	<0.1	2.2	0.4	0.2	0.1	0.1
New Operational Emissions	**7.3**	**12.3**	**91.0**	**0.3**	**17.4**	**3.4**
Total Net Operational Emissions	**(3)**	**(3)**	**(40)**	**<1**	**(8)**	**(2)**
SCAQMD Regional Emissions Threshold (lbs/day)	55	55	550	150	150	55
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

[a] Mobile emissions calculated using the URBEMIS2007 emissions model. Model output sheets are provided in Appendix A.

[b] Emissions attributable to project-related electricity generation calculated based on guidance provided in the SCAQMD's CEQA Air Quality Handbook (1993). Worksheets are provided in Appendix A.

ROG = reactive organic gas
NO_X = oxides of nitrogen
CO = carbon monoxide
SO_X = sulfur oxides
PM_{10} = particulate matter equal to or less than 10 microns
$PM_{2.5}$ = particulate matter less than 2.5 microns

Source: Appendix A, URBEMIS 2007 outputs

[1] Daily VMT estimate derived by applying URBEMIS2007 default trip generation and length estimates (per land use) to the proposed project land uses.

Local Operational Emissions

In an urban setting, vehicle exhaust is the primary source of carbon monoxide (CO). Consequently, the highest CO concentrations generally are found close to congested intersections. Under typical meteorological conditions, CO concentrations tend to decrease as the distance from the emissions source (e.g., congested intersection) increases. For purposes of providing a conservative worst-case impact analysis, CO concentrations typically are analyzed at congested intersection locations. If impacts are less than significant close to congested intersections, impacts also would be less than significant at more distant sensitive-receptor locations.

SCAQMD recommends a hot spot evaluation of potential localized CO impacts when volume-to-capacity ratios (V/C) are increased by 2% or more at intersections with a Level of Service (LOS) C or worse. Project traffic during the operational phase of the proposed project would not have the potential to create local area CO impacts; as discussed in Section XVI(a) under Transportation and Traffic, the proposed project would not significantly affect peak-hour traffic volumes. Thus, local intersections would not be affected by the proposed project, and no impacts would result from CO hot spots.

With respect to the proposed project's on-site mass emissions, Table 3-4 shows that operations-period emissions would be below SCAQMD's localized significance thresholds. Impacts from emissions of these criteria pollutants would be less than significant.

Table 3-4. Forecast of Localized Operational Emissions

	Criteria Pollutant Emissions (pounds per day)					
	ROG	NO_X	CO	SO_X	**PM_{10}**	**$PM_{2.5}$**
On-Site Area Source Emissions[a]	0.5	0.4	3.4	<0.1	<0.1	<0.1
SCAQMD Localized Significance Threshold (lbs/day)[b]	--	108	1,090	--	7	3
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

[a] Emissions attributable to project-related electricity generation, calculated based on guidance provided in the SCAQMD's CEQA Air Quality Handbook (1993). Worksheets are provided in Appendix A.

[b] These localized thresholds were taken from tables provided in the SCAQMD Localized Significance Thresholds Methodology guidance document based on the following: 1) The project site is located in SCAQMD Source Receptor Area No. 20, 2) sensitive receptors are located within 100 meters of the proposed project, and 3) the maximum site are disturbed is 1 acre.

ROG = reactive organic gas
NO_X = oxides of nitrogen
CO = carbon monoxide
SO_X = sulfur oxides
PM_{10} = particulate matter equal to or less than 10 microns.
$PM_{2.5}$ = particulate matter less than 2.5 microns

Source: Appendix A, URBEMIS 2007 outputs

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

Less-than-Significant Impact. SCAQMD's approach for assessing cumulative impacts is based on the AQMP forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and state Clean Air Acts. As discussed earlier in Section III(a), the

proposed project would be consistent with the AQMP, which is intended to bring the Basin into attainment for all criteria pollutants.[2] In addition, the mass regional emissions calculated for the proposed project (Forecast of Regional Construction Emissions and Forecast of Regional Operational Emissions) are less than the applicable SCAQMD daily significance thresholds that are designed to assist the region in attaining the applicable state and national ambient air quality standards. The regional daily significance thresholds take into account other activity occurring in the region, and therefore, inherently address a project's contribution to cumulative air quality impacts. As such, cumulative impacts would be less than significant.

d. Expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact. As described in Section III(b) above, construction and operation of the proposed project would not result in any substantial localized or regional air pollution impacts and therefore would not expose any nearby sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

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

Less-than-Significant Impact. According to the SCAQMD *CEQA Air Quality Handbook* (1993), land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project includes the construction and operation of a business plaza, which will be occupied by a bank and office uses. Therefore, the proposed project would not include any uses identified by SCAQMD as being associated with odors and would not produce objectionable odors.

Potential sources of odors during construction activities include equipment exhaust, paving, and the use of architectural coatings and solvents. Odors from these sources would be localized and generally confined to the project site. The proposed project would use typical construction techniques, and the odors would be typical of most construction sites. Additionally, the odors would be temporary, occurring when equipment is operating and during paving and painting activities. Construction activities associated with the proposed project would be required to comply with SCAQMD Rule 402 on nuisances. Additionally, SCAQMD Rules 1108 and 1113 limits the amount of volatile organic compounds from cutback asphalt and architectural coatings and solvents, respectively. Via mandatory compliance with SCAQMD Rules, no construction activities or materials are proposed that would create a significant level of objectionable odors. As such, potential impacts during short-term construction would be less than significant.

[2] CEQA Guidelines Section 15064(h)(3) states "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g. water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency."

IV.	BIOLOGICAL RESOURCES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	Would the project:				
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f.	Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

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?

No Impact. Although the proposed project would remove existing ornamental trees and landscaping, it would not have a substantial adverse effect on any candidate, sensitive, or special-status species.

The project site is fully developed with an office and bank building and is located in an urbanized setting. According to Figure NR2 of the City of Newport Beach General Plan Natural Resources Element, the project site is not located within an Environmental Study Area (City of Newport Beach 2006a). The project site is void of any native vegetation or wildlife habitat. Therefore, the proposed project would not modify habitat or adversely affect sensitive biological resources. No impacts would occur.

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

No Impact. The proposed project would not have an adverse effect on any riparian habitat. According to Figure NR2 of the City of Newport Beach General Plan Natural Resources Element, the project site is not located within an Environmental Study Area (City of Newport Beach 2006a). The project site is fully developed and void of any riparian habitat or other natural communities. Therefore, the proposed project would not accommodate riparian habitat or other sensitive natural community. No impacts 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, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The project site is fully developed and there are no federal wetlands present on site or in the general vicinity of the project site. Furthermore, the project site is completely lacking any jurisdictional waters. No 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 proposed project would not interfere with the movement of fish or wildlife. The project site is located in an urbanized setting and is not connected to other undeveloped lands. According Figures NR1and NR2 of the City of Newport Beach General Plan Natural Resources Element, the project site is not identified as a biological resources area or located in an environmental study area (City of Newport Beach 2006a) and is not connected to any wildlife corridors. Therefore, the project site is not considered a part of a regional wildlife corridor that would facilitate movement of wildlife species from one area to another. It does not support daily movement of species from breeding, roosting, and nesting sites. Although the existing ornamental trees on site are not anticipated to provide important habitat, the removal of ornamental trees on site could reduce the number of stopover locations or nesting sites for migratory birds. Therefore, **Mitigation Measure BIO-1** is proposed to reduce the impact on migratory birds should the trees be removed during migration season. Impacts would be less than significant with mitigation incorporated.

Mitigation Measure:

Mitigation Measure BIO-1: The removal of ornamental trees on site shall not be scheduled during the avian nesting season (approximately February 1 through August 31) to ensure project conformance with the Migratory Bird Treaty Act. If clearing and grubbing are proposed to occur between February 1 and August 31, a preconstruction survey for nesting birds shall be conducted by a

qualified biologist no more than 7 days prior to the start of construction.

If nesting birds occur within the disturbance area, a buffer around the nest shall be determined by a qualified biologist. All construction activities shall occur outside the buffer area until a qualified biologist has determined that the nest is complete and that no new nesting activity has occurred within the buffer area.

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

No Impact. The project site does not contain any biological resources that are protected by local policies. The project site has several ornamental trees and landscaping that would be removed as result of the proposed project. According to the City of Newport Beach General Plan Natural Resources Element, the project site is not located in an area where sensitive and rare terrestrial and marine resources occur (City of Newport Beach 2006a). Furthermore, according to the County of Orange General Plan Resources Element, the project site is not located within the boundaries of the Orange County Natural Communities Conservation Plan area (County of Orange 2005). For additional details regarding local policies or ordinances refer to Section X, Land Use and Planning. The proposed project would not conflict with any local policies or ordinances protecting biological resources. No impacts would occur.

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 City of Newport Beach is a signatory to a Natural Resource Community Conservation Plan agreement. However, per Figure VI-5 of the Resources Element of the Orange County General Plan, the project site is not located within a designated Natural Communities Conservation Plan area (City of Newport Beach 2006a, County of Orange 2005). Therefore, it not subject to the provisions of any local, regional, or state habitat conservation plan or Natural Communities Conservation Plan area and no impacts would occur.

V.	CULTURAL RESOURCES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	Would the project:				
a.	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d.	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Discussion

Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

No Impact. The project site is occupied by two modern, connected office and bank buildings, surrounded by ornamental landscaping and a surface parking lot. The project site is depicted as vacant land on the 1965 edition of the U.S. Geological Survey (USGS) Tustin 7.5 minute quadrangle topographic map, with the existing office buildings depicted on the 1981 photograph-revised version of the same map. This change correlates in time with the approval in August 1972 of the Koll Center Newport Planned Community by the City, which includes the project site, and subsequent construction. Thus, the existing buildings are 38 years old at most. Built environment resources constructed after 1960, unless extraordinarily important, are not considered of sufficient age to warrant listing in the California Register of Historic Resources.

A record search conducted on March 16, 2010, determined that no historical structures resources have been recorded on the project site and that no historical structures are located within a 0.5-mile radius of the project site. There are no historical structures on the project site listed on any local, state, or national historical registers, nor any determined to be eligible for listing as a significant historical resource, according to the Historical Resources Element of the Newport Beach General Plan (City of Newport Beach 2006a). Because there are no historical structures on the project parcel, no impacts would occur.

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

Less-Than-Significant Impact With Mitigation Incorporated. The project site has not been

previously surveyed for cultural resources. Since there is no surface exposure at the project site, no archaeological resources survey was performed for this project.

A record search conducted on March 16, 2010 determined that no prehistoric or historical archaeological sites have been recorded in the project area. Two prehistoric archaeological sites, CA-Ora-115 (King 1963) and CA-Ora-121/287 (Long and Schwartz 1963) have been recorded within a 0.5-mile radius of the project site. Neither of these sites is adjacent to the project site; the nearest is approximately 1,000 feet to the east. Both prehistoric archaeological sites may have since been destroyed by development. No historical structures are depicted in the project site on the 1896 and 1901 USGS Santa Ana 30 minute topographic quadrangles, or on the USGS Tustin 7.5 minute quadrangle, indicating there is no potential for historical archaeological resources.

The project site has undergone grading for construction of the existing parking lot and building, and for development of other adjacent buildings. Ground disturbances from these previous developments likely would have inadvertently destroyed any unknown prehistoric archeological resources present. However, the location of two prehistoric sites in proximity slightly increases the possibility of discovering buried resources on the project site. Furthermore, the ground disturbance during construction would remove approximately 3,000 cubic yards of soil. Therefore, even though it is highly unlikely that the proposed project would disturb buried significant prehistoric archaeological resources, impacts would be reduced to less than significant with the implementation of **Mitigation Measure CR-1**.

Mitigation Measure:

Mitigation Measure CR-1: The project plans shall specify that a qualified archaeologist be contacted in the unlikely event that prehistoric archaeological resources are discovered in the project area during ground-disturbing activities. Work shall stop in the area of the find and within 50 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. Treatment measures typically include development of avoidance strategies, capping with fill material, or mitigation of impacts through data recovery programs such as excavation or detailed documentation. Prehistoric Archeological monitoring of the project site shall not be required, unless it is determined by the qualified archeologist who prepares the treatment measures for the find that monitoring is required based on the sediments being excavated and the significance of the find.

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 situated on late Pleistocene marine deposits that have been cut to form a marine terrace commonly known as Newport Mesa (Morton and Miller 1981, California Division of Mines and Geology 1997). These deposits can be highly fossiliferous, containing vertebrate, invertebrate, and plant fossil specimens (Stadum 2010). A geotechnical report prepared for the proposed project indicated that the parcel is underlain by thin fill, with thicker fill probably present under the existing building (Krazan & Associates 2005). The proposed project would involve grading and the excavation of approximately 3,000 cubic yards of existing soil to prepare for the building foundations. It is highly unlikely the proposed project would disturb any paleontological resources. However, deeper excavations, if any, that extended into Pleistocene marine deposits may encounter significant fossil resources. Disturbance of significant paleontological resources would result in a significant adverse impact. **Mitigation Measure CR-2** would reduce impacts associated with the proposed project to a less-than-significant level.

Mitigation Measure:

Mitigation Measure CR-2: Project plans shall specify that that a qualified paleontologist shall be contacted in the event that potential paleontological resources are discovered. During construction, the contractor shall halt site excavation or preparation if suspected fossilized remains are unearthed. Construction shall cease on site and shall not be resumed until a qualified paleontologist is contacted to assess the resources and identify appropriate treatment measures, if applicable. Treatment measures may include salvaging fossils and samples of sediments as they are unearthed to avoid construction delays and/or temporarily halting or diverting equipment to allow removal of abundant or large specimens. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Specimens shall be curated into a professional, accredited museum repository with permanent retrievable storage. A report of findings, with an appended itemized inventory of specimens, shall be prepared and shall signify completion of the program to mitigate impacts on paleontological resources.

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

Less-Than-Significant Impact. The project site is not a formal cemetery and is not adjacent to a formal cemetery. The project site is not known to contain human remains interred outside formal cemeteries, nor is it known to be located on a burial ground. The record search performed for the proposed project indicated that prehistoric archaeological sites, CA-Ora-115 (King 1963) and CA-Ora-121/287 (Long and Schwartz 1963) have been recorded within a 0.5-mile radius of the project site. Site CA-Ora-121 has yielded Native American burials in an area about 1 mile northeast of the project site (Strudwick 1998). The proposed project would involve grading and the excavation of approximately 3,000 cubic yards of existing soil to prepare for the building foundations. A geotechnical report prepared for the proposed project indicated that the parcel is underlain by thin fill, with thicker fill probably present under the existing building (Krazan & Associates 2005). Therefore, it is highly unlikely the proposed project would disturb any human remains during construction of the proposed project. Should human remains be uncovered during construction, as specified by State Health and Safety Code Section 7050.5, no further disturbance will occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, excavation or construction will halt in the area of the discovery, the area will be protected, and consultation and treatment will occur as prescribed by law. If the Coroner recognizes the remains to be Native American, he or she will contact the Native American Heritage Commission, who will appoint the Most Likely Descendent. Additionally, if the bones are determined to be Native American, a plan will be developed regarding the treatment of human remains and associated burial objects, and the plan will be implemented under the direction of the Most Likely Descendent. Therefore, impacts would be less than significant.

VI. GEOLOGY AND SOILS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. 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.	☐	☐	☐	☒
2. Strong seismic groundshaking?	☐	☐	☒	☐
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
4. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☒	☐	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion

Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

a1. 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. By definition of the State Mining and Geology Board, an active fault is one that has had surface displacement within the Holocene Epoch (roughly the last 11,000 years). The State Mining and Geology Board has defined a potentially active fault as any fault that has been active during the Quaternary Period (approximately the last 1.6 million years). These definitions are used in delineating earthquake fault zones as mandated by the Alquist-Priolo Geologic Hazards Act of 1972 and revised in 1994 as the Alquist-Priolo Geologic Hazard Zoning Act and Earthquake Fault Zones (California Geological Survey 2003). Impacts from surface rupture are generally limited to areas in the immediate vicinity of a fault that could result in offset of the earth at the fault line. There are no Alquist-Priolo zones in the City of Newport Beach (California Department of Conservation 2007). Therefore, no impacts would occur.

a2. Strong seismic groundshaking?

Less-than-Significant Impact. All of southern California, including the City of Newport Beach, is located in a seismically active area and is subject to strong seismic groundshaking. The City is located in the northern part of the Peninsular Ranges Province, an area that is exposed to risk from multiple earthquake fault zones. The highest risks originate from the Newport-Inglewood Fault, the Whittier Fault, the San Joaquin Hills Fault, and the Elysian Park Fault, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities. Policies contained in the Newport Beach General Plan would minimize adverse effects caused by seismic and geologic hazards such as strong seismic groundshaking (City of Newport Beach 2006a). For example, Policy S4.1 requires regular update to building and fire codes to provide for seismic safety and design, and Policies S4.4 and S4.5 restrict new development from locating in areas that would be affected by seismic hazards. Additionally, new development would be required to comply with the building design standards of the California Building Code for construction of new buildings and/or structures, and specific engineering design and construction measures would be implemented to anticipate and avoid the potential for adverse impacts (City of Newport Beach 2006b).

The proposed project includes the demolition of existing office and bank buildings and the construction and operation of a new business plaza. All demolition and construction would occur in accordance with building and safety standards as specific by the City. The proposed business plaza would be constructed in compliance with the latest earthquake-resistant design available and relevant codes. The entire business plaza would comply with the most up-to-date building codes and plans would be reviewed and approved by the City prior to issuance of grading and building permits and construction activities. Furthermore, the business plaza would be evaluated prior to occupation to ensure construction has been completed in accordance with the approved plans and applicable codes. Therefore, impacts would be less than significant.

a3. Seismic-related ground failure, including liquefaction?

Less-than-Significant Impact. Liquefaction is a geologic process that causes ground failure and typically occurs in loose, saturated sediments primarily of sandy composition (City of Newport Beach 2006a). It usually occurs under vibratory conditions such as those induced by seismic events (Krazan & Associates 2005). Figure 3-2, Existing Liquefaction and Seismic Hazard Areas, identifies areas of potential liquefaction in the City. The project site is not located in an area identified as having a potential for soil liquefaction when subject to a seismic event (City of Newport Beach 2006a, Krazan & Associates 2005). Furthermore, the State of California has zoned the area as not having a potential liquefaction hazard (California Department of Conservation 2001).

The subsurface conditions appear typical of those found in the geologic region of the project site. The soils within the depth of exploration consist of marine terrace deposits overlain by a thin layer of fill. Deeper fill soils are anticipated to be present on site. Below the fill soils, stiff to hard clayey silts and silty clays with interbedded layers of medium dense to very dense silty sands were encountered. Field and laboratory tests suggest that these soils are moderately strong and slightly compressible. Penetration resistance, measured by the number of blows required to drive a modified California sampler or a standard penetration test sampler, ranged from 9 to over 50 blows per foot. Dry densities ranged from 89.1 to 125.1 pounds per cubic feet. Representative soil samples had angles of internal friction of 21 and 31 degrees with cohesions of 300 and 100 pounds per square foot, respectively. Based on the cohesive materials and the relatively high blow counts, the potential for liquefaction is considered to be low (Krazan & Associates 2005).

Because the project site is not located in a liquefaction zone and because of the geologic characteristics of the site, impacts on people or structures as a result of seismic-related ground failure, including liquefaction, would be less than significant.

a4. Landslides?

No Impact. The proposed project would have no impact related to landslides. Figure 3-2 identifies areas with landslide potential and the project site is not located within any area with landslide potential (City of Newport Beach 2006a). The project site is generally flat and the proposed project would not require slope cuts that could result in landslides. Therefore, no impacts associated with landslides would occur.

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

Less-than-Significant Impact. The project site does not contain substantial amounts of topsoil. The project site is currently developed and consists of mostly impermeable surfaces (two buildings and parking lot). Small amounts of exposed onsite soils would be prone to soil erosion during the construction phase of the proposed project. As required by the City's Municipal Code, the proposed project applicant would obtain a grading permit from the City's Building Official (City of Newport Beach 2006b). Chapter 15.10 contains grading, fill, drainage, and erosion control standards that would be applied to the corresponding construction activity (City of Newport Beach 2006b). The project applicant would implement standard erosion control measures and construction best management practices (BMPs) that would minimize impacts. Furthermore, as discussed in Section IX(a), Hydrology and Water Quality, the stormwater pollution prevention plan (SWPPP) would assist with the control of soil erosion and loss of topsoil. Therefore, impacts would be less than significant.

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 an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less-than-Significant Impact. The project site has been developed and is not located in an area identified by the City of Newport Beach General Plan as having a potential for soil liquefaction. All proposed project components would occur in accordance with building and safety standards. Furthermore, as discussed in Section VI(a4), no impacts on people or structures as a result of landslide would occur. Impacts on people or structures as a result of seismic-related ground failure, including liquefaction (as discussed in Section VI(a3)), lateral spreading, subsidence, or collapse 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. See Sections VI(a3) and VI(c) for additional details regarding soils located at the project site. An expansion index of 94 was determined for selected substrate material from the project site (Krazan & Associates 2005). This expansion index indicates a high expansion potential (Caltrans 2005). The highly expansive soils on site could potentially damage the foundation of the proposed business plaza or create a risk to employees that could result in potentially significant impacts if not properly accounted for in project design and construction. **Mitigation Measures GEO-1 through GEO-5**, as discussed below would to reduce impacts associated with expansive soils on site to less than significant**.**

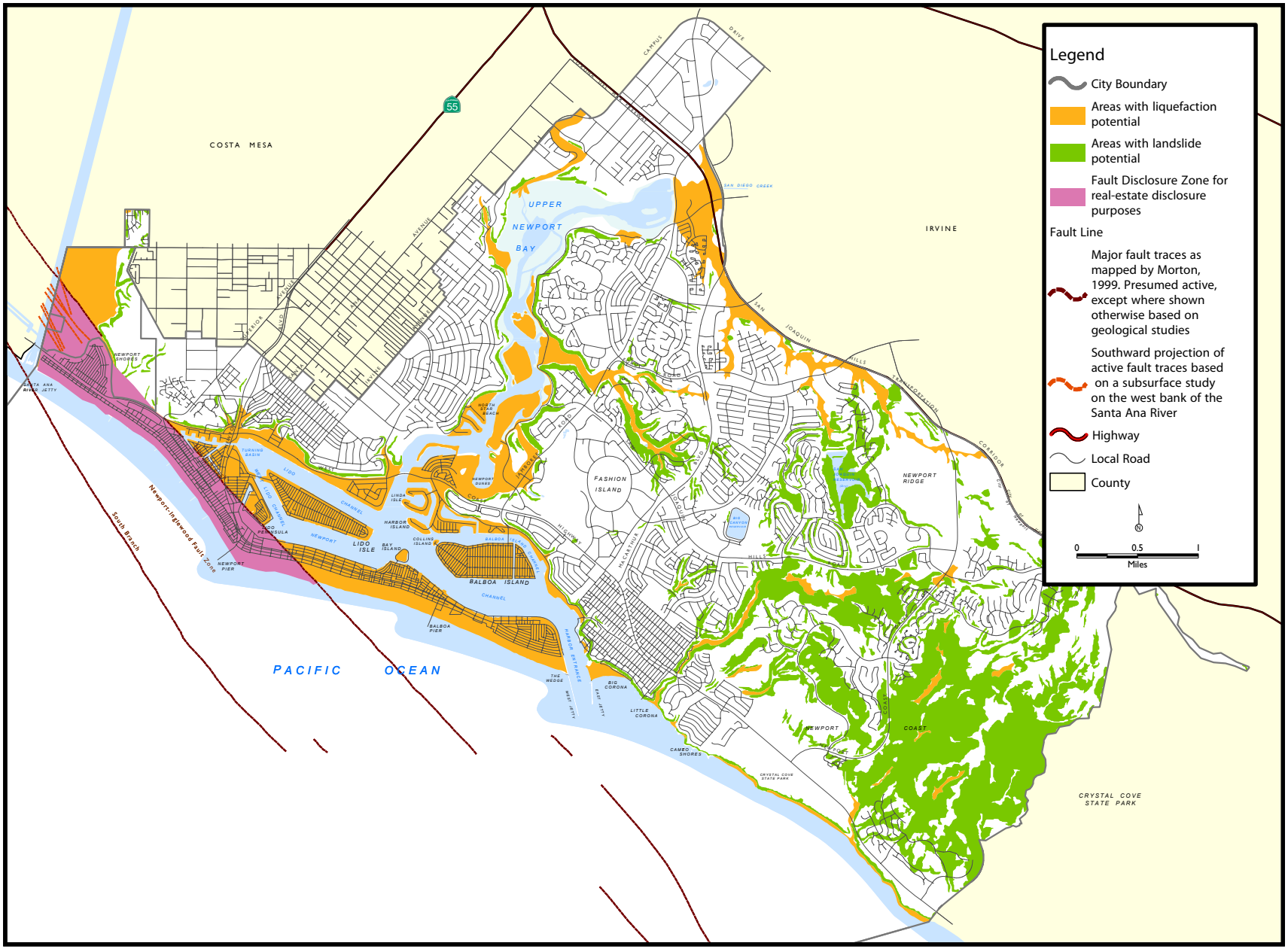
Mitigation Measures:

Mitigation Measure GEO-1: During the preparation of the grading plans and prior to issuance of grading permits, the grading plans shall stipulate that all grading and earthwork shall be performed in accordance with the Grading Ordinances of the City of Newport Beach and the applicable portion of the General Earthwork Specification in Appendix B of the geotechnical report prepared for the proposed project. During construction, grading of the site by the contractor shall adhere to grading plans approved by the City. The implementation of these measures shall be verified during field inspections.

Mitigation Measure GEO-2: During the preparation of grading plans and prior to issuance of grading permits, the grading plans shall stipulate that all fill shall consist of non-expansive materials, moisture-conditioned to near optimum if cohesionless, and to 130% of optimum if cohesive or clayey. The characteristics of the fill soil shall be evaluated by the geotechnical consultant prior to placement, and confirmed to meet grading plan specifications.

Mitigation Measure GEO-3: During construction, to minimize the potential for soil movement, the upper 24 inches of soil within the building slab areas (garage slab and ramp) shall be replaced with 2 feet of crushed aggregate.

Mitigation Measure GEO-4: Prior to construction of the parking area, a geotechnical engineer shall inspect the bottom of the site excavation to verify no additional excavation is required to minimize impacts on the structural integrity of the buildings associated with expansive soils.



Source: City of Newport Beach and Earth Consultants (2003)

ICF INTERNATIONAL

Figure 3-2
Existing Liquifaction and Seismic Hazard Areas
Newport Business Plaza

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Mitigation Measure GEO-5: During construction, if groundwater rises near or above the proposed excavation during construction, underwater construction and a dewatering system shall be incorporated to minimize impacts on the structural integrity of the buildings.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

No Impact. No septic tanks or alternative wastewater disposal systems are included as part of the proposed project. The project site would tie into the existing sewer line. No impacts would occur.

VII. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
When 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. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion

Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment based on any applicable threshold of significance?

Less-than-Significant Impact. Greenhouse gases emitted by human activity are implicated in global climate change or global warming. The principal greenhouse gases (GHGs) are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), ozone (O_3), and water vapor. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately 50% of GHG emissions globally. Industrial and commercial sources are the second largest contributors of GHG emissions with about 25% of total emissions. Some greenhouse gases such as CO_2 occur naturally and are emitted to the atmosphere through natural processes and human activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. For purposes of analysis the global warming potential of each gas is equated to CO_2 and the CO_2 equivalent (CO_2e) is identified in metric tons for each GHG.

The recommended approach for GHG analysis included in the Governor's Office of Planning and Research (OPR) June 2008 Technical Advisory is to: (1) identify and quantify GHG emissions, (2) assess the significance of the impact on climate change, and (3) if significant, identify alternatives and/or mitigation measures to reduce the impact below significance.

Neither the State CEQA Statute nor Guidelines prescribe thresholds of significance or a particular methodology for performing an impact analysis. The California Air Resources Board (CARB) has published draft preliminary guidance to agencies on how to establish interim significance thresholds for analyzing GHG emissions (California Air Resources Board 2008). That guidance, while still in draft form, does provide some assistance to the City in evaluating whether a project would impede the State's mandatory requirements under Assembly Bill (AB) 32 to reduce statewide GHG emissions to 1990 levels by 2020.

Until more guidance is provided from the expert agencies (CARB and/or SCAQMD), the City intends to consider projects emitting 1,600 metric tons of CO_2e or less per year to be a less-than-significant

contribution to GHGs, thereby not requiring further analysis. For projects exceeding the screening threshold of 1,600 metric tons of CO_2e emissions per year, the City will consider projects to have significant impacts if they either (1) are not substantially consistent with policies and standards set out in federal, state, and local plans designed to reduce GHGs, or (2) would emit more than 6,000 metric tons of CO_2e per year. Projects that do not meet these thresholds would be considered to have significant impacts, and thus could be expected to impede the State's mandatory requirement under AB 32 to reduce statewide GHG emissions to 1990 levels by 2020.

A conservative estimate of the proposed project's CO_2e emissions during construction and operation is presented in Table 3-5. As shown, not only would emissions remain well below the City's screening threshold of 1,600 metric tons of CO_2e per year, net emissions would be negative, and a decrease in emissions would be achieved. Thus, impacts would be less than significant.

Table 3-5. Estimate of Project-Related Greenhouse Gas Emissions (metric tons per year)

	Carbon Dioxide Equivalent
Project Emissions	
Construction-Period Emissions	
2011	324
2012	18
Operations-period Emissions	
Existing	
Mobile Sources	2,709
Natural Gas Combustion	34
Electricity Demand Related	136
Water Consumption Related	<1
Total Existing	2,878
Project	
Mobile Sources	1,842
Natural Gas Combustion	22
Electricity Demand Related	275
Water Consumption Related	1
Total Project	2,139
Net Operations-Period Emissions	(739)
Total Project Emissions[a]	**(728)**
City of Newport Beach Screening Level Threshold	1,600
Exceed Threshold?	**No**

[a] Value includes total annual operational emissions plus total construction emissions amortized over 30 years.
Source: Appendix A, URBEMIS 2007 outputs

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

Less-than-Significant Impact. AB 32 identified the acceptable level of GHG emissions in California in 2020 as 427 million metric tons (MMT) of CO_2e, (equal to the 1990 GHG emissions level) which is approximately 12% less than the current level (480 MMT CO_2e in 2004), and is approximately 28.5% less than 2020 business as usual conditions (596 MMT CO_2e). To achieve these GHG reductions, there will have to be widespread reductions of GHG emissions across California. Some of those reductions will need to come in the form of changes in vehicle emissions and mileage, changes in the sources of electricity, and increases in energy efficiency by existing facilities, as well as other measures. The remainder of the necessary GHG reductions will need to

come from requiring new facility development to have lower carbon intensity than business as usual conditions. Therefore, this analysis uses a threshold of significance that is in conformance with the state's goals. As such, the significance determination is independent of the quantity of GHG emissions produced; it is based on the ratio, or percent reduction of emissions produced by the proposed project in 2020 under two conditions: 1) business as usual conditions, and 2) with the incorporation of the reductions measures mentioned. If a project results in a decrease equal to or greater than 28.5% with the incorporation of GHG reduction measures, that project is said to not conflict with the reduction goals set forth by AB 32 and therefore would be in compliance with said policy.

Operation of the proposed project is expected to result in emissions of GHGs resulting from energy consumption, motor vehicle exhaust, and water consumption. As discussed above in Section VIIa, the proposed project is expected to result in an overall decrease of GHG emissions over existing conditions; however, even the slightest emissions of GHGs could contribute to global warming and adverse global environmental effects. GHG emissions could also potentially conflict with the requirement of AB 32 to reduce statewide GHG emissions to 1990 levels by 2020. Motor vehicle GHG emissions result from gasoline and diesel fuel combustion. Increased energy and water consumption result in increased GHG emissions associated with the burning of fossils fuels for energy production, and the conveyance of water throughout the state.

On December 12, 2008, CARB approved the AB 32 Scoping Plan, which contains emission reduction measures targeting sources of GHG emissions called for in AB 32. The scoping plan has a range of GHG reduction actions which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market based mechanisms such as a cap-and-trade system, and an AB 32 'cost of implementation fee' regulation to fund the program.

In their AB 32 Scoping Plan, CARB has set in place several measures aimed at reducing emissions from these sources and more. Examples of GHG emissions reduction measures from the Scoping Plan include the following:

- Transportation:
  - Vehicle Emissions Standards/Improved Fuel Economy: Adopted by the Legislature in 2002, AB 1493, known as the Pavley Standards, requires GHG emission reduction from passenger cars and light-duty trucks. CARB estimates that the Pavley Standards will result in a reduction of nearly 20% of GHGs associated with motor vehicle use statewide. The AB 32 Scoping Plan also recommends additional strategies to reduce GHG emissions associated with passenger vehicles, including the Zero-Emission Vehicle Program and the Alternative and Renewable Fuel and Vehicle Technology Program
  - Low Carbon Fuel Standard: Executive Order S-01-07 requires a 10% or greater reduction in the average fuel carbon intensity for transportation fuels in California regulated by CARB.
  - Vehicle Efficiency Measures: Additional measures identified in the Scoping Plan that would reduce light-duty vehicle GHG emissions include implementation of a tire pressure program, imposition of tire tread standards, reduction of engine load via lower friction oil use, and requiring solar reflective automotive paint and window glazing.
- Electricity and Natural Gas:

- Energy Efficiency: This measure sets new targets for statewide annual energy demand reduction of 32,000 gigawatt hours from business as usual. This strategy requires increased utility energy efficiency programs, more stringent building and appliance standards, and additional efficiency and conservation programs.

- Increased Combined Heat and Power Use: This measure sets a target of an additional 4,000 megawatts of installed combined heat and power capacity by 2020. Development of efficient combined heat and power systems would help displace the need to develop new, or expand existing power plants.

- Renewable Portfolio Standard: In 2008, Governor Schwarzenegger signed Executive Order S-14-08 to streamline California's renewable energy approval process and increase the state's renewable energy standard to 33% by 2020, meaning that third of California's energy will be produced from renewable resources rather than fossil fuels.

As shown in Table 3-6, assuming conformity with CARB standards, GHG emissions in 2020 associated with operation of the proposed project are expected to be 30% less than under business as usual conditions. As such, impacts would be less than significant.

Table 3-6. Estimate of Project Conformity to AB 32 (metric tons per year)

	Year 2020 Business as Usual (metric tons per year)	**AB 32 Scoping Plan Reductions** (metric tons per year)	**Year 2020 Emissions** (metric tons per year)	**Percent Reduction** (metric tons per year)
Emission Source				
Mobile Source	1,842	(548)	1,294	29.8%
Natural Gas Combustion	22	(2)	20	9.0%
Electricity Demand Related	275	(91)	184	33.0%
Water Consumption Related	1	(<1)	1	33.0%
Total Project	**2,139**	**(641)**	**1,498**	**30.0%**
AB 32 Threshold				**28.5%**
Impact?				**No**

Source: Appendix A: emissions estimates

VIII.	HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	Would the project:				
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d.	Be located on a site that is included on a list of hazardous materials sites that complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e.	For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☒	☐	☐
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion

Would the project:

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

Less than Significant with Mitigation Incorporated. Implementation of the proposed project may require the disposal of hazardous substances as a result of the demolition of two existing office buildings that were built in the mid- to late 1970s. No extensive renovations to the existing structures have occurred since that time; therefore, asbestos-containing building materials or lead-based paint may be present. The demolition activities could potentially result in significant impacts as a result of the potential release into the environment from the transport and disposal of asbestos-containing materials and/or lead-based paint. **Mitigation Measure HM-1** would require proper handling, transport, and disposal of any hazardous materials, if discovered, as directed by the City. Impacts therefore are considered less than significant with mitigation incorporated.

Mitigation Measure:

Mitigation Measure HM-1: Prior to demolition of the office buildings on site, an asbestos-containing materials and lead-based paint assessment shall be performed by a qualified environmental professional and conducted in accordance with all federal, state, and local requirements, including those established by National Emissions Standards for Hazardous Air Pollutants guidelines and the Occupational Safety and Health Administration (OSHA). A report shall be furnished to the Building Department by said qualified environmental professional and shall outline the occurrence of hazardous materials on the project site.

- If asbestos-containing materials are discovered during site investigations, all potentially friable asbestos-containing materials shall be removed in accordance with federal, state, and local laws and the National Emissions Standards for Hazardous Air Pollutants guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with California Occupational Safety and Health Administration (Cal/OSHA) standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than 1% asbestos are also subject to SCAQMD regulations. Demolition and the transport and disposal shall be performed in conformance with these federal, state, and local laws and regulations shall avoid significant exposure of construction workers and/or the public to asbestos-containing materials.

- If lead-based paint is discovered during on-site investigations, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA lead in construction standard, Title 8, CCR 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed of. Demolition and the transport and disposal shall be performed in conformance with these federal, state, and local laws and regulations shall avoid significant exposure of construction workers and/or the public to lead-based paint.

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. Operation and construction of the proposed project would not result in the reasonably foreseeable upset or release of any hazardous materials. Construction equipment that would be used to build the proposed project has the potential to release oils, greases, solvents, and other finishing materials through accidental spills. Spill or upset of these materials would have the potential to affect surrounding land uses. However, the consequences of construction-related spills are generally reduced in comparison to other accidental spills and releases because the amount of hazardous material released during a construction-related spill is small as the volume in any single piece of construction equipment is generally less than 50 gallons. Construction-related spills of hazardous materials are not uncommon, but the enforcement of construction and demolition standards, including BMPs by appropriate local and state agencies, would minimize the potential for an accidental release of petroleum products and/or hazardous materials or explosions during construction. Federal, state, and local controls have been enacted to reduce the effects of potential hazardous materials spills.

The Newport Beach Fire Department is an all-risk fire department. This means it has the resources to respond and provide services to all types of emergencies including: fires, medical emergencies, hazardous materials problems, beach rescues, traffic accidents, high rise incidents, wildland fires, major flooding, and disaster (City of Newport Beach 2009b). Furthermore, the Fire Department enforces City, state, and federal hazardous materials regulations for Newport Beach. City regulations include Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, Chapter 9.04 of the City's Municipal Code, and implementation of the California Accidental Release Prevention Program (City of Newport Beach 2006b). Elements of these programs include spill mitigation and containment and securing of hazardous materials containers to prevent spills. Compliance with these requirements is mandatory as standard permitting conditions and would minimize the potential for the accidental release or upset of hazardous materials, helping to ensure public safety.

The occupancy of office buildings is not associated with the use or storage of large amounts of hazardous substances. Therefore, the proposed project would not use or store large amounts of hazardous substances and an upset of those types of materials would not be reasonably foreseeable.

The construction and operation of the proposed project would not create significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; therefore, impacts would be less than significant.

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. The proposed project includes the construction and operation of a business plaza with new office space and bank. The nearest school is the University of California Irvine Child Development Center located at 19262 Jamboree Road in the City of Irvine, which is located within 0.25 mile of the project site. However, the proposed project would not emit hazardous emissions or require handling hazardous or acutely hazardous materials, substances, or waste. Therefore, the proposed project would not emit hazardous emissions within one-quarter mile of a school. No impacts would occur.

d. Be located on a site that is included on a list of hazardous materials sites that complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less-than-Significant Impact. The project site located at 4699 Jamboree Road is listed by Environmental Data Resources as a California Hazardous Material Incident Report System site with an undefined incident report on November 21, 1991. Additionally, an undefined "groundwater cleanup" incident was apparently reported for the intersection of Jamboree Road and Campus Drive, located adjacent to the project site. It is unknown what type of incident occurred and/or if the two reported incidents are related. On June 10, 2005, the Orange County Office of Emergency Services was contacted regarding information pertaining to the two reported/referenced incidents. To date, the Office of Emergency Services has not responded to requests pertaining to the two reported incidents, potentially associated with the subject site (Krazan & Associates 2005). Based on the absence of data in the Environmental Data Resources report pertaining to the type and likely resultant cleanup of the two spill incidents, the potential for a significant unauthorized release to have adversely affected the project site appears to be low. However, the current circumstances of the two spill incidents and their potential association with the project site are unknown. No sites with reported releases of hazardous materials to the subsurface, other than the reported spill at the project site and the adjacent Jamboree/Campus intersection, were reported in direct proximity or hydraulically upgradient of the subject site. In general, only potentially hazardous materials released from facilities located approximately upgradient and within a few hundred feet of the site, or in a cross-gradient direction close to the site, are judged to have a reasonable potential of migrating to the site. This opinion is based on the assumption that materials generally do not migrate large distances laterally within the soil, but rather tend to migrate with groundwater in the general direction of groundwater flow (Krazan & Associates 2005).

A search of the project site at 4699 Jamboree Road and 5190 Campus Drive in the California Environmental Protection Agency (CalEPA) Cortese List as a Department of Toxic Substances and Control Hazardous Waste site did not yield any results, and the project site addresses are not in the EnviroStor database of hazardous substances release sites (California Environmental Protection Agency 2010a, 2010b). Geotracker, the California database of leaking underground storage tanks, identified ten leaking underground storage tanks and other cleanup sites within 0.5 mile of the project site, but no leaking tanks were identified to be on site or on adjacent property (Geotracker 2010). Finally, there are no active Cease and Desist Orders or Clean Up and Abatement Orders for hazardous materials/facilities in the project vicinity or at the project site (California Environmental Protection Agency 2010c). Therefore, the proposed project would not create a significant hazard to the public or the environment, and impacts would be less than significant.

e. For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Less-than-Significant Impact with Mitigation Incorporated. The closest airport is John Wayne Airport, which is approximately 1.0 mile north of the project site. The project site is located within the boundaries of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport. The project site is within the height restriction zone for the John Wayne Airport and the notification area of the Federal Aviation Regulation (FAR) Part 77 imaginary surfaces aeronautical obstruction area.

Section 77.13 of the FAR requires the notification of the Federal Aviation Administration (FAA) for any construction or alteration which:

- exceeds 200 feet in height above the ground level at its site;
- exceeds a height greater than an imaginary surface extending outward and upward at specific slope characteristics at 20,000 feet, 10,000 feet, and 5,000 feet from the nearest point of the airport runway;
- is a highway with specific characteristics, and/or,
- occurs at an airport.

The proposed project would construct a business plaza consisting of a 1-story bank, two 3-story office buildings, and a 2-level parking structure with a maximum height of 62 feet (Ware Malcomb). The project site is approximately 50 feet above mean sea level (Krazan & Associates 2005). Therefore, the proposed project would exceed the notice criteria for 77.13(a)(2) by 13 feet (Federal Aviation Administration 2010). Projects that meet the height restriction threshold must comply with federal and state procedures, including filing a Notice of Proposed Construction or Alteration (Federal Aviation Form 7460-1). FAA would then perform an aeronautical study to determine if the project is considered an obstruction and if the project is determined to be a hazard to air navigation (Airport Land Use Commission 2008). Therefore, the proposed project would comply with Section 77.13 of the FAR and FAA requirements by filing a Notice of Proposed Construction or Alteration to reduce aviation related hazards through the application of **Mitigation Measure HM-2**. Impacts are therefore considered less than significant with mitigation incorporated.

Mitigation Measure:

Mitigation HM-2: Prior to site plan approval, the City of Newport Beach shall file a notice of Proposed Construction or Alteration with FAA (FAA Form 7460-1) in accordance with Federal Aviation Regulation (FAR) Part 77. Following FAA's aeronautical study of the project site, the proposed project shall comply with conditions of approval imposed or recommended by FAA. Subsequent to these findings, the City shall refer the proposed project to the Orange County Airport Land Use Commission for consistency analysis. The Director of Planning, or designee, shall verify that the City has received a Determination of No Hazard to Air Navigation prior to the issuance of building permits for the northern parcel.

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. As described above in (e) the John Wayne Airport is located approximately 1 mile north of the project site. There is no private airstrip in the vicinity of the proposed project. Therefore, the proposed project would not result in a safety hazard for people working in the project area from operations of a private airstrip. No impacts would occur.

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

No Impact. The proposed project would not impair or physically affect any adopted emergency response plan or evacuation plan. The proposed project would not interfere with the implementation of the City's Emergency Response Plan. The City's Emergency Management Plan establishes safety

procedures with respect to aviation hazards to promote the safety of persons on the ground while reducing risks of serious harm to aircraft crews and passengers that may need to make emergency landings in the immediate airport vicinity. The proposed project would not require the closure of any public or private streets or roadways and would not impede access of emergency vehicles to the project site or any surrounding areas in the event of an aviation emergency or other emergency. Finally, the proposed project would provide all required emergency access in accordance with the requirements of the Newport Beach Fire Department during plan review by the Fire Department. No impacts would occur.

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 not located in an area adjacent to or intermixed with wildlands, and is surrounded by office buildings. Furthermore, the City of Newport Beach General Plan Safety Element identifies the project site as Low/None Fire Susceptibility (City of Newport Beach 2006a). Therefore, people or structures would not be exposed to a significant risk of loss, injury, or death involving wildland fires as a result of the proposed project. No impacts would occur.

IX.	HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	Would the project:				
a.	Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in 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 that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on site or off site?	☐	☐	☒	☐
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 that would result in flooding on site or off site?	☐	☐	☒	☐
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f.	Otherwise substantially degrade water quality?	☐	☐	☒	☐
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h.	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j.	Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion

Would the project:

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

Less-than-Significant Impact. Land within the City of Newport Beach is included in four watersheds: Newport Bay, Newport Coast, Talbert, and San Diego Creek (City of Newport Beach 2006a). Each of these watersheds is under the jurisdiction of the Santa Ana Regional Water Quality Control Board (SARWQCB) and subject to the objectives, water quality standards, and BMP requirements established in the Sana Ana River Basin Plan and Orange County Drainage Area Management Plan (DAMP). The project site is located in the San Diego Creek Watershed. San Diego Creek is the main tributary to Newport Bay, has a drainage area of 118 miles, and drains all or portions of the cities of Irvine, Laguna Woods, Lake Forest, portions of Newport Beach, Orange, and Tustin (City of Newport Beach 2003). The EPA and Santa Ana Regional Water Control Board have identified San Diego Creek Reach 1, Upper Newport Bay and Lower Newport Bay as impaired water bodies. Impairments are identified for metals, nutrients, pathogens, pesticides, and siltation (see Appendix B, Preliminary WQMP and State Water Resources Control Board 2009).

Under the provisions of City of Newport Beach Municipal Code Chapter 14.36 (Water Quality), any discharge that would result in or contribute to degradation of water quality via stormwater runoff is prohibited. New development or redevelopment projects are required to comply with provisions set forth in the DAMP, including the implementation of appropriate BMPs identified in the DAMP, to control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of water (City of Newport Beach 2006a). Furthermore, a municipal separate storm sewer system (MS4) permit is provided to the City by SARWQCB under the National Pollutant Discharge Elimination System (NPDES) to regulate the amount of stormwater contaminants that are delivered into the City's waterways (City of Newport Beach 2009b). MS4 permits require an aggressive water quality ordinance, specific municipal practices to maintain City facilities, and the use of BMPs in many residential, commercial, and development-related activities to further reduce the amount of contaminants in urban runoff (City of Newport Beach 2006a).

Construction activity resulting in a land disturbance of 1 acre or more, or less than 1 acre but part of a larger common plan of development or sale must obtain the Construction Activities Stormwater General Permit (2009-0009 Department of Water Quality Permit effective July 2010) (State Water Resources Control Board 2010a). The Construction General Permit requires the development and implementation of a stormwater pollution prevention plan (SWPPP) (State Water Resources Control Board 2010b). The SWPPP must list BMPs that the discharger would use to protect stormwater runoff and must indicate the placement of those BMPs (State Water Resources Control Board 2010b). Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment (State Water Resources Control Board 2010b).

The project site is approximately 78,800 square feet or approximately 1.7 acres; therefore, the amount of disturbed area during construction would be more than 1 acre. Consequently, construction of the proposed project would require the preparation and implementation of a formal SWPPP. Because the project site is located in the San Diego Creek Watershed, which is impaired for sedimentation, the SWPPP would minimize the potential for construction activities to violate water quality standards or waste discharge requirements, and would impacts would be less than significant.

The existing site consists of mostly impermeable surfaces where approximately 78.5% of the project site is impervious surfaces (e.g., parking lot, building.) Figure 3-3, Existing Drainage, shows the current drainage of the site. Under the proposed project, approximately 26% of the project site would be landscaped, and approximately 74% of the site would be paved. This would reduce the existing impervious area by approximately 4.5% (or increase the pervious surface on site). The proposed project would alter the existing drainage pattern of the site, but would not increase the impervious area. The proposed project has prepared a Preliminary Water Quality Management Plan (WQMP) (Appendix B), which would be subject to review and approval by the City prior to the issuance of grading and building permits. The plan identifies the following BMPs that are recommended to manage post-construction stormwater runoff from the project site:

- Educate property owners, tenants, and occupants regarding the methods of preventing stormwater pollution.
- Require the disposal of hazardous materials such as motor oil, paint in accordance with local regulations.
- Prohibit sweeping of sediments, trash, and debris to the drain inlets.
- Provide landscape management of common areas to ensure that the ongoing maintenance and use of fertilizers and pesticides of the on-site landscaping be consistent with City requirements.
- Comply with CCR Title 22.
- Implement a spill contingency plan to prevent or mitigate spills to storm drain systems, and develop and standardize reporting procedures, containment, storage, disposal activities, documentation, and follow-up procedures.
- Disclose all hazardous materials before the start of any tenant improvement.
- Train employees in the proper use, handling, and cleanup of all waste materials while on the job.
- Provide weekly sweeping of private streets and parking lots.

The project site drainage would consist of five areas (A1 to A5) to appropriately manage stormwater runoff from the business plaza (Figure 3-4, Proposed Project Drainage). The first onsite drainage area would collect drainage from the uncovered portions of the business plaza. This runoff would drain and be treated by the Flogard Lo-Pro trench drain with filter inserts to prevent pollutants (e.g. oil residues, herbicides from landscaping) from the stormwater from entering the drainage system. The runoff would then be conveyed by a parkway drain to the existing gutter along Jamboree Road. Runoff from the roof would be divided into four drainage areas. Each area would be filtered by Flogard Downspout Filter Assembly. Runoff would then be conveyed to grassy bioswales then eventually to a catch basin. Storm drain runoff would be released into the curb and gutter of either Jamboree Road or Campus Drive. Flows would then drain into the public storm drain. Operation of the proposed project would comply with City of Newport Beach Municipal Code 14.36 (Water Quality) and provisions set forth in the City's NPDES MS4 Permit and the Orange County DAMP. Therefore, operational impacts would be less than significant.

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in 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 that would not support existing land uses or planned uses for which permits have been granted)?

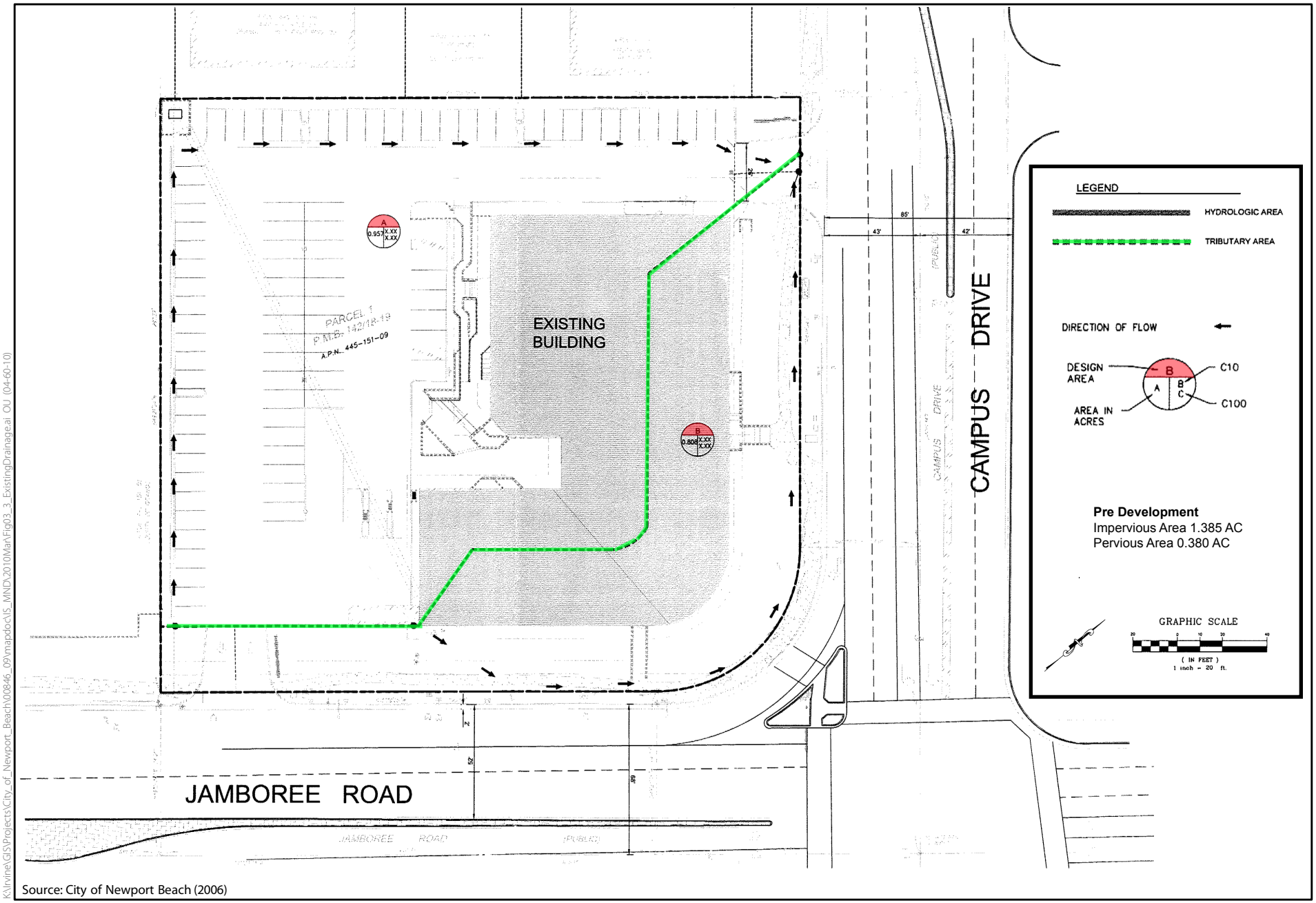
Less-than-Significant Impact. The project site is located generally in the coastal plain of the Orange County Groundwater Basin, which provides groundwater for much of central and north Orange County (City of Newport Beach 2006b). It is divided into upper, middle, and lower aquifers (Department of Water Resources 2004). Generally, the upper aquifer system has an average thickness of about 800 feet and contains a lower percentage of water-bearing strata in the northwest and coastal portions of the area (Department of Water Resources 2004). Furthermore, recharge to the upper aquifer system occurs primarily in the northeastern portions of the basin (Department of Water Resources 2004). The project site is located in the northwest/coastal portion of the basin and this area is not a primary contributor to the recharge of the basin. Furthermore, the project site is currently developed and is not considered a source for groundwater recharge (City of Newport Beach 2006b). Finally, the proposed project would not increase the impervious area on the project site, thereby prohibiting recharge of the groundwater area. Therefore, 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 that would result in substantial erosion or siltation on site or off site?

Less-than-Significant Impact. The project site currently consists of approximately 78.5% impervious surfaces. Two existing drainage areas (A and B) contain the stormwater runoff generated by the impervious surfaces on site. Figure 3-3 shows the flow direction of the existing drainage, which is currently from south to north. Runoff from drainage area A (the western half of the property) is collected via existing v-gutters that start in the south then head west and drain in the north of the parking area. Runoff collected from this drainage sheet flows out to Campus Drive. Roof runoff from the other drainage area flows to and infiltrates to the existing landscaped area. The remaining runoff surface flows out to Campus Drive as well. Runoff from Campus Drive flows to the existing underground drainage system maintained by Orange County. It is then discharged to a dry pond and basin located south of the project site at the intersection of Jamboree Road and MacArthur Boulevard. An overflow is connected to San Diego Creek which then leads to the Upper Newport Bay until it reaches the Pacific Ocean (Appendix B). No streams or rivers are located on site, and therefore, the proposed project would not directly affect the flow of a river or stream.

The proposed project would involve grading and soil disturbance during construction. These activities would minimally alter the existing drainage pattern of the site and would comply with the DAMP and require the preparation and implementation of a SWPPP (described above in Section IX[a], Hydrology and Water Quality).

Once operational, the proposed project would not increase the impervious area on the project site over the existing conditions. The existing site consists of mostly impermeable surfaces where approximately 78.5% of the project site is impervious surfaces (e.g., parking lot, building). Approximately 26% of the project site would be landscaped, and approximately 74% of the site would be paved with implementation of the proposed project. This would reduce the existing impervious area by approximately 4.5%. The proposed project would alter the existing drainage pattern of the site, but would not substantially increase the impervious area. Therefore, impacts from erosion during operation and construction, either on site or off site would be less than significant.



Source: City of Newport Beach (2006)

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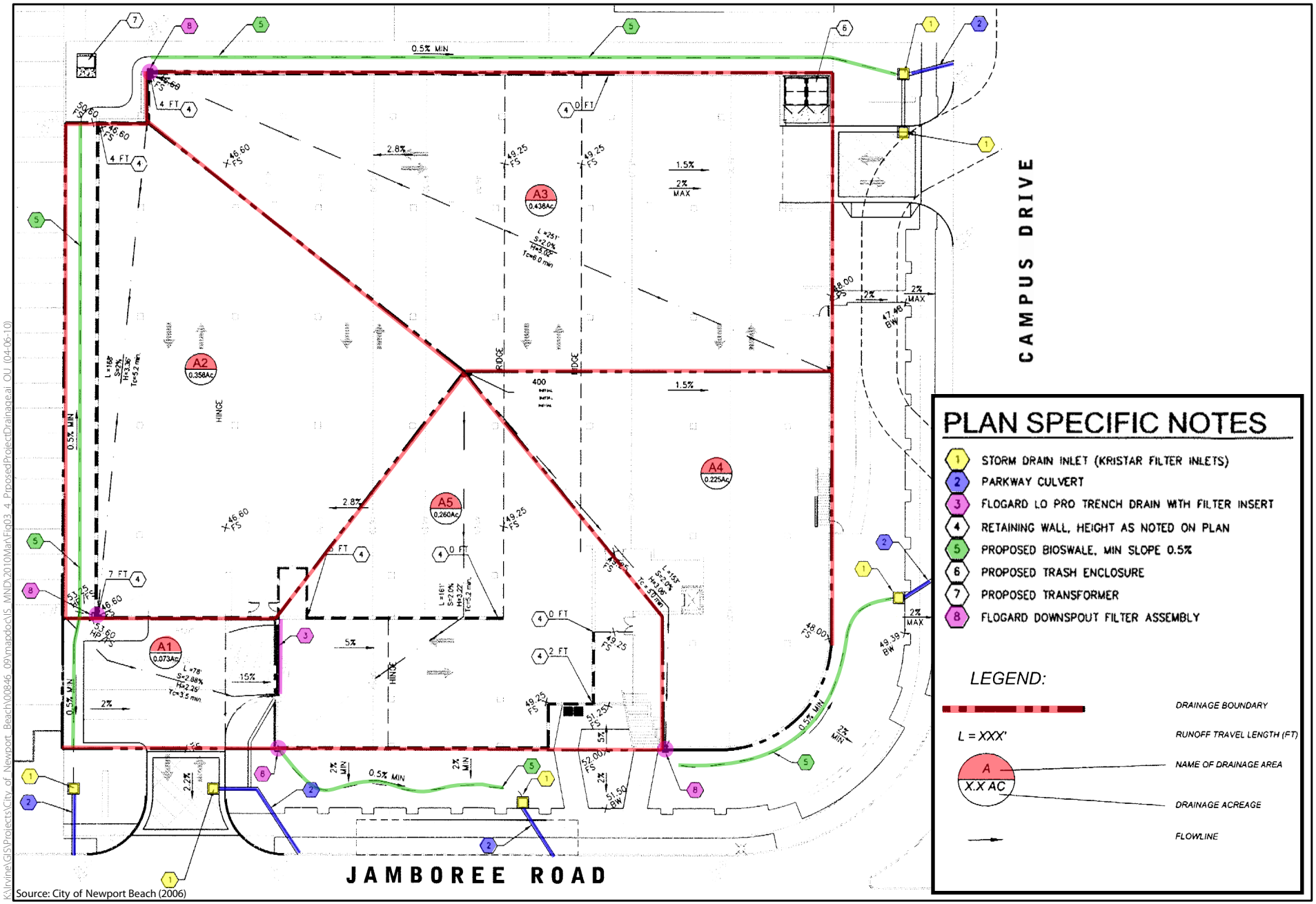
ICF INTERNATIONAL

Figure 3-3
Existing Drainage
Newport Business Plaza



Source: City of Newport Beach (2006)

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Figure 3-4
Proposed Project Drainage
Newport Business Plaza

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 that would result in flooding on site or off site?

Less-than-Significant Impact. No streams or rivers are located on site, and therefore, construction and operation of the proposed project would not directly affect the flow of a river or stream. Substantial amounts of stormwater are not readily absorbed into the soil because of the urban character of the area and the existing use of the project site as a 1-story office building and bank and a 113-stall surface parking lot.

During construction, runoff quantities and velocity from the project site would be minimized through the implementation of the SWPPP.

Approximately 78.5% of the project site is currently impervious surfaces (e.g., parking lot, building). Approximately 26% of the project site would be landscaped, and approximately 74% of the site would be paved with implementation of the proposed project. This would reduce the existing impervious area by approximately 4.5%. Therefore, the proposed project would alter the existing drainage pattern of the site, but would generally not substantially increase the impervious area. The existing site generates 3.18 cubic feet per second (cfs) of stormwater during a 10-year storm event and 5.14 cfs during a 100-year storm event (Appendix B). As discussed above in Section IX(a) Hydrology and Water Quality, the proposed project drainage would consist of five areas (A1 to A5) to appropriately manage stormwater runoff from the proposed business plaza. See Figure 3-4 for the drainage of the proposed project. Under the proposed project, the five drainage areas of the project site would generate a total of approximately 4.75 cfs 10-year storm event and 7.65 cfs 100-year storm event. While these volumes are an increase over the existing conditions, there are three proposed bioswales surrounding the project site as identified on Figure 3-4. Each of these bioswales controls a portion of the generated stormwater runoff. Bioswale 1 (wrapping around the southwest and northwest corners of the site) would receive 2.71 cfs for a 10-year storm event and 4.37 cfs for a 100-year storm event. Bioswale 2 (southeast side of the project site) would receive 0.95 cfs for a 10-year storm event and 1.53 cfs for a 100-year storm event. Bioswale 3 (western corner of the project site) would receive 0.82 cfs for a 10-year storm event and 1.32 cfs for a 100-year storm event. As discussed above in Section IX(c), a filtration system and bioswale would capture and reduce stormwater quantities, velocity, and pollutants. The topography of the bioswales generally create "storage" as the bioswales can flood and hold water during the storm event. The substrate would also be coarse drain rock that has a lot of space below the surface to store more water.

In addition to swale topography, the substrate would be excavated and replaced with a highly permeable sandy soil to further improve infiltration rates and capacity while still supporting landscaping requirements. This would enhance treatment and storage capacity for the proposed project and is an improvement over the existing site conditions. These possible storage techniques would keep a portion or all of the stored water from entering the storm drain and may allow it to infiltrate. This would create an overall reduction in the proposed project runoff Therefore, during operation the proposed project would not substantially alter the drainage pattern of the project site resulting in a substantial increase in the rate or amount of surface runoff generating flooding on site or off site. Any changes in hydrology are designed to retain and infiltrate stormwater to provide water quality benefits and reduce urban storm flow runoff, providing partial flood relief to receiving waters. Impacts would be less than significant.

e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less-than-Significant Impact. Overall, urban street flooding rarely is considered a problem in the City of Newport Beach (City of Newport Beach 2003). As described above in Section IX(d), the urban character of the area and the existing use of the project site as a 1-story office building and bank and a 113-stall surface parking lot does not allow stormwater to be readily absorbed into the soil. Approximately 78.5% of the existing project site is impervious surfaces (e.g., parking lot, building). Approximately 26% of the project site would be landscaped, and approximately 74% of the site would be paved with implementation of the proposed project. This would reduce the existing impervious area by approximately 4.5%. Therefore, the proposed project would alter the existing drainage pattern of the site, but would generally not substantially increase the impervious area or the amount of stormwater runoff generated. The proposed project would comply with the policies outlined in the General Plan to minimize runoff-related flooding impacts. These policies include NR 3.11, NR 3.20, and NR 4.4 and implementation would reduce the volume of runoff generated and potential for flooding. The Preliminary WQMP (Appendix B) for the proposed project discusses operational BMPs and design of drainage facilities to minimize adverse effects on water quality. This plan would be reviewed and approved by the City prior to the issuance of grading and building permits. Furthermore, with the implementation of the SWPPP during construction, the proposed project would not provide substantial additional volumes or sources of polluted runoff. As described in Section IX(d) the increase in stormwater runoff would not exceed the capacity of existing storm drain systems or generate polluted runoff. Therefore, impacts would be less than significant.

f. Otherwise substantially degrade water quality?

Less-than-Significant Impact. The proposed project would not substantially degrade water quality. As outlined under Section IX(a), (b), (c), (d) and (e), the proposed project would not substantially increase surface runoff, would use bioswales and filters to reduce pollutants and the velocity of stormwater, would comply with all General Plan policies minimizing flooding impacts, and would have less-than-significant impacts on water quality with the incorporation of the SWPPP and BMPs described in the Preliminary WQMP (Appendix B). Impacts would be less than significant.

g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. The project site is not located in a flood zone area (City of Newport Beach 2006b). Furthermore, the proposed project does include the construction of housing. Therefore, the proposed project would not place housing within a 100-year flood hazard area, and no impacts would occur.

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

No Impact. As discussed in Section IX(g), the proposed project is not located in a flood zone area (City of Newport Beach 2006b).Therefore, the proposed project would not impede or redirect 100-year floodflow, and no impacts would occur.

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 discussed in Section IX(g), the proposed project is not located in a flood zone area (City of Newport Beach 2006b). No impacts would occur.

j. Inundation by seiche, tsunami, or mudflow?

No Impact. Implementation of the proposed project would not increase exposure to inundation by seiche, tsunami, or mudflow. The project site is not located in a 100- or 500-year zone for tsunami inundation at extreme high tide (City of Newport Beach 2006a). Furthermore, the project site is flat and there is not enough topographical relief to generate a mudflow. Finally, seiches are generally caused by earthquakes and result in the rhythmic movement of water within a lake or other enclosed or semi-enclosed body of water (U.S. Geological Survey 2009). Since no lakes or other bodies of water lie on or near the project site, no hazard from seiches would occur. No impacts would occur.

X.	LAND USE AND PLANNING	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	Would the project:				
a.	Physically divide an established community?	☐	☐	☒	☐
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

Would the project:

a. Physically divide an established community?

Less-than-Significant Impact. The proposed project involves construction and operation of a business plaza. High-density residences are located approximately 500 feet to the east of the project site. However, the residences are located across a major intersection from the project site. The proposed project would replace two existing buildings and would not physically divide the residential community. Impacts would be less than significant.

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

Less-than-Significant Impact. The proposed project would be consistent with the land use designation and zoning of the site and the surrounding area, and would be consistent with all General Plan policies. The project site is designated as Mixed-Use Horizontal 2 (MU-H2) per the General Plan Land Use Element. The development limit for the project site is identified in Table LU2 of the General Plan Land Use Element as Anomaly Number 6. The development limit for the existing parcels (Anomaly Number 6) is 34,500 gross square feet as identified in Table LU2. The project site is identified as Professional and Business Office Site F in the Koll Center Newport Planned Community. The allowable building area for Site F is 24,300 net square feet as defined by the Koll Center Newport Planned Community text.

The proposed project involves a General Plan amendment and a Koll Center Newport Planned Community text amendment to increase the allowable development square footage on the project site. The General Plan amendment would increase the maximum development limit for Anomaly Number 6 by 11,544 gross square feet, and the Koll Center Newport Planned Community text amendment would increase the allowable building area for Professional and Business Office Site F by 18,346 net square feet. The General Plan amendment and the Koll Center Newport Planned Community text

amendment would accommodate the development of the proposed business plaza that is consistent with the land use designation and zoning of the project site.

The proposed project would be consistent with all General Plan policies**.** See Land Use Consistency Analysis (Appendix C) for additional details regarding land use consistency analysis with applicable General Plan policies. 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 located in an urbanized setting, and no locally designated species or natural communities are known to exist in the project area. The project site is not part of any habitat conservation plan or natural community preservation plan. See Section IV(f). No impacts would occur.

XI.	MINERAL RESOURCES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	Would the project:				
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Discussion

Would the project:

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

No Impact. According to the Natural Resources Element of the Newport Beach General Plan (City of Newport Beach 2006a), other than oil and gas resources, there is no active mining within the Newport Beach area. The Mineral Resource Zones (MRZ) in the City are classified as either containing no significant mineral deposits (MRZ-1), or the significance of mineral deposits has not been determined (MRZ-3). The project site is located in an area designated as MRZ-3 (California Department of Conservation 1994 and U.S. Geological Survey 2009). The project site is surrounded by land uses that are not compatible with pit mining (office buildings, residential and roads), which would preclude the site from being developed as a mine, even if there is an extractable mineral resource present. Therefore, no impacts associated with the loss of a mineral resource would occur.

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. The site is not delineated in the City of Newport Beach General Plan as containing a locally important mineral resource (City of Newport Beach 2006a); therefore, no impacts would occur.

XII.	NOISE	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	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?	☐	☒	☐	☐
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e.	For a project located within an airport land use land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

Prior to addressing the checklist questions, the discussion below provides an overview of the existing conditions and regulations relative to noise impacts. A detailed discussion of noise terminology is included in Appendix D.

Existing Conditions

Noise-sensitive receptors in the vicinity of the project site include high-density residences approximately 500 feet to the east of the project site at the intersection of Campus Drive and Jamboree Road. Other noise-sensitive land uses include the University of California Irvine Child Development Center located at 19262 Jamboree Road in the City of Irvine, approximately 1,400 feet south of the project site. Short-term attended sound level measurements were conducted on March 10, 2010, with a Larson Davis Type 812 sound level meter, which is classified as a Type 1 (precision grade) instrument. Noise was measured at three representative noise-sensitive locations near the project area. Figure 3-5, Noise Measurement Locations, identifies the measurement locations. During the field measurements, physical observations of the predominant noise sources were noted. The noise sources in the project area typically included traffic

along Jamboree Road and Campus Drive, HVAC units, aircraft departing out of John Wayne Airport, and ambient noise sources such as birds and rustling leaves.

The results of the attended short-term sound level measurements are summarized in Table 3-7. As shown in Table 3-7, measured noise levels during daytime hours in and around the project site ranged from 60 to 63A-weighted decibels (dBA) equivalent continuous noise level (L_{eq}).

Table 3-7. Short-Term Sound Level Measurement Data

		Measurement Period				Noise Measurement Results (dBA)					
Site ID	Measurement Location	Date	Start Time	Duration (mm:ss)	Noise Sources	L_{eq}[1]	L_{max}	L_{min}	L_{90}	L_{50}	L_{10}
ST-1	3000 Jamboree Road; Plaza Condos	3-10-10	9:40	15:00	Traffic along Campus Avenue and Jamboree Road, Aircraft out of John Wayne Airport, leaves rustling	60.4	67.7	54.8	56.3	59.7	63.1
ST-2	4311 Jamboree Road; Jazz Semiconductor	3-10-10	10:28	15:00	Traffic along Campus Avenue and Jamboree Road, Aircraft out of John Wayne Airport, HVAC towers	60.2	71.5	56.2	57.4	58.7	61.8
ST-3	19262 Jamboree Road; Jamboree Child Development Center	3-10-10	10:53	15:00	Traffic along Campus Avenue and Jamboree Road, Aircraft out of John Wayne Airport, Birds	63.4	72.8	54.7	57.3	62.1	66.4

[1] The 15-minute duration, energy-averaged noise level L_{eq} is commonly accepted as being representative of a 1-hour average. It is used as the basis for community noise equivalent (CNEL) calculations.

Regulatory Background: Noise Standards and Thresholds of Significance

The proposed project is subject to the policies and standards in the Noise Element of the Newport Beach General Plan and the Noise Ordinance incorporated therein.

The Noise Element establishes standards for exterior sound levels based on land use categories. The City also has established policies and regulations concerning the generation and control of noise that could adversely affect its citizens and noise-sensitive land uses. The noise element states that an outdoor noise exposure level of 65 dBA community noise equivalent level (CNEL) is considered "normally

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Figure 3-5
Noise Measurement Locations
Newport Business Plaza

compatible"[3] for single-family and multi-family residential development. The General Plan Noise Element also sets interior and exterior thresholds of 45 and 55 dBA L_{eq} between the hours of 7:00 a.m. and 10:00 p.m., and 40 and 50 dBA L_{eq} between the hours of 10:00 p.m. and 7:00 a.m., respectively, for single-family and multi-family residential units (City of Newport Beach 2006a).[4]

The noise element also states that an outdoor noise exposure level of 60 to 65 dBA CNEL is considered "clearly compatible"[3] for commercial development, such as retail, banks, restaurants, and movie theaters (see Table N2 in Appendix D). The General Plan Noise Element also sets exterior thresholds of 65 and 60 dBA Leq between the hours of 7:00 a.m. and 10:00 p.m., and 10:00 p.m. and 7:00 a.m., respectively, for commercial (Zone II) land uses (City of Newport Beach 2006a).

Title 10 Chapter 10.26 Section 10.26.025 of the Municipal Code specifies exterior noise standards for single-family and multi-family residential units from 7:00 a.m. to 10:00 p.m. at 55 dBA L_{eq} and from 10:00 p.m. to 7:00 a.m. at 50 dBA L_{eq}. It also specifies exterior noise standards of 65 dBA L_{eq} from 7:00 a.m. to 10:00 p.m. and 60 dBA L_{eq} from 10:00 p.m. to 7:00 a.m. for commercial land uses. Construction noise is exempt from the above noise standard, pursuant to Title 10 Chapter 10.26 Section 10.26.035 of the Municipal Code.

Title 10, Chapter 10.28, Section 10.28.040 of the Municipal Code specifies permitted hours for construction activities. Construction or other noise-generating activity that would disturb a person of normal sensitivity who works or resides in the vicinity may occur only between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. to 6 p.m. on Saturdays. No construction that would disturb a person of normal sensitivity may occur on Sundays or federal holidays.[5]

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?

Less-than-Significant Impact with Mitigation Incorporated. Although sensitive receptors in the area would be exposed to temporary increases in noise from construction activities, City noise standards would not be exceeded. The construction and operational noise impacts are discussed below.

Construction Noise

Construction of the proposed project is anticipated to begin in winter 2011 and to last for approximately 14 months.

[3] *Normally compatible* and *clearly compatible* are defined in the land use noise compatibility matrix in the City's General Plan and is included as Appendix C to this document.

[4] The high density residential uses northwest of the project site are located in the City of Irvine. The City of Irvine has generally the same interior and exterior sound levels as the City of Newport Beach. Table F-1 and Table F-2 of the City of Irvine General Plan Noise Element identifies the interior and exterior noise standards for single-family and multiple family residential land uses as being 45 and 55 CNEL (with closed windows and with open windows) and 65 CNEL respectively (City of Irvine 2000). Noise levels between 60 and 65 CNEL are considered clearly compatible and normally compatible, respectively (City of Irvine 2000).

[5] The City of Irvine Noise Ordinance also regulates the timing of construction activities and includes special provisions for sensitive land uses. Construction activities may occur only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. Saturday. Outside of these hours, construction work is permitted inside the structures as long as the noise does not result in a nuisance in the project vicinity.

Noise from construction activity is generated by the use of a broad array of powered mechanical equipment. In order to assess the potential noise effects of construction, this noise analysis used a list of construction equipment provided for the proposed project to assess noise levels during construction phases. Noise levels associated with various construction phases were calculated using the Federal Highway Administration's Roadway Construction Noise Model and were based on the type of construction equipment used during each phase, percent of time that the equipment was in use, and distance from source to receiver. Results from the calculations are shown in Table 3-8. This information indicates that the overall noisiest phase of construction would be the construction phase. The noise levels at the closest sensitive receptor (ST-1) are expected to be approximately 69 dBA L_{eq}. Measured existing ambient noise levels at ST-1 were approximately 60 dBA L_{eq}. Noise levels from construction would be readily audible at the closest sensitive land use.

Table 3-8. Typical Noise Levels from Construction Activities

Construction Activity	Predicted Sound Level at ST-1 (dBA Leq)a	Predicted Sound Level at ST-3 (dBA Leq)a
Demolition	60	51
Grading	65	55
Construction	69	59
Paving	67	58
Finishing	68	59

Source: Federal Highway Administration 2006

[a] Sound level with all pertinent equipment operating.

ST-3 would likely not experience significant noise increases (less than 3 dBA) because construction noise levels are below the ambient measured noise levels. The City's Municipal Code exempts construction from the noise restrictions discussed above as long as it occurs between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday; and between 8:00 a.m. and 6 p.m. on Saturdays and does not occur at any time on federal holidays or on Sundays. In addition to the City's construction restrictions, the following mitigation measures would reduce construction noise to a less-than-significant impact.

Mitigation Measures:

Mitigation Measure N-1: All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.

Mitigation Measure N-2: All mobile and fixed noise-producing equipment used on the proposed project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of project activity.

Mitigation Measure N-3: Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.

Mitigation Measure N-4: Mobile noise-generating equipment and machinery shall be shut off when not in use.

Mitigation Measure N-5: Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practical from noise-sensitive receptors.

Mitigation Measure N-6: Construction site and access road speed limits shall be established and enforced during the construction period.

Mitigation Measure N-7: The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.

Mitigation Measure N-8: No project-related public address or music system shall be audible at any adjacent receptor.

Mitigation Measure N-9: The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the project proponent shall be established prior to construction commencement that shall allow for resolution of noise problems that cannot be immediately solved by the site supervisor.

Operational Noise

The proposed project would generate some operational noise through HVAC units; however, these units would be placed on the roof of the buildings and enclosed appropriately to minimize noise. Office and commercial uses immediately surround the project site and these uses are not considered sensitive noise receptors. Furthermore, the high density residential uses located to the northeast of the project site would experience noise from the traffic generated at the intersection of Jamboree Road and Campus Drive, which would drown out any noise generated by the HVAC units. Therefore, any slight increase in operational noise associated with the HVAC units would not represent a significant impact. The proposed project would generate vehicle trips on the surrounding roadways. Based on generation rates for specific land use types provided by the City, the proposed business plaza would generate as many as 1,056 total trips per day. Based on traffic information provided by the City, the existing land use produces 1,630 total daily trips. Therefore, the proposed project would result in a net decrease of 574 total daily trips (see Section XVI Transportation and Traffic for additional details regarding existing and proposed trip generation). Because noise levels associated with operational traffic would decrease with the proposed project, operational noise impacts would be less than significant.

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

Less-than-Significant Impact. Construction activities associated with grading and excavation may result in minor levels of ground vibration. Construction of the project would not involve special construction methods such as pile driving or blasting. Vibration from conventional construction activity is typically below a level of human perception and well under levels that would cause damage to existing buildings when the activity is more than approximately 50 feet from the receiver. For this proposed project, construction activities would take place at distances greater than 50 feet from

sensitive receptors. Based on data from the Federal Transit Administration (FTA), small bulldozers (which are representative of the size of construction equipment that would be on site) produce vibration levels of 0.003 inch per second (IPS) peak particle velocity (PPV) at a distance of 25 feet. This level is well below widely accepted levels of perception thresholds (for example, Caltrans has identified a PPV of between 0.0059 and 0.019 IPS PPV as the threshold of human perception.) The FTA maintains a 0.12 IPS PPV threshold for potential damage to "extremely fragile historic buildings" (U.S. Department of Transportation 2006). Additionally, vibration from these activities would be short-term and would end when construction is completed. Therefore, impacts would be less than significant.

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

No Impact. The proposed project would generate some operational noise through HVAC units; however, these units would be placed on the roof of the buildings and enclosed appropriately to minimize noise. Office and commercial uses immediately surround the project site and these uses are not considered sensitive noise receptors. Furthermore, the high density residential uses located to the northeast of the project site would experience noise from the traffic generated at the intersection of Jamboree Road and Campus Drive, which would drown out any noise generated by the HVAC units. Therefore, any slight increase in operational noise associated with the HVAC units would not represent a significant impact. However, noise associated with the operation of the proposed project would be generated primarily by traffic. The proposed project would result in a net decrease in traffic volumes of approximately 574 daily trips. Therefore, noise from traffic associated with the proposed project would not result in an impact.

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. As stated above, the construction of the proposed project would result in a temporary increase in noise levels. These levels would be readily audible at the closest sensitive receptors; however, the City exempts construction provided that it occurs only between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturdays and at no time on federal holidays or Sundays. Mitigation measures are included in Section XII(a) above. These measures would reduce construction noise levels. Therefore, impacts from construction would be less than significant with mitigation incorporated.

e. For a project located within an airport land use land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less-than-Significant Impact. The project site is located approximately 0.5 mile from John Wayne Airport. Figure N2 of the City of Newport Beach General Plan shows the existing 65 dBA CNEL noise contour for John Wayne Airport. Figure N2 shows that the proposed project site is located approximately 0.25 – 0.5 mile outside the 65 dBA CNEL noise contour for John Wayne airport (City of Newport Beach 2006a). Therefore, noise impacts related to air traffic would be less than significant.

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

No Impact. The project site is not located within the vicinity of an airstrip, private or public. No impacts would occur.

XIII. POPULATION AND HOUSING		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	Would the project:				
a.	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

Would the project:

a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure?

Less-than-Significant Impact. The proposed amendments to the City of Newport Beach General Plan and Koll Center Newport Planned Community text would allow for the construction and operation of a new business plaza consisting of a 1-story bank, two 3-story office buildings, and a 2-level parking structure. Construction of the proposed project would provide short-term employment opportunities. The number of short-term construction jobs required to build the proposed project would include a total of approximately 47 construction workers. The supply of general construction labor in the local and regional vicinity of the project site is not constrained; further, the construction industry is in an economic downturn, suggesting an available labor pool. Therefore, it is expected that local and regional construction workers would be available to serve the proposed project (Employment Development Department 2010a). Because the existing labor pool could meet the construction needs of the proposed project, the proposed project would not be expected to induce substantial population growth or development through increased construction employment.

The proposed project would also provide long-term employment opportunities. The average number of employees for an office plaza of this size would be approximately 148 persons or an increase of approximately 83 employees over the existing number of employees currently on site (approximately 65). The employment would include banking and professional business services. The county has a labor force of approximately 1,581,600 with approximately 160,000 people unemployed (Employment Development Department 2010b). The January 2010 unemployment rate for Orange County was 10.1%, up from a revised 9.5% in December 2009, and it is still above the April 2009 estimate of 7.5%. Professional and business services posted an overall loss of 3,000 jobs, with scattered gains and losses throughout the industry (Employment Development Department 2010a). This suggests an available local and regional labor pool to serve the long-term employment opportunities. Furthermore, the proposed project has the potential to stimulate the economy by

providing jobs in the region. Because of the general availability of local and regional labor resources and the current unemployment rates, there would be an opportunity to hire local employees to fill the proposed project's employment needs. It is unlikely that a substantial number of employees would need to be relocated from outside the region. Therefore, operation of the proposed project would not induce substantial population growth. Population and housing impacts would be less than significant.

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

No Impact. The proposed project would amend and increase the allowable development square footage on the project site, which would allow for the construction and operation of a business plaza consisting of a 1-story bank, two 3-story office buildings, and a 2-level parking structure. The project site is currently occupied by two connected office buildings and a 113-stall surface parking lot; there is no housing located on the project site. Therefore, the proposed project would not displace any housing and would not necessitate the construction of replacement housing elsewhere. No impacts would occur.

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

No Impact. As discussed in (b) above, the project site is currently developed with two connected office buildings and a 113-stall surface parking lot and no people currently live on the project site. Therefore, the proposed project would not displace any housing or people, and no impacts would occur.

XIV. PUBLIC SERVICES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1. Fire protection?	☐	☐	☒	☐
2. Police protection?	☐	☐	☒	☐
3. Schools?	☐	☐	☒	☐
4. Parks?	☐	☐	☐	☒
5. Other public facilities?	☐	☐	☒	☐

Discussion

Would the project result in substantial adverse physical impacts associated with:

a1. Fire protection?

Less-than-Significant Impact. Implementation of the proposed project could potentially contribute additional demand for fire protection and emergency medical services, including possible additional wear on fire equipment and increased use of medical supplies. However, the additional 83 employees resulting from the proposed project are expected to come from the local population, and are not likely to result in many more additional demands on fire and emergency services. The project site is located in the City of Newport Beach Fire Department service area. There are eight fire stations strategically located throughout the City so that a fire unit can respond to residents and businesses in less than five minutes. The City of Newport Beach Fire Department is considered an all-risk fire department and provides services for all types of emergencies (City of Newport Beach 2009b). The project site is served by the nearest fire station, Santa Ana Heights Fire Station 7, which is located at 20401 Southwest Acacia Street at the intersection of Southwest Acacia Street and Mesa Drive, approximately 1.9 miles southwest of the project site. The proposed project would include all necessary fire protection devices, including fire sprinklers, and comply with all building and fire codes adopted by the City. Emergency vehicle access for the proposed project would be provided to the project site from Campus Drive. A separate lane would be built for fire truck access parallel to Campus Drive. A control gate arm would be placed across the entrance of the emergency lane so that non-emergency vehicles would not use the lane. This emergency access has been reviewed and approved by the City of Newport Beach Fire Department (Brown pers. comm.). The project would be reviewed for compliance with all Building and Fire Codes adopted by the City, as well as applicable

water pressure and fire equipment regulations prior to issuance of grading and building permits. . The proposed project would be within the current capacity of the Newport Beach Fire Department and would not create the need for any new facilities or personnel (Bunting pers. comm.). Impacts would be less than significant.

a2. Police protection?

Less-than-Significant Impact. The Newport Beach Police Department would provide police protection services for the proposed project. The Police Department is located at 870 Santa Barbara Drive, at the intersection of Jamboree Road and Santa Barbara, approximately 3.5 miles from the project site. The project site is located in Newport Beach Police Department Area 2 (Newport Beach Police Department 2010). As discussed above in Section XIII(a1), although the proposed project would increase the population at the project site by approximately 83 employees, these employees are expected to come from the local population and would not place a significant added burden on the Newport Beach Police Department. Additionally, the department is currently patrolling the project site and surrounding areas. The proposed project would not require new or additional police facilities. Impacts would be less than significant.

a3. Schools?

Less-than-Significant Impact. School services in the City are provided by the Newport-Mesa Unified School District. The demand for new schools is generally associated with population increases or impacts on existing schools. The proposed project would increase the number of employees at the project site by approximately 83 employees; however, these employees are expected to come from the local population and would not require any persons to be relocated from out the region as described in Section XIII(a) Population and Housing. Therefore, the proposed project is not expected to substantially increase the number of school-age children in the City and no additional school facilities would be required. Impacts would be less than significant.

a4. Parks?

No Impact. The proposed project would involve the demolition of two connected office buildings, a 113-stall surface parking lot, and landscaping to allow for the construction and operation of a business plaza consisting of a 1-story bank, two 3-story office buildings, and a 2-level parking structure. The demand for parks is generally associated with the increase of housing or population in an area. As discussed above in Section XII(a), the proposed project is not expected to induce substantial population growth. Furthermore, according to Figure R1 of the City of Newport Beach General Plan, there are no existing recreational facilities in the project vicinity (City of Newport Beach 2006a). Therefore, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities resulting in the need for additional facilities. See Section XV(a) and (b) Recreation for additional discussion on parks and recreation. No impacts would occur.

a5. Other public facilities?

Less-Than-Significant Impact. The proposed project would increase the number of employees at the project site by approximately 83 employees; however, these employees are expected to come from the local population and would not require any persons to be relocated from out the region as discussed above in Section XII(a). Therefore, the proposed project is not expected to substantially increase the use of other public facilities requiring the need for new or altered service facilities. Therefore, the proposed project would not result in substantial adverse impacts on other public

facilities or require new facilities to maintain acceptable performance standards. Impacts would be less than significant.

XV. RECREATION		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b.	Does the project include recreational facilities or require the construction of or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

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 proposed project would not affect neighborhood or regional parks or other recreational facilities. An increase in the use of parks is generally associated with an increase of housing or population in an area. As discussed in Section XIII(a) Population and Housing, the proposed project is not expected to substantially induce population growth. The proposed project would provide approximately 47 short-term construction jobs and an average of 148 long-term professional jobs (or an increase of approximately 83 long-term professional jobs). The employment opportunities are expected to be fulfilled by the local population and it is unlikely that a substantial number of employees would need to be relocated from outside the region. Furthermore, according to Figure R1 of the City of Newport Beach General Plan, there are no existing recreational facilities in the project vicinity (City of Newport Beach 2006a). Therefore, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur. No impacts would occur.

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

No Impact. As discussed in Section XIII(a) Population and Housing, the proposed project is not expected to substantially induce population growth. The proposed project would not include recreational facilities or require the construction of or expansion of recreation facilities that might have an adverse physical effect on the environment. No impacts would occur.

XVI. TRANSPORTATION and TRAFFIC		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	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?	☐	☐	☒	☐
b.	Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☒	☐	☐
d.	Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e.	Result in inadequate emergency access?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Discussion

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?

Less-than-Significant Impact. The Traffic Phasing Ordinance (TPO) identifies City requirements for the preparation of traffic studies. Per the TPO, any project that generates fewer than 300 average

daily trips (ADTs) does not require a traffic study. Therefore, the City of Newport Beach Public Works Department has determined that a traffic study for the proposed project is not required because the project would generate fewer than 300 ADTs.

The project site is located at the intersection of Jamboree Road and Campus Drive in the Koll Center Newport Planned Community. Table 3-9 below identifies the roads in the vicinity of the project site.

Table 3-9. Roads in the Vicinity of the Project Site

Road Name	Number of Lanes	Speed Limit Range (miles per hour)	Description
Von Karmen Ave	Four-lane divided	40	Trending in an east-west direction with a painted median and on-street parking prohibited
Jamboree Road north of East Coast Highway (SR-1)	Six-lane divided	50	Trending in a north-south direction with a raised landscaped median and on-street parking prohibited
MacArthur Boulevard North of the SR-73 Ramps	Six-lane divided roadway with a raised landscaped median	50	Trends in a north-south direction and on-street parking is prohibited on MacArthur Boulevard
MacArthur Boulevard between Bonita Canyon Drive and the SR-73 Ramps	Eight-lane divided roadway with a raised landscaped median		
Birch Street	Four-lane divided	40	Trending in an east-west direction with a painted median and on-street parking prohibited
Campus Drive east of MacArthur Boulevard	Four-lane divided	45 – 50	Trending in an east-west direction with a painted median and on-street parking prohibited east of MacArthur Boulevard
Campus Drive west of MacArthur Boulevard	Six-land divided		Raised median on-street parking prohibited west of MacArthur Boulevard

Level of Service (LOS) is commonly used as a qualitative description of intersection operation. It is based on the capacity of the intersection and the volume of traffic using the intersection. A range of LOS is used to describe traffic conditions. LOS A indicates free-flowing conditions, whereas LOS F indicates severely congested conditions, based on the V/C shown in Table 3-10 below.

Table 3-10. Volume-to-Capacity Ratio and Level of Service Ranges

Signalized Intersections		
V/C Ratio	**LOS**	**Description**
≤ 0.60	A	LOS A describes operations with low control delay, up to 10 seconds per vehicle. This LOS occurs when progression is extremely favorable and most vehicles arrive during the green phase. Many vehicles do not stop at all. Short cycle lengths may tend to contribute to low delay values.
0.61 to ≤ 0.70	B	LOS B describes operations with control delay greater than 10 and up to 20 seconds per vehicle. This level generally occurs with good progression, short cycle lengths, or both. More vehicles stop than the LOS A, causing higher levels of delay.
0.71 to ≤ 0.80	C	LOS C describes operations with control delay greater than 20 and up to 35 seconds per vehicle. These higher delays may result from only fair progression, longer cycle lengths, or both. Individual cycle failures may begin to appear at this level. Cycle failure occurs when a given green phase does not serve queued vehicles, and overflows occur. The number of vehicles stopping is significant at this level, though many still pass through the intersection without stopping.
0.81 to ≤ 0.90	D	LOS D describes operations with control delay greater than 35 and up to 55 seconds per vehicle. At LOS D, the influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, and high V/C ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.
0.91 to ≤ 1.0	E	LOS E describes operations with control delay greater than 55 and up to 80 seconds per vehicle. These high delay values generally indicate poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent.
> 1.0	F	LOS F describes operations with control delay in excess of 80 seconds per vehicle. This level, considered unacceptable to most drivers, often occurs with oversaturation; that is, when arrival flow rates exceed the capacity of lane groups. It may also occur at high V/C ratios with many individual cycle failures. Poor progression and long cycle lengths may also contribute significantly to high delay levels.

Both the City of Newport Beach and the City of Irvine have specific performance criteria associated with intersections along the City limits and within the John Wayne Airport and Irvine Business Complex areas (LSA 2009). The City of Newport Beach target for peak hour intersection operation as stated in the Circulation Element of the General Plan is LOS D or better except at the following locations where LOS E is considered acceptable: intersections in the John Wayne Airport Area shared with the City of Irvine (City of Newport Beach 2006a, LSA 2009). The City of Irvine's target for peak hour intersection operation is LOS D or better except in the following areas where LOS E is considered acceptable: intersections in the John Wayne Airport Area shared with the City of Newport Beach, and the Irvine Business Complex Area (LSA 2009).

During construction, the maximum daily trips would depend on the number of truck trips received in a day and the number of employees at the construction site. A maximum of 20 construction workers would be driving to and from the project site during construction at any one time. Table 3-11 below provides the estimated daily roundtrip truck trips and number of construction employees associated with the construction.

Table 3-11. Estimated Truck Trips and Construction Employees

Construction Activity	Construction Duration (Days)[a]	Construction Workers Per Day	Construction Worker Roundtrips Per Day	Roundtrip Truck Trips Per Construction Duration	Roundtrip Truck Trips Per Day	Total Trips Per Day
Demolition	10	6	12	15	2	14
Grading	30	6	12	200	7	19
Construction, asphalting, and architectural finishing[b]	306	20	40	50	1	41

[a] Construction duration assumes a six-day construction work week.

Numbers in the table are approximate and rounded to the nearest whole number.

It is assumed construction employees and trucks would use Jamboree Road, MacArthur Boulevard, and Campus Drive Avenue to access the project site during construction. Furthermore, it is conservatively assumed that the estimated daily construction trips would occur during the AM and PM peak travel periods, and have been evenly split between the two peak hours. For example, during demolition it is estimated there would be seven AM trips and seven PM trips for a total of 14 trips per day (the total trips per day identified above in Table 3-11 during demolition). Typically, truck trips associated with the deliveries of materials and goods would not occur during peak hour traffic times, but rather off peak times throughout the day. It is also conservatively assumed the AM and PM trips generated by construction would occur on every single road segment. These assumptions provide a conservative analysis of the estimated increase in trips associated with construction of the proposed project. The estimated 37 AM peak hour trips that would be generated by construction would increase traffic levels over existing conditions between 0.19% and 1.80%. The estimated 37 PM peak hour trips that would be generated by construction would increase traffic levels over existing conditions between 0.17% and 1.56% (see Appendix E for a table of each roadway segment and the percent increase in traffic associated with the construction of the proposed project). The trips generated by construction would be temporary and would cease to exist once construction is completed. As discussed below, most of the conditions at the existing intersections described above within the vicinity of the proposed project are operating at acceptable levels of LOS. Therefore, trips associated with the construction of the proposed project would be less than significant.

The employees at the existing office and bank buildings would be relocated to a different office during demolition of the existing buildings and construction of the proposed project. It is unknown where this office would be located, but it would be an existing office building in the South Coast Metro area or the Irvine area. Therefore, trips associated with the office building would have been previously analyzed and approved prior to construction and operation. Furthermore, the redistribution of the trips from the project site to the office building would be temporary and would only occur for a period of approximately 14 months during construction of the proposed project. Therefore, traffic impacts associated with the relocation of the existing employees would be less than significant.

The Institute of Transportation Engineers Trip Generation, 8th Edition assigns AM, PM, and daily peak hour trips to various land uses based on the square footage of the land use. For office building and bank land uses, of the trip rates are 1.55 and 12.35 AM peak hour trips, respectively, and 1.49 and

25.82 PM peak hour trips, respectively. This results in a daily rate of 11.01 and 148.15 trips, respectively. Table 3-12 below identifies the trip generation rates for an office land use and bank land use.

Table 3-12. Trip Generation Rates

				AM Peak Hour			PM Peak Hour			Daily
Land Use	**Rate Type**	**Size**	**Unit**	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**Total**
Office	ITE-8th		TSF	1.36	0.19	1.55	1.31	0.18	1.49	11.01
Bank	ITE-8th		TSF	6.92	5.43	12.35	12.91	12.91	25.82	148.15
Source: City of Newport Beach 2009b										

The existing land use has an office building that is approximately 10,800 square feet and a bank that is approximately 10,200 square feet. The traffic analysis of the existing conditions for traffic is based on the fully staffed and operating bank as of August/September 2008. The application for the proposed project was submitted within a year of this fully staffed use. Per Chapter 15.40 of the Newport Beach Municipal Code, the TPO, Appendix A, Item H allows for the provision of credits for trip generation of existing uses on site. Therefore, for the proposed project and trip generation and traffic comparisons, the City of Newport Beach allows the August/September 2008 land uses to be used as the existing baseline Therefore, the existing office building generates a baseline daily total of 119 trips and the bank generates a daily total of 1,511 trips, for a total of 1,630 trips. Table 3-13 identifies the existing uses, proposed project, and change in trip generation for the project site.

Table 3-13. Existing and Proposed Trip Generation

			AM Peak Hour			PM Peak Hour			Daily
Land Use	**Size**	**Unit**	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**Total**
EXISTING USES									
Office	10.8	TSF	15	2	17	14	2	16	119
Bank	10.2	TSF	71	55	126	132	132	263	1,511
Total					143			279	1,630
PROPOSED PROJECT									
Office	42.04	TSF	57	8	65	55	8	63	463
Bank	4.003	TSF	28	21	49	52	51	103	593
Total					114			166	1,056
Difference					-29			-113	-574
Source: City of Newport Beach2009									

The proposed business plaza would also have office uses and a bank, similar to the existing uses. However, the bank, which generates more trips than office uses, would be greatly reduced in square

footage compared to the existing bank. The proposed project would include approximately 42,000 square feet of office space and approximately 4,000 square feet of bank space. The office uses would generate a daily total of 463 trips and the bank use would generate a daily total of 593 trips, for a total of 1,056 trips.

Because the proposed bank would be greatly reduced in size compared to the existing bank, the trips generated by the proposed project would be reduced when compared to the existing land uses. Overall, the proposed project would reduce the total number of AM peak hour trips by 29, the total number of PM peak hour trips by 113 and the total daily trips by 574. Table 3-13 identifies the change in trip generation between the existing use and the proposed business plaza.

Therefore, the operation of the proposed project during AM peak hour would not downgrade the existing LOS at the intersections described above to LOS D or worse during the AM peak hour. Furthermore, operation of the proposed project during PM peak hour would not downgrade the existing LOS at the intersections described above to LOS E, for those intersections shared by the City of Newport Beach and the City of Irvine. Therefore, impacts associated with the operation of the proposed project would be less than significant.

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

Less-than-Significant Impact. Within the defined Orange County Congestion Management Program highway network, intersections and freeway segments are not allowed to deteriorate to a condition worse than LOS E, or the base year LOS if worse than E (Orange County Transportation Authority 2003). The following intersections are Congestion Management Program intersections within the vicinity of the proposed project: MacArthur Boulevard/Jamboree Road, I-405 northbound ramps/Jamboree Road, and I-405 southbound ramps/Jamboree Road. Table 3-14 below summarizes the 2003 AM and PM peak hour LOS for these Congestion Management Program intersections.

Table 3-14. Peak Hour Level of Service for Congestion Management Program Intersections

Intersection	2003 AM Peak Hour LOS	2003 PM Peak Hour LOS
MacArthur Boulevard/Jamboree Road	C	E
I-405 northbound ramps/Jamboree Road	C	C
I-405 southbound ramps/Jamboree Road.	D	D

All intersections are operating at LOS E or better. Therefore, the addition of the proposed project's AM peak hour trips would not downgrade the existing LOS at the intersections described above to LOS D or worse, for those intersections shared between the City of Newport Beach and the City of Irvine. Furthermore, the addition of the proposed project's PM peak hour trips would not downgrade the existing LOS at the intersections described above to LOS E, for those intersections shared between the City of Newport Beach and the City of Irvine (See discussion of LOS in Section XVI(a) for individual proposed project impacts related to LOS and measures of effectiveness for the performance of the circulation system).

There are a number of projects proposed in the cities of Newport Beach and Irvine that could cumulatively increase traffic to levels on the roads and intersections surrounding the project site. The

proposed project was included in the cumulative projects list of the traffic study for the Draft Environmental Impact Report for the City Hall and Park Development Plan, which also included other cumulative projects located within the City of Newport Beach and located within the City of Irvine (LSA 2009). Table 17 of the City Hall and Park Development Plan DEIR summarizes the cumulative analysis and identifies there would be no significant impacts at any of the studied intersections, which include the intersections identified above, in 2013 (LSA 2009). Furthermore, for all intersections shared by the City of Irvine and the City of Newport Beach a LOS of E is acceptable during AM and PM peak periods. Table 22 of the City Hall and Park Development Plan DEIR indicates the MacArthur Boulevard/Jamboree Road intersection would continue to operate at an acceptable level of service (LSA 2009). Finally, the Orange County Congestion Management Program (2007) Appendix B-2 identifies specific criteria for which projects are exempt. Any development applications generating vehicular trips below the ADT threshold for CMP traffic analysis include any project generating less than 2,400 ADT total, or any project generating less than 1,600 ADT directly onto the CMP Highway System. The proposed project would generate fewer than 2,400 and 1,600 ADT trips per day, and thus would be below the criteria established by the Congestion Management Program. Because the proposed project would result in fewer daily and AM/PM peak hour trips than the existing uses, the proposed project would not exceed, either individually or cumulatively, a LOS standard, and impacts would be less than significant.

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?

Less-Than-Significant Impact with Mitigation Incorporated. As described in Section VIII(e) Hazards and Hazardous Materials, the project site is located within the boundaries of the AELUP for John Wayne Airport. The proposed project would be within the height restriction zone for the John Wayne Airport and the notification area of the FAR Part 77 Imaginary Surfaces aeronautical obstruction area. The proposed project would require notification to the FAA in accordance with Section 77.13 of the FAR because the proposed project would exceed the notice criteria for 77.13(a)(2) by 13 feet (Federal Aviation Administration 2010). Therefore, the proposed project could result in a change of air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks. **Mitigation Measure HM-2** would require notification to the FAA in accordance with Section 77.13 of the FAR to ensure aviation-related safety hazards are reduced. Projects that meet the height restriction threshold must comply with federal and state procedures, including filing a Notice of Proposed Construction or Alteration (FAA Form 7460-1). FAA would then perform an aeronautical study to determine if the project is considered an obstruction and if the project is determined to be a hazard to air navigation (Airport Land Use Commission 2008). Impacts are therefore considered less than significant with mitigation incorporated.

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

Less-than-Significant Impact. The proposed project would not alter the alignment of any of the adjacent roads. Prior to issuance of grading and building permits, Newport Beach Department of Public Works would review and approve all plans, including plans for commercial driveway approaches. Impacts would be less than significant.

e. Result in inadequate emergency access?

Less-than-Significant Impact. Construction or operation of the proposed project would not affect streets or otherwise affect emergency access routes. The proposed project would be designed to incorporate all required City of Newport Beach Fire Department standards to ensure that its implementation would not result in hazardous design features or inadequate emergency access to the site or areas surrounding the site. Furthermore, the City of Newport Beach Fire Department has reviewed the site plans and ensured there is adequate emergency access (Brown pers. comm.). Therefore, impacts would be less than significant.

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?

No Impact. Transit service is provided by the Orange County Transportation Authority (OCTA) in the vicinity of the project site. OCTA Bus Line 75 travels along Harvard Avenue and Jamboree Road between the Tustin Marketplace area and the Newport Transportation Center. Furthermore, there are pedestrian and bicycle easements along the street frontage along Campus Drive and Jamboree Road. In the Newport Beach General Plan Circulation Element, Figure CE4 shows the Master Plan of Bikeways in the City. Jamboree Road is designated as a Class I bikeway. *Bikeway* is a term used to designate all facilities which provide for bicycle travel. A Class I bikeway provides for bicycle travel on a paved right-of-way separated from any street or highway. This includes sidewalk bikeways adjacent to the street. Campus Drive is designated as a Class II bikeway. A Class II bikeway provides a striped and stenciled lane for bicycle travel on a street or highway (City of Newport Beach 2006a). The proposed project includes the construction and operation of a business plaza in the Koll Center Newport Planned Community. The construction and operation of a business plaza would maintain all pedestrian and bicycle easements and would not conflict with any adopted policies, plans, or programs supporting alternative transportation. No impacts would occur.

XVII. UTILITIES AND SERVICE SYSTEMS		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
	Would the project:				
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?	☐	☐	☒	☐
e.	Result in a determination by the wastewater treatment provider that 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?	☐	☐	☒	☐
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g.	Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion

Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less-than-Significant Impact. The proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB). The City of Newport Beach requires NPDES permits, as administered by the RWQCB according to federal regulations, for both point source discharges and nonpoint source discharges to surface waters of the United States. In addition, wastewater service in the project vicinity is provided by the City (City of Newport Beach 2006b). Wastewater from the City's sewer system is treated by the Orange County Sanitation District (OCSD). The majority of the City's wastewater flow is pumped to the OCSD Plant No. 2, while

flows from the portion of the City north of State Route 73 are pumped to Plant No.1. Figure 3-6, Wastewater Infrastructure and Service Areas, identifies these resources for the City of Newport Beach. The proposed project is located north of State Route 73; therefore, wastewater would be treated by Plant No. 1. The OCSD Reclamation Plant No.1 currently maintains a design capacity of 174 million gallons per day (mgd) and treats an average of 90 mgd. Therefore, it operates at 52% of its capacity (City of Newport Beach 2006b).

The existing land use is two connected office buildings with a 113-stall surface parking lot and some landscaping. Approximately 20 gallons of wastewater per employee per day are produced for office type commercial uses (Brown pers. comm.). The project site currently generates approximately 1,300 gallons of wastewater per day and 474,500 gallons per year from the existing 65 employees. The proposed project would increase the number of employees by approximately 83; therefore, it would increase the amount of wastewater generated. The proposed project would generate an additional 2,960 gallons of wastewater per day above the existing 1,300 gallons of wastewater per day, for a total of 4,260 gallons of wastewater per day. This would equate to a total of approximately 1,554,900 gallons per year of wastewater, which is less than 0.002% of the design capacity. The proposed project would not exceed the wastewater treatment requirements of the RWQCB and would comply with all provisions of the NPDES program and applicable wastewater discharge requirements issued by the State Water Resources Control Board as discussed in Section IX Hydrology and Water Quality. Furthermore, the proposed project would comply with the NPDES Phase I and Phase II requirements that would regulate discharge from construction (also described in Section IX, Hydrology and Water Quality). Finally, since OCSD Plant No. 1 operates at 52% of its capacity, the additional wastewater generated by the proposed project would be accommodated by OCSD. Therefore, the proposed project would not cause any violation of standards set forth by OCSD. Impacts would be less than significant.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less-than-Significant Impact. No new or expanded water or wastewater treatment facilities would be required to accommodate the proposed project. The proposed project would connect to the existing OCSD sewer system. OCSD, as stated above in Section (a), manages and oversees all wastewater in Orange County and would be able to accommodate the wastewater generated by the proposed project. See Section (d) below regarding the proposed project's potable water demand. The proposed project would not require additional new water supplies or water entitlements due to its small increase in demand; therefore, no new potable water facilities would be required. Impacts would be less than significant.

c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less-than-Significant Impact. During construction, runoff from the project site would be managed by BMPs and as directed in the City's stormwater protection requirements. BMPs would be incorporated into the proposed project as part of a SWPPP to prevent discharges of polluted stormwater from construction sites from entering the storm drains. Storm runoff generated through project operations would be diverted to the filtration system and bioswales per the Preliminary WQMP. Roof drainage would be routed into four drainage areas, which would each be filtered by Flogard Downspout Filter Assembly. The roof runoff would then be conveyed to a grassy swale and then to a catch basin and existing gutter along Jamboree Road and Campus Drive. Although the proposed project would alter the existing drainage pattern of the site and would increase the amount

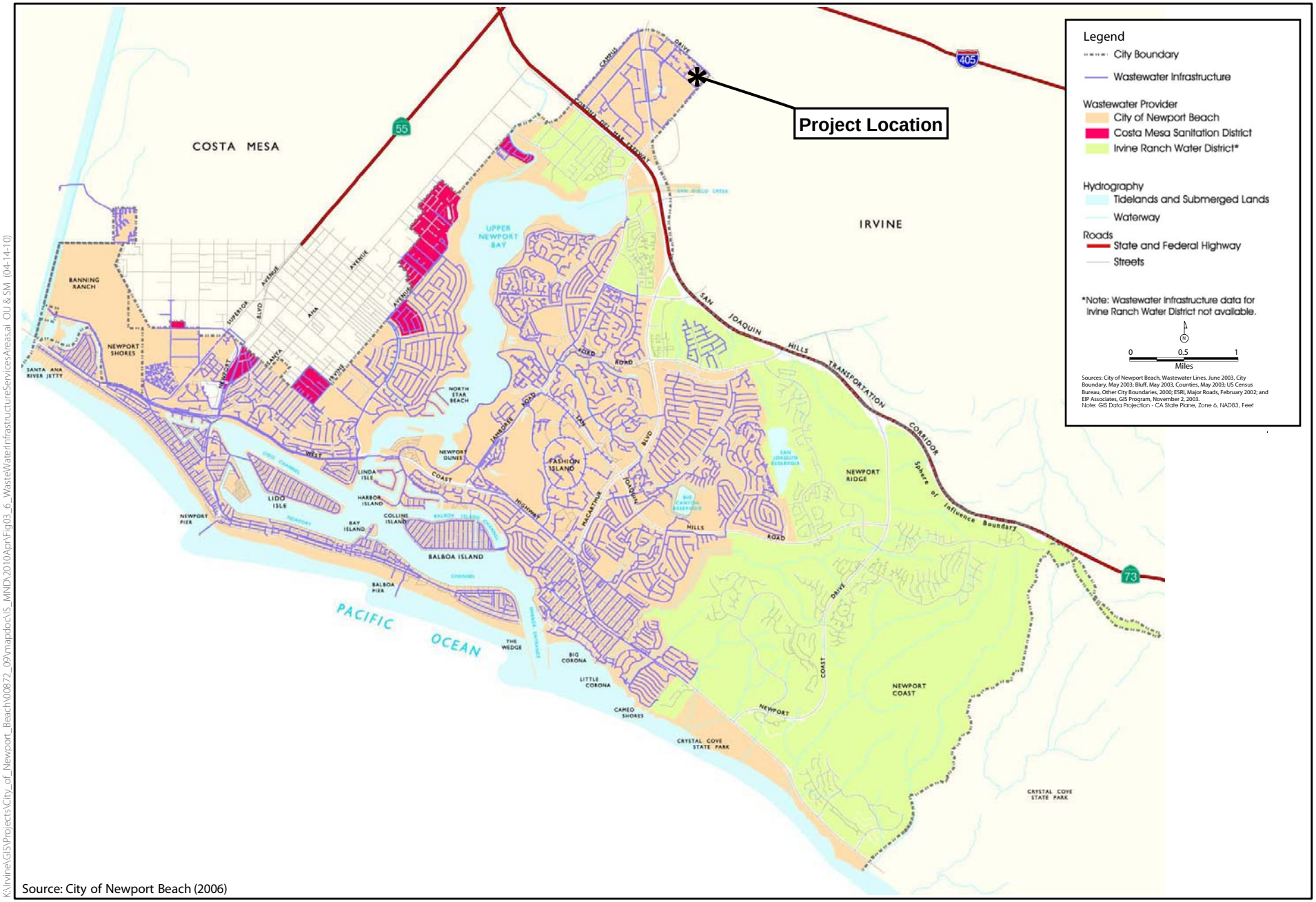
of stormwater generated as discussed in Section IX(c) and (d) Hydrology and Water Quality, the existing stormwater drainage facilities would handle the small increase in stormwater since the proposed project would incorporate bioswales and filters. Therefore, the proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities. Impacts would be less than significant.

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?

Less-than-Significant Impact. Water service in the City is provided by the City of Newport Beach, Irvine Ranch Water District (IRWD), and Mesa Consolidated Water District. Figure 3-7, Water Infrastructure and Service Areas, illustrates the service boundaries of each provider. The project site is located within the boundaries of IRWD. IRWD encompasses a 179-square mile service area and its current population of 330,000 is approximately 76% of the ultimate projected population, estimated at 434,511 for 2030. In 2009, IRWD had approximately 96,829 connections serving approximately 57,795 acre-feet of potable water, 8,036 acre-feet of non-portable water, and 26,185 acre-feet of recycled water annually (Irvine Ranch Water District 2009).

Approximately 35% of IRWD's current water supply is purchased from the Metropolitan Water District of Southern California, with the remaining 65% coming from local groundwater wells (Irvine Ranch Water District 2009). IRWD prefers to diversify and rely less on imported and more on local supplies, and has therefore developed extensive groundwater pumping capacities to meet potable demands in addition to Metropolitan Water District supplies. IRWD's non-potable water system meets the majority of the landscape irrigation and agricultural water demands. IRWD has an extensive dual distribution system, which delivers recycled water from the Michelson Water Reclamation Plant and the Los Alisos Water Reclamation Plan. The source of IRWD's groundwater supply is the Lower Santa Ana River Basin. IRWD is an operator of groundwater-producing facilities in the Orange County Groundwater Basin. Within the Basin, degraded groundwater from the Irvine Subbasin provides non-potable water for agricultural and landscape use. IRWD also currently operates six wells within the unadjudicated Lake Forest area; however, this area has much less groundwater production capability. The majority of these wells produce poor quality supply which supplements the tertiary reclamation plant production in order to meet peak seasonal demand (Irvine Ranch Water District 2005).

An Urban Water Management Plan was prepared by IRWD in 2005 and evaluates water supply and demand within its service area (Irvine Ranch Water District 2005). See Table 3-15 below for current and projected planned water supplies.



Source: City of Newport Beach (2006)

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ICF INTERNATIONAL

Figure 3-6
Wastewater Infrastructure and Service Areas
Newport Business Plaza

Source: City of Newport Beach (2006)

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ICF INTERNATIONAL

Figure 3-7
Water Infrastructure and Service Areas
Newport Business Plaza

Table 3-15. Irvine Ranch Water District Current and Planned Water Supplies (acre-feet per year)

	2005	2010	2015	2020	2025	2030
POTABLE SUPPLIES:						
Purchased MWD treated	19,306	25,318	31,508	35,477	37,395	38,161
Clear groundwater	29,960	28,000	28,000	28,000	28,000	28,000
Treated groundwater	7,200	22,988	25,066	27,306	29,459	29,753
NON-POTABLE SUPPLIES:						
Recycled water	15,296	26,203	26,091	27,948	29,231	29,523
Purchased MWD untreated	5,304	6,303	4,556	3,434	3,225	3,225
Native (surface water)	7,251	4,000	4,000	4,000	4,000	4,000
Non-potable groundwater	2,285	3,898	3,898	3,898	3,898	3,898
Total	**86,602**	**116,710**	**123,119**	**130,063**	**135,208**	**136,560**

Note: The water supplies projected here do not represent the total supply capacity available to IRWD, but rather the projected supplies to meet the projected demands.

Source: Irvine Ranch Water District 2005

The service area population of IRWD is expected to increase approximately 15% from approximately 366,000 in 2010 to 434,000 in 2030. Commercial accounts are expected to increase approximately 35% from approximately 4,600 accounts in 2010 to 7,100 accounts in 2030. This would result in a 30% increase in commercial water demand, which would total an estimated 13,500 acre-feet for 2030. The Urban Water Management Plan identifies that IRWD's demands for water can be met in average, single dry, and multiple dry years through the year 2030 based on current and projected water supplies and the demands forecast for normal, a single dry year, and multiple dry year scenarios through 2030. IRWD's water supply reliability is enhanced through development of multiple sources of supply and adequate storage, pumping and distribution facilities. See Table 3-16 below for past, current and future water uses based on monthly records of water sales throughout the service area.

Table 3-16. Past, Current, and Future Water Uses

Year	Service Area Population	Water Use Sectors	Single Family	Multi-Family	Commercial	Industrial	Instit/ Gov	Landscape	Ag.	Total
2005	316,000	# of accts.	47,650	30,147	3,973	1,054	223	5,306	81	88,434
		AFY	26,103	4,868	7,663	6,047	2,842	23,371	8,801	79,696
2010	366,192	# of accts.	68,409	34,947	4,631	1,141	224	5,923	38	115,313
		AFY	36,475	6,300	9,584	8,615	3,769	34,332	8,615	107,690
2015	384,502	# of accts.	74,937	44,723	5,385	1,204	254	6,308	41	132,851
		AFY	39,156	7,901	10,922	8,904	4,183	35,829	9,295	116,190
2020	403,727	# of accts.	82,896	48,076	6,017	1,347	272	6,841	31	145,479
		AFY	42,665	8,366	12,020	9,813	4,416	38,272	7,115	122,668
2025	423,914	# of accts.	86,363	52,698	6,694	1,433	329	7,102	21	154,641
		AFY	43,783	9,033	13,173	10,287	5,269	39,141	4,767	125,453
2030	434,511	# of accts.	91,053	54,966	7,011	1,504	343	7,431	18	162,326
		AFY	45,468	9,280	13,590	10,635	5,405	40,339	4,008	128,725

Source: Irvine Ranch Water District 2005

A standard assumption is that potable water usage is approximately 111% of the sewerage generation rate; therefore, the project site currently has a demand of 1,443 gallons per day and 526,695 gallons per year for potable water from the existing 65 employees. The proposed project would increase the number of employees by 83; therefore, it would increase the demand for potable water. The proposed project would use an additional 3,286 gallons of potable water per day above the existing 1,443 gallons per day, for a total of 4,729 gallons of potable water. This would equate to a total of approximately 1,726,085 gallons per year or approximately 5.30 acre- feet per year. This demand would be approximately 0.004% of the total projected demand identified in the IRWD Urban Water Management Plan for 2015 to 2030. It would be approximately 0.04% of the commercial water demand in 2015 to 2030. This demand is approximately 0.004% of the total supply identified in the IRWD for 2015 to 2030. Therefore, the increase in the water demand by the proposed project over the existing use would be negligible when compared to the projections planned for in the IRWD Urban Water Management Plan. Based on IRWD's evaluation and planning for reliability of water supplies and the anticipated proposed project water demand, no new or expanded entitlements would be required to serve the project site. Therefore, impacts would be less than significant.

e. Result in a determination by the wastewater treatment provider that 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. See Section XVII(b).

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

Less-than-Significant Impact. The proposed project would generate an increase in solid waste production as a result of the proposed business plaza. The majority of commercial solid waste generated in the City is collected by the waste haulers and transported to a City-owned transfer station. Refuse is consolidated and transported to a materials recovery facility where recyclable materials are sorted from refuse by machines and other methods. The remaining solid waste is then taken to one of three County landfills (City of Newport Beach 2006b). Currently, only the Frank R. Bowerman Sanitary Landfill serves the City of Newport Beach. Closure is currently estimated at year 2022; however, Integrated Waste Management Department is preparing an environmental impact report to expand the landfill and extend its closure date to 2053 (City of Newport Beach 2006b). The permitted daily tonnage limit for the Frank R. Bowerman Sanitary Landfill is 8,500 tons per day of refuse except for 36 days per year when a higher tonnage of 10,625 tons per day is allowed. If the expansion is approved, the landfill would accept 11,500 tons per day (City of Newport Beach 2006b).

A study of the Frank R. Bowerman Landfill and its remaining capacity is presented in Table 3-17 below.

Table 3-17. Landfill Capacity

Landfill	Current Remaining Capacity (Tons)	Maximum Capacity (Tons)	Estimated Close Date	Maximum Daily Load (Tons)	Annual Usage (Tons)
Frank R. Bowerman	44,560,000	81,600,000	2022	8,500	2,332,576
Source: City of Newport Beach 2006a					

Assuming each employee produces 10.53 pounds of solid waste per day, the project site currently generates approximately 684 pounds of solid municipal waste per day (City of Newport Beach 2006b). The proposed project would increase the number of employees by approximately 83; therefore, it would increase the commercial solid waste generated at the project site to, on average, 1,558 pounds of solid municipal waste per day. This would be less than 1% of the daily load of the Frank R. Bowerman Landfill. Construction waste generation by the proposed project would result in a temporary increase in the total construction and demolition waste the landfill receives; however, much of the asphalt would be recycled. The Frank R. Bowerman Landfill would be able to accommodate the increase in solid waste generated by the proposed project during construction and operation. Impacts would be less than significant.

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

No Impact. The proposed project would comply with all regulations related to solid waste, such as the California Integrated Waste Management Act and City recycling programs; therefore, no impacts would occur.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?	☐	☒	☐	☐
b.	Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c.	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Discussion

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 with Mitigation Incorporated. The project area is urban in character and does not contain biological resources that would be affected by the implementation of the proposed project. **Mitigation Measure BIO-1** would reduce impacts to migrating birds to less than significant levels. Additionally, no historical cultural resources would be affected by the construction or operation of the proposed project. Although the proposed project is unlikely to disturb significant archaeological and paleontological resources during construction, **Mitigation Measures CR-1** and **2** would reduce impacts on archaeological and paleontological resources to less-than-significant levels. See Appendix F, Mitigation Monitoring Plan and Report, for a description of mitigation measures and methods for implementation, verification, and responsible parties. Therefore, impacts would be less than significant with mitigation incorporated.

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. The proposed project would not result in impacts that would be cumulatively considerable. The City of Newport Beach identified 12 individual projects within the City. Projects located in the Irvine Business Complex area of the City of Irvine identified on the list of Current Discretionary Projects under Review are also included in the cumulative project list below. These 17 projects are considered cumulative because of the proximity of the project site to the Irvine Business Complex. The majority of the City of Irvine's projects are currently delayed and/or pending as indicated on the list of discretionary projects. The total 29 cumulative projects are described below.

City of Newport Beach

- **Newport Beach Country Club**, located at 1600 East Coast Highway. This development includes five residential dwelling units, 27 hotel units with a 2,048 gross square foot concierge and guest center, 3,523 gross square foot tennis club with a 6,718 gross square foot spa, 41,086 gross square foot golf club with accessory facilities, seven tennis courts and a swimming pool.

- **Mariner's Medical Arts**, located at 1901 Westcliff Drive. This development includes 12,245 gross square feet of a medical office addition.

- **City Hall & Park Development**, located at 1100 Avocado Avenue. This development includes 98,000 gross square feet for City Hall, 17,135 gross square feet of library expansion, 450-space parking structure, and a 15-acre park.

- **Banning Ranch**, located at 4520 West Coast Highway. This development includes 1,375 dwelling units, 75,000 gross square feet of commercial retail, 75-room guest accommodations, parks, and open space.

- **Sunset Ridge Park**, located at 4850 West Coast Highway. This development includes 13.67 acres of active park land.

- **Old Newport GPA**, located at 328-340 Old Newport Boulevard. This development includes 25,725 gross square feet of medical office uses.

- **Marina Park**, located at 1700 Balboa Boulevard. This development includes 10.45 acres of public marina, beach, and park, with recreational facilities as follows: 26,990 gross square feet of Balboa Center Complex, 23 slips for Visiting Vessel Marina, 1,328 gross square feet of Marina Services Building, 5,500 gross square feet of Girl Scout House, and 153 parking spaces.

- **PRES Office Building B**, located at 4300 Von Karman Avenue. This development includes 11,960 gross square feet of office building.

- **Conexant/Koll Conceptual Plan**, located at 4343 Von Karman Avenue. This development includes 974 residential dwelling units.

- **AERIE**, located at 201 Carnation Avenue. This development includes a 6-unit condominium with subterranean parking which would include 25,500 cubic yards of grading.

- **Coast Community College District**, located at 1505-1533 Monrovia Avenue. This development includes 67,000 gross square feet of a higher education learning center.

- **Beauchamp**, located at 2000-2016 East Balboa Boulevard, General Plan Amendment and Coastal Land Use Plan Amendment for new residential units (5 single-unit dwellings).

City of Irvine

- **Michelson and Jamboree (Park Place),** tentative tract map and park plan for the Bosa residential development Phase 2 (566 units).

- **Avalon Jamboree II**, located at 16901 Jamboree, General Plan Amendment, zone change, park plan, and conditional use permit for new residential units (180 residential apartments).

- **Irvine Tech Center**, located at the northwest corner of Jamboree Road and Campus Drive, Master Plan, General Plan amendment, and zone change for new mixed use project to include 1,000 units.

- **Kilroy,** located at 17150 Von Karman Avenue, General Plan amendment, zone change, park plan, and tentative tract map to increase Irvine Business Complex residential intensity cap to 7,190 units to provide for 469 residential units.

- **Alton & Millikan Apartments**, located at 16952 Millikan General Plan Amendment, zone change, park plan, tentative tract map, and conditional use permit for 156 residential apartments.

- **2852 Kelvin**, General Plan amendment, zone change, park plan, and conditional use permit for 194 apartments/condominiums.

- **3333 Michelson Drive,** minor modification to Conditional Use Permit of Park Place.

- **Aquinaga Green Materials Recovery Facility**, located at 16355 Construction Circle West, conditional use permit to establish materials recovery facility.

- **GIFREH**, located at 18691 Jamboree Road, multi-use center.

- **2062 Business Center Drive,** tentative parcel map to create two parcels for condominium purposes.

- **Element**, located at 17662 Armstrong, conditional use permit for 122-room, limited-service hotel.

- **2555 Main Street,** tentative tract map to create 481 residential condominium units.

- **Hindu Temple**, located at 16540 Aston, conditional use permit for shared parking.

- **16952 Millikan,** conditional use permit to operate a music and martial arts school.

- **Ocean Blue Day Spa**, located at 17801 Main Street, conditional use permit to establish a massage use.

- **166321 Hale Avenue,** conditional use permit to establish a martial arts studio in 3,179-square-foot suite.

- **St. Marks Church,** located at 17840 Skypark Circle, conditional use permit to establish the St. Marks Church.

The analysis of cumulative projects addresses only those environmental issues that have the potential to be affected by the combined cumulative project list. This environmental document provides a determination of whether or not a significant cumulative impact exists, and whether the proposed project would contribute to such a significant cumulative impact to a considerable degree. Only project impacts that are deemed cumulatively considerable are considered potentially significant impacts in the context of this analysis.

Implementation of the proposed project would include the construction and operation of a new business plaza within an existing mixed use and urban office complex area. The construction and operation of the proposed project would be similar in nature to the existing office buildings and surrounding urban uses and open space in the vicinity of the project site. The past, present, and reasonably foreseeable future projects would not degrade or detract from the urban built-out nature of the City of Newport Beach and the Irvine Business Complex area of the City of Irvine. Any less-than-significant impact the proposed project has on aesthetics would not represent a considerable degree when combined with the past, present, and reasonably foreseeable cumulative project list and would not contribute to a cumulative impact. Impacts would be less than cumulatively considerable.

Implementation of the proposed project has the potential to result in the disturbance of undiscovered archaeological and paleontological cultural resources. In conjunction with the projects listed above, the proposed project would have the potential to contribute to a cumulative impact on cultural resources. The mitigation measures identified in Section V Cultural Resources would reduce the significance of impacts on cultural resources associated with disturbance of an undiscovered cultural resource. Other projects in the vicinity of the proposed project would be required to implement similar measures. As such, cumulative impacts associated with the proposed project would not be cumulatively considerable. Impacts would be less than cumulatively considerable.

Implementation of the proposed project would not contribute to a considerable cumulative impact on agriculture and forest resources, mineral resources, population and housing, public services, recreation, or utilities. As discussed above in Sections II Agriculture and Forest Resources, XI Mineral Resources, XIII Population and Housing, XIV Public Services, XV Recreation, and XVII Utilities and Service Systems, the proposed project would not be located in an agricultural area; is not located in a valuable mineral resource area; would not add to the population of the region or necessitate new housing; and, would not substantially increase the use of public services or utilities such that new services would be required. Therefore, any less-than-significant impact the proposed project has on these resources would not contribute to significant cumulative impacts to a considerable degree when combined with the past, present, and reasonably foreseeable cumulative project list. Impacts would be less than cumulatively considerable.

Implementation of the proposed project has the potential to contribute to cumulative air quality impacts. Construction of the proposed project would temporarily increase dust levels in the project area. SCAQMD's approach for assessing cumulative impacts is based on the AQMP forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and state Clean Air Acts. As discussed earlier in Section III(a), the proposed project would be consistent

with the AQMP, which is intended to bring the Basin into attainment for all criteria pollutants.[6] In addition, the mass regional emissions calculated for the proposed project (Forecast Regional Construction Emissions and Forecast of Regional Operational Emissions) are less than the applicable SCAQMD daily significance thresholds that are designed to assist the region in attaining the applicable state and national ambient air quality standards. The regional daily significance thresholds take into account other activity occurring in the region, and therefore inherently address a project's contribution to cumulative air quality impacts. As such, cumulative impacts would be less than cumulatively considerable.

Implementation of the proposed project has the potential to result in cumulative impacts on geology and soils because of effects associated with expansive soils. The mitigation measures identified in Section VI Geology and Soils would reduce the significance of project impacts regarding expansive soils to a less-than-significant level. Other projects in the vicinity of the proposed project would be required to follow the California Building Code to minimize the risk of seismic-induced effects. Therefore, the proposed project's contribution cumulative impacts on geology and soils would be less than cumulatively considerable.

With regard to GHG emissions, as discussed earlier in Section III(b), the amounts of GHG emissions that would result from development and operations of the proposed project are less than the applicable screening level threshold set by the City. As such, the proposed project would be consistent with the state's goals of reducing GHG emissions to 1990 levels by 2020; therefore, the proposed project's contribution to cumulative climate change/worldwide GHG emissions would be less than cumulatively considerable.

Implementation of the proposed project has the potential to expose people to excessive noise levels from construction; however, impacts would be less than significant. Projects in the vicinity of the proposed project would be required to institute similar measures if they were found to expose people to excessive noise. None of the cumulative projects are located in the immediate vicinity to be audible together with the proposed project construction activities. Furthermore, during operations the proposed project would reduce the number of trips when compared to the existing conditions. Therefore, under operating conditions, noise associated with traffic generated by the proposed project would be reduced. Therefore, impacts associated with the proposed project would not be cumulatively considerable.

As discussed in Section XVI Transportation and Traffic, implementation of the proposed project has the potential to increase traffic volumes during construction and operating conditions. The proposed project was included in the cumulative projects list of the traffic study for the Draft Environmental Impact Report for the City Hall and Park Development Plan (LSA 2009), as well as other cumulative projects in the cities of Newport Beach and Irvine. For all intersections shared by the City of Irvine and the City of Newport Beach, LOS of E is acceptable during AM and PM peak periods. Furthermore, the proposed project would reduce the number of AM and PM Peak Hour trips and Daily trips when compared to the existing conditions. There would be no significant impacts at any of the studied intersections with the implementation of the proposed project and future projects.

[6] CEQA Guidelines Section 15064(h)(3) states "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g. water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency."

Therefore, the proposed project would not exceed, either individually or cumulatively, a LOS standard and impacts would be less than cumulatively considerable.

The proposed project would result in less-than-significant environmental impacts. Additionally, the impacts from the proposed project when combined with the list of cumulative development projects would not result in a significant contribution to cumulative impacts. Thus, impacts associated with the proposed project would not be cumulatively considerable.

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

Less-than-Significant with Mitigation Incorporated. See Appendix F, Mitigation Monitoring Plan and Report, for a description of mitigation measures and methods for implementation, verification, and responsible parties. Although construction of the proposed project is expected to create temporary adverse effects related to construction noise and hazardous materials during construction demolition, these impacts would be less than significant with mitigation incorporated. The significant operation impacts associated with geology and soils related to expansive soils, hazards associated with air traffic, and light and glare associated with aesthetics would be reduced to less-than-significant levels with mitigation incorporated. Thus, impacts associated with the proposed project would not be cumulatively considerable.

Chapter 4

Errata to the Draft IS/MND

Chapter 4
Errata to the Draft IS/MND

Introduction

This section of the document addresses modifications to the draft IS/MND for the proposed Newport Business Plaza. It presents all revisions related to public comments, as determined necessary by the Department. Only sections that had revisions based on the public comments are included, and sections that had no revisions are not included. Readers are referred to Chapters 1 through 3 of this final IS/MND to view complete sections.

This section provides changes to the draft IS/MND in revision-mode text (i.e., deletions are shown with ~~strikethrough~~ and additions are shown with underline). These notations are meant to provide clarification, corrections, or minor revisions as needed as a result of public comments or because of changes in the project since the publication and distribution of the draft IS/MND.

Changes to the Draft IS/MND

The following changes to the text as presented below are incorporated into the final IS/MND.

Chapter 3. Initial Study Environmental Checklist

VIII. Hazards and Hazardous Materials, Page 3-9

e. ***For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?***

Less-than-Significant Impact with Mitigation Incorporated. The closest airport is John Wayne Airport, which is approximately 1.0 mile north of the project site. The project site is located within the boundaries of the Airport

Environs Land Use Plan (AELUP) for John Wayne Airport. The project site is within the height restriction zone for the John Wayne Airport and the notification area of the Federal Aviation Regulation (FAR) Part 77 imaginary surfaces aeronautical obstruction area.

All building height restrictions identified in the Airport Environs Land Use Plan (AELUP) have as their ultimate limits the imaginary surfaces as applicable and defined in Part 77 of the Federal Aviation Regulations. "Imaginary Surfaces" are defined by means of elevations, heights and slopes in relation to individual airports, the spaces above which are reserved to air navigation. The proposed project site is located within FAR Part 77 Obstruction for Imaginary Surfaces for JWA as identified by FAR Par 77 John Wayne Airport Obstruction Imaginary Surfaces Figure in Appendix D of the AELUP. The ALUC uses all of the FAR Part 77.73 standards along with the results of FAA aeronautical studies, or other studies deemed necessary by the ALUC in order to determine if a structure is an "obstruction".

Section 77.13 of the FAR requires the notification of the Federal Aviation Administration (FAA) for any construction or alteration which:

- exceeds 200 feet in height above the ground level at its site;
- exceeds a height greater than an imaginary surface extending outward and upward at specific slope characteristics at 20,000 feet, 10,000 feet, and 5,000 feet from the nearest point of the airport runway;
- is a highway with specific characteristics, and/or,
- occurs at an airport.

The proposed project would construct a business plaza consisting of a 1-story bank, two 3-story office buildings, and a 2-level parking structure with a maximum height of 62 feet (Ware Malcomb). The project site is approximately 50 feet above mean sea level (Krazan & Associates 2005). Therefore, the proposed project would exceed the notice criteria for 77.13(a)(2) by 13 feet (Federal Aviation Administration 2010). Projects that meet the height restriction threshold must comply with federal and state procedures, including filing a Notice of Proposed Construction or Alteration (Federal Aviation Form 7460-1). FAA would then perform an aeronautical study to determine if the project is considered an obstruction and if the project is determined to be a hazard to air navigation (Airport Land Use Commission 2008). Therefore, the proposed project would comply with Section 77.13 of the FAR and FAA requirements by filing a Notice of Proposed Construction or Alteration to reduce aviation related hazards through the application of **Mitigation Measure HM-2**. Impacts are therefore considered less than significant with mitigation incorporated.

Mitigation Measure:

Mitigation HM-2: Prior to site plan approval, the City of Newport Beach shall file a notice of Proposed Construction or Alteration with FAA (FAA Form 7460-1) in accordance with Federal Aviation Regulation (FAR) Part 77. Following FAA's aeronautical study of the project site, the proposed project shall comply with conditions of approval imposed or recommended by FAA. Subsequent to these findings, the City shall refer the proposed project to the Orange County Airport Land Use Commission for consistency analysis. The Director of Planning, or designee, shall verify that the City has received a Determination of No Hazard to Air Navigation prior to the issuance of building permits for the northern parcel.

XII. Noise, Page 3-9

e. For a project located within an airport land use land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less-than-Significant Impact. The project site is located approximately 0.5 mile from John Wayne Airport. Figure N2 of the City of Newport Beach General Plan shows the existing 65 dBA CNEL noise contour for John Wayne Airport. Figure N2 shows that the proposed project site is located approximately 0.25 – 0.5 mile outside the 65 dBA CNEL noise contour for John Wayne airport (City of Newport Beach 2006a).

Figure N2 "Existing Noise Contours" of the City of Newport Beach General Plan shows the proposed project is located within the 60 CNEL noise contour of the AELUP Noise Contours. Per Table 1 *"Airport Land Use Commission for Orange County Airport Environs Land Use Plan Limitations on Land Use Due to Noise (Applicable to Aircraft Noise Sources)"* of the AELUP commercial land use categories such as retail and office which experience a CNEL less than 65 dB are considered "normally consistent." Furthermore, normally consistent land uses, such as office land uses within the 60 dB contour are allowed to use conventional construction methods and no special noise reduction requirements are needed.

The AELUP identifies Noise Impacts Zones and recommends measures to reduce aircraft noise on certain land uses. Moderate Noise Impact identified as 60 dB CNEL or greater, less than 65 dB CNEL are included in Noise Impact Zone "2". The AELUP specifically identifies residential land units in this zone and requires sound attenuation as set forth in the California Code of Insulation Standards, Title 25, California Code of Regulations for residential units. The AELUP text does not identify commercial retail or office land uses as requiring sound attenuation.

Since the proposed project does not include residential units and it is within the 60 dB CNEL contour it is normally consistent with the airport and is not required to provide sound attenuation.

Therefore, noise impacts related to air traffic would be less than significant.

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

Less-than-Significant Impact. Within the defined Orange County Congestion Management Program highway network, intersections and freeway segments are not allowed to deteriorate to a condition worse than LOS E, or the base year LOS if worse than E (Orange County Transportation Authority 20072~~2003~~). The following intersections are Congestion Management Program intersections within the vicinity of the proposed project: MacArthur Boulevard/Jamboree Road, I-405 northbound ramps/Jamboree Road, and I-405 southbound ramps/Jamboree Road. Table 3-14 below summarizes the 20073 AM and PM peak hour LOS for these Congestion Management Program intersections.

Table 3-14. Peak Hour Level of Service for Congestion Management Program Intersections[1]

Intersection	20073 AM Peak Hour LOS	20073 PM Peak Hour LOS
MacArthur Boulevard/Jamboree Road	C	D ~~E~~
I-405 northbound ramps/Jamboree Road	C	C
I-405 southbound ramps/Jamboree Road.	D	C ~~D~~

[1] Figure 5 page 2 of 3 "Orange County Congestion Management Program Level of Service 2009" in the Orange County 2009 Congestion Management Program (Orange County Transportation Authority 2009) does not identify a deterioration of LOS at any of the intersections above.

Two of the intersections (I-405 northbound ramps/Jamboree Road and I-405 southbound ramps/Jamboree Road) are not located within the jurisdiction of the City of Newport Beach, as they are in the City of Irvine. The Orange County Congestion Management Plan (CMP) states that LOS Standards must not be below a level of service E, unless the levels of service from the baseline CMP dataset were lower (Orange County Transportation Authority. 2007 and 2009). All intersections in Table 3-14 are operating at LOS ~~E~~ D or better. The proposed project is reducing the number of trips per the analysis in Section XVI(a) above. Therefore, the addition of the proposed project's AM peak hour trips and PM peak hour trips would not downgrade the existing LOS at the intersections described ~~above~~ in Table 3-14 to LOS ~~D~~E or worse per the CMP LOS requirements. ~~, for those intersections shared between the City of Newport Beach and the City of Irvine. Furthermore, the addition of the proposed project's PM peak hour trips would not downgrade the existing LOS at the intersections~~

~~described above to LOS E, for those intersections shared between the City of Newport Beach and the City of Irvine (See discussion of LOS in Section XVI(a) for individual proposed project impacts related to LOS and measures of effectiveness for the performance of the circulation system).~~ There are a number of projects proposed in the cities of Newport Beach and Irvine that could cumulatively increase traffic to levels on the roads and intersections surrounding the project site. The proposed project was included in the cumulative projects list of the traffic study for the Draft Environmental Impact Report for the City Hall and Park Development Plan, which also included other cumulative projects located within the City of Newport Beach and located within the City of Irvine (LSA 2009). Table 17 of the City Hall and Park Development Plan DEIR summarizes the cumulative analysis and identifies there would be no significant impacts at any of the studied intersections, which include the intersections identified above, in 2013 (LSA 2009). Furthermore, for all intersections shared by the City of Irvine and the City of Newport Beach a LOS of E is acceptable during AM and PM peak periods. Table 22 of the City Hall and Park Development Plan DEIR indicates the MacArthur Boulevard/Jamboree Road intersection would continue to operate at an acceptable level of service (LSA 2009). Finally, the Orange County Congestion Management Program (2007) Appendix B-2 identifies specific criteria for which projects are exempt. Any development applications generating vehicular trips below the ADT threshold for CMP traffic analysis include any project generating less than 2,400 ADT total, or any project generating less than 1,600 ADT directly onto the CMP Highway System. The proposed project would generate fewer than 2,400 and 1,600 ADT trips per day, and thus would be below the criteria established by the Congestion Management Program. Because the proposed project would result in fewer daily and AM/PM peak hour trips than the existing uses, the proposed project would not exceed, either individually or cumulatively, a LOS standard, and impacts would be less than significant.

Chapter 4. References

~~Orange County Transportation Authority. 2003. Orange County Congestion Management Program. Available: <http://www.octa.net/ctfp/Final%20CMP%202003%20Document.pdf>. Accessed: March 25, 2010.~~

Orange County Transportation Authority. 2007. Orange County Congestion Management Program.

Orange County Transportation Authority. 2009. Orange County Congestion Management Program. Available at: < http://www.octa.net/pdf/cmp09.pdf> Accessed on: July 27, 2010.

Chapter 5

References

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References

Printed References

Airport Land Use Commission. 2008. Airport Environs Land Use Plan for John Wayne Airport. Amended April 17, 2008.

California Air Resources Board. 2008. Preliminary Draft Staff Proposal – Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act. October 24.

California Department of Conservation . 2009. Orange County Important Farmland 2008. Farmland Mapping and Monitoring Program. Sacramento, CA. August 2009.

California Department of Conservation. 2007. California Geological Survey – Alquist-Priolo Earthquake Fault Zone. Available: <http://www.consrv.ca.gov/cgs/rghm/ap/Pages/affected.aspx>. Accessed: November 11, 2009.

California Department of Conservation. 2001. Seismic Hazard Zones Tustin Quadrangle. Available: <http://gmw.consrv.ca.gov/shmp/download/pdf/ozn_tus.pdf>. Accessed: March 31, 2010.

California Department of Conservation. 1994. DMG Open-File Report 94-15. Division of Mines and Geology.

California Department of Transportation. 2002. California Airport Land Use Planning Handbook.

California Department of Transportation. 2009. Officially Designated State Scenic Highways and Historic Parkways. Available: <http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm>. Accessed: November 12, 2009.

California Division of Mines and Geology. 1997 Seismic Hazard Zone Report for the Anaheim and Newport Beach 7.5 Minute Quadrangles, Orange County California. Seismic Hazard Report 03.

California Environmental Protection Agency. 2010a. DTSC's Hazardous Waste and Substances Site List – Site Cleanup (Cortese List). Available: <http://www.envirostor.dtsc.ca.gov/public/search.asp?page=8&cmd=search&business_name=&main_street_name=&city=&zip=&county=&status=ACT%2CBKLG%2CCOM&branch=&site_type=CSITES%2COPEN%2CFUDS%2CCLOSE&npl=&funding=&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST&reporttype=CORTESE&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&permitted=&corrective_action=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&searchtype=&hwmp_site_type=&cleanup_type=&ocieerp=False&orderby=county>. Accessed: March 16, 2010.

California Environmental Protection Agency. 2010b. Find Cleanup Sites and Hazardous Waste Permitted Facilities. Available: <http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&city=Newport%20Beach&zip=&county=Orange&federal_superfund=True&state_response=True&voluntary_cleanup=True&school_cleanup=True&permitted=True&pc_permitted=True&hist_nonoperating=True&corrective_action=True&display_results=Report&pub=True>. Accessed: March 16, 2010.

California Environmental Protection Agency. 2010c. List of "active" CDO and CAO from Water Board. Available: <http://www.calepa.ca.gov/SiteCleanup/CorteseList/>. Accessed: March 16, 2010.

California Geological Survey. 2003. Faults and Earthquakes in California. Note 31. Available: <http://www.conservation.ca.gov/cgs/information/publications/cgs_notes/note_31/Documents/note_31.pdf>. Accessed: March 31, 2010.

Caltrans. 2005. Geotechnical Laboratory Expansion Index. Available: <http://www.dot.ca.gov/hq/esc/geotech/gl/expansionindex.htm>. Accessed: March 31, 2010.

City of Irvine. 2000. General Plan Noise Element.

City of Newport Beach. 2009a. Coastal Land Use Plan. Certified by the Coastal Commission on October 13, 2005; adopted by the City of Newport Beach on December 13, 2005. Last revised: June 26, 2009. Available: <http://www.city.newport-beach.ca.us/PLN/LCP/LCP.htm#Coastal_Land_Use_Plan>. Accessed: March 26, 2010.

City of Newport Beach. 2009b. Fire Operations Division. Last revised: July 15, 2009. Available: <http://www.newportbeachca.gov/index.aspx?page=1131>. Accessed: November 6, 2009.

City of Newport Beach. 2006a. General Plan. July 25, 2006.

City of Newport Beach. 2006b. City of Newport Beach Draft Environmental Impact Report General Plan 2006 Update. State Clearing Housing Number: 2006011119. April 2006.

City of Newport Beach 2003. Hazards Assessment Study. Cited in City of Newport Beach (2006b).

County of Orange. 2005. County of Orange General Plan. Available: <http://www.ocplanning.net/GeneralPlan2005.aspx>. Accessed: November 10, 2009.

Department of Water Resources. 2004. Coastal Plain of Orange County Groundwater Bain: South Coast Hydrologic Region Coastal Plain of Orange County Ground Water Basin. California's Groundwater Bulletin 118. February 27.

Employment Development Department. 2010a. Santa Ana-Anaheim-Irvine Metropolitan Division (Orange County). March 10, 2010. Available: <http://www.calmis.ca.gov/file/lfmonth/oran$pds.pdf>. Accessed: March 18, 2010.

Employment Development Department 2010b. Monthly Labor Force Data for Cities and Census Designated Places (CDP). January 2010 – Preliminary. Available: <http://www.labormarketinfo.edd.ca.gov/?pageid=133>, Accessed: March 18, 2010.

Federal Aviation Administration. 2010. Notice Criteria Tool. Available: <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=doNoNoticeRequiredTool&latD=33&latM=39&latS=56.84&latDir=N&longD=117&longM=51&longS=18.84&longDir=W&datum=NAD83&siteElevation=50&structureHeight=62&traverseway=NO&onAirport=false&submit=Submit>. Accessed: May 6, 2010.

Federal Highway Administration. 2006. Roadway Construction Noise Model.

Geotracker. 2010. GeoTracker. Available: <http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=4699+jamboree+road%2C+newport+beach%2C+ca>. Accessed: March 16, 2010.

Governor's Office of Planning and Research. 2008. Technical Advisory on CEQA and Climate Change. June 19. Available: <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>. Accessed: March 30, 2010.

Irvine Ranch Water District. 2005. 2005 Urban Water Management Plan. November 2005.

Irvine Ranch Water District. 2009. Fact Sheet. Updated February 2009. Available: <http://www.irwd.com/MediaInfo/factsheet.pdf>. Accessed: March 5, 2010.

King, Chester. 1963. Site Record for CA-Ora-115. Site Record on File at the South Central Coastal Information Center, California State University, Fullerton.

Krazan & Associates, Inc. 2005. Preliminary Findings Phase I Environmental Site Assessment. Santa Ana, CA. June 10, 2005.

Long, S. and C. Schwartz. 1963. Site Record for CA-Ora-121. Site Record on File at the South Central Coastal Information Center, California State University, Fullerton.

LSA. 2009. Draft Environmental Impact Report City Hall and Park Development Plan. Prepared by LSA for the City of Newport Beach. SCH No. 2009041010.

Morton, P.K. and R. V. Miller. 1981 Geologic Map of Orange County California, Showing Mines and Mineral Deposits. California Division of Mines and Geology, Bulletin 204, Plate 1.

Newport Beach Police Department. 2009. Patrol and Traffic. Available: <http://www.nbpd.org/insidenbpd/divisions/pat_trf/default.asp>. Accessed: November 6, 2009.

Orange County Transportation Authority 2003. Orange County Congestion Management Program. Available: <http://www.octa.net/ctfp/Final%20CMP%202003%20Document.pdf>. Accessed: March 25, 2010.

South Coast Air Quality Management District. 1993. CEQA Air Quality Handbook. April. Revised November 1993.

Southern California Association of Governments. 2001. Employment Density Summary Report.

Southern California Association of Governments. 2008. Regional Transportation Plan.

Stadum, Carol J. 2010. The Geologic History of Orange County. Modified from Orange County Geology-Teacher's Guide. Available: <http://www.ivc.edu/geology/pages/ocgeo.aspx>. Accessed: Mar 11, 2010.

State Water Resources Control Board. 2010a. Stormwater Program: 2009-0009-DWQ Construction general permit (*not effective until July 1, 2010*) Available: <http://www.swrcb.ca.gov/water_issues/programs/stormwater/gen_const_faq.shtml#1> Accessed: March 13, 2010.

State Water Resources Control Board. 2010b. Stormwater Program: Construction Storm Water Program. Available: <http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml>. Accessed: March 13, 2010.

State Water Resources Control Board. 2009. State Water Resources Control Board – Santa Ana Region. Available: <http://www.swrcb.ca.gov/rwqcb8/water_issues/programs/tmdl/index.shtml>. Accessed: March 31, 2010.

Strudwick, Ivan H.1998 Results of Archaeological testing at Site CA-ORA-121, Locus C, Near Upper Newport Bay, Orange County, California. LSA Associates, Irvine, California.

U.S. Department of Transportation. 2006. Transit Noise and Vibration Impact Assessment. Prepared for the Federal Transit Authority.

U.S. Geological Survey. 2009. Earthquake Glossary – Seiche. Last revised November 3, 2009. Available: <http://earthquake.usgs.gov/learn/glossary/?term=seiche>. Accessed on March 31, 2010.

U.S. Geological Survey. 1896. Santa Ana 30-minute topographic quadrangle.

U.S. Geological Survey. 1901. Santa Ana 30-minute topographic quadrangle.

Ware Malcom. 2010. Site Plans 1.1. IRV07-0075-01. March 15, 2010.

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