

# ***Response to Comments***

## **NEWPORT LEXUS**

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*Final Environmental Impact Report  
SCH No. 2004081004*

*March 2005*

*Prepared for  
City of Newport Beach*

# ***Response to Comments***

## **NEWPORT LEXUS**

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*March 2005*

*Prepared for  
City of Newport Beach*

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Associates**

**RESPONSE TO COMMENTS  
FINAL EIR  
NEWPORT LEXUS**

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## INTRODUCTION

This Response to Comments Final Environmental Impact Report for the Newport Lexus Dealership has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 2100 *et. seq.*) and *CEQA Guidelines* (Section 15000 *et. seq.*). The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision-makers before approving or denying a proposed project. This Response to Comments, Final EIR together with the Newport Lexus Draft EIR, comprises the Newport Lexus Final EIR.

The Newport Lexus Draft EIR was completed and released for public review in November 2004 in accordance with CEQA. Comments were received from November 29, 2004 through January 12, 2005. A total of 5 letters were received including a memorandum from the Lexus Subcommittee Environmental Quality Affairs Citizens Advisory Committee (EQAC). These comments and responses to those comments follow.

## COMMENTS

## LETTER 1

SOUTHERN CALIFORNIA



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GOVERNMENTS**

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**Orange County:** Chris Norby, Orange County • Lou Bone, Tustin • Art Brown, Buena Park • Richard Chavez, Anaheim • Debbie Cook, Huntington Beach • Cathryn DeYoung, Laguna Niguel • Richard Dixon, Lake Forest • Alta Duke, La Palma • Bev Perry, Brea • Marilyn Poe, Los Alamitos • Tod Ridgeway, Newport Beach

**Riverside County:** Marion Ashley, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Loveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

**San Bernardino County:** Paul Biane, San Bernardino County • Bill Alexander, Rancho Cucamonga • Edward Burghon, Town of Apple Valley • Lawrence Dale, Barstow • Lee Ann Garcia, Grand Terrace • Susan Longville, San Bernardino • Gary Ovitt, Ontario • Deborah Robertson, Rialto

**Ventura County:** Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

**Orange County Transportation Authority:** Charles Smith, Orange County

**Riverside County Transportation Commission:** Robin Lowe, Hemet

**Ventura County Transportation Commission:** Bill Davis, Simi Valley

December 14, 2004

Mr. David Lepo  
Hogle Ireland, Inc.  
42 Corporate Park, Suite 250  
Irvine, CA 92606

**RE: SCAG Clearinghouse No. I20040811 Newport Lexus**

Dear Mr. Lepo:

Thank you for submitting the **Newport Lexus** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Newport Lexus**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project will be published in SCAG's **December 1-15, 2004** Intergovernmental Review Clearinghouse Report for public for review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1867. Thank you.

Sincerely,

JEFFREY M. SMITH, AICP  
Senior Regional Planner  
Intergovernmental Review

## LETTER 2

# MEMORANDUM

**To:** Environmental Quality Affairs Citizens Advisory Committee (EQAC)  
City of Newport Beach ("City")

**From:** Newport Lexus Subcommittee; EQAC  
City of Newport Beach

**Subject:** **Draft Environmental Impact Report ("DEIR") for the Newport Lexus Project (the Project)**

**Date:** January 10, 2005

---

Thank you for the opportunity to comment on the DEIR for the Newport Lexus Project located at the southwest corner of Jamboree Road and MacArthur Boulevard in Newport Beach. Listed below are our comments on the DEIR.

### Executive Summary

The Executive Summary provides a project overview and also states that there are two alternatives discussed in the DEIR, the No Project Alternative and the Reduced Project Alternative. However, it is not until the end of the document that the DEIR states that the Reduced Project Alternative is the environmentally superior alternative, and "(f)or this reason the Reduced Project Alternative is now the preferred alternative." DEIR P. 4-6

2-1

The fact that the Reduced Project Alternative is now the preferred alternative makes much of the analysis in the DEIR superfluous. However, we make the following comments on the DEIR in the hopes of improving the Final EIR and the proposed Project.

The Executive Summary provides a list of the proposed Project objectives. These include specific goals of the City of Newport Beach Economic Development Objectives, as well as the applicant's specific Project objectives. The Final EIR should clarify what the specific proposed Project objectives are, and should clarify what, if any, sales tax rebates or other financial incentives will be offered by the City to help meet the proposed Project objectives.

2-2

The Executive Summary states that the Project includes General Plan and Zoning Code changes for the northern five acres; however, the Executive Summary does not discuss the status of the southern three acres. The Final EIR should provide the general plan designation and zoning designations for the entire Project site, including the

2-3

southern three acres.

There appears to be a typographical error in the third bullet of the applicant's objectives, which ends with the word "and." DEIR P. ES-3

**2-4**

The Executive Summary states that alternatives to the Project "are not strictly necessary." This statement is unclear and requires more information to explain when alternatives are required. The Final EIR should cite the case law and/or the Government Code section to assist the reader in understanding the extent to which project alternatives are required.

**2-5**

## Chapter 2 Project Description and Site Characteristics

This chapter provides the proposed Project background and a description of the proposed Project. With the exception of the site location, environmental setting and surrounding land uses, most of the information in this chapter relates to the alternative that has not been determined to be the preferred alternative. The Final EIR should fully analyze the preferred alternative.

**2-6**

The Bowsprit/MacArthur Boulevard intersection is discussed in the Transportation/Traffic section; however, none of the figures in this chapter illustrate this intersection relative to the Project site. The Final EIR should include this intersection in any figures that are intended to illustrate the intersections that will be impacted or will impact the proposed Project.

**2-7**

## Chapter 3A Aesthetics and Land Use

This chapter addresses the potential aesthetic impacts associated with the proposed Project. Again, these impacts could vary with the analysis of the Reduced Project Alternative since the showroom and the service center will be reduced in size.

**2-8**

One of the applicant's objectives, as stated in the Executive Summary, is for the Project to be of high architectural quality, complementary to the Newport Beach image. The figures in this chapter illustrate the scale and massing of the buildings, but do not provide any architectural detail. The Final EIR should include artists' renderings that illustrate the architectural style of the buildings for the proposed Project as they will be viewed from Jamboree Road, MacArthur Boulevard and Dove Street.

**2-9**

The "Craftsman" architectural style shown to the EQAC Committee does not appear to be compatible with the architectural styles of the newer buildings in the area. If that is the intended architectural style for the proposed Project, the Final EIR should include a discussion of how that architectural style meets the stated applicant's objectives for the Project.



Figures 3A-7 through 3A-9 illustrate that the proposed Project will remove mature trees from the public right-of-way along Jamboree Road and MacArthur Boulevard. The Newport Beach City Council Policy Manual contains the City's policy for the removal of City trees. The Final EIR should list the Policy Manual among the Applicable Regulations on Page 3A-6, and it should discuss the applicability of the Policy to the removal of these trees.

**2-10**

The proposed Project is located within the Orange County Airport Land Use Commission ("ALUC") planning area and must be submitted to the ALUC for review for consistency with the Airport Land Use Plan ("ALUP"). The Final EIR should discuss whether the proposed Project meets Federal Aviation Regulation ("FAR") 77 and FAR part 77.23 standards for determining whether a structure is an "obstruction" and whether a negative decision from the ALUC will impact the City's ability to approve the proposed Project.

**2-11**

Mitigation Measure M-3A.7 states that "(t)he applicant shall submit a lighting plan and photometric plan to be reviewed by the City of Newport Beach. The lighting plan shall include design features ... to minimize impacts of light and glare on the surrounding area." The auto display area is elevated above MacArthur Boulevard and Jamboree Road the intersection. The mitigation measure should be revised in the Final EIR to ensure the lighting plan takes into consideration greater potential for light spillover due to the lower roadway elevation.

**2-12**

Further, Mitigation Measure M-3A.6, with its use of "off-site architectural massing to block light sources" appears to be in contradiction with the lighting plan and photometric plan promised in Mitigation Measure M-3A.7, which is intended to "to minimize impacts of light and glare on the surrounding area." The Final EIR should discuss fully how the proposed lighting plan and photometric plan will impact surrounding areas and propose mitigation measures that minimize those impacts.

**2-13**

Mitigation Measure M-3A.9 states that the applicant will apply for a use permit from the City, and that the City will amend the Planned Community Development Standards, Newport Place "to reflect the proposed use on the site and incorporate development standards reflecting the highest level of improvements as now exist in the project area." The language in this mitigation measure is vague, and it is difficult to understand what the mitigation measure will achieve and how it will be measured by the public and decision makers. This mitigation measure should be revised in the Final EIR to accurately address the proposed Project's consistency with local land use policies.

**2-14**

### Chapter 3B Hydrology, Water Quality and Storm Water

This chapter focuses on potential impacts to surface water hydrology, surface water quality, groundwater hydrology, and groundwater quality resulting from the development of the proposed Project. As stated in this chapter of the DEIR, the majority of the Project site's runoff discharges into Dove Street catch basin, which in turn discharges to San Diego Creek. San Diego Creek is a tributary of Upper and Lower Newport Bay, which ultimately discharges into the Pacific Ocean. The San Diego Creek and both Upper and Lower Newport Bay are all considered impaired water bodies.

**2-15**

The DEIR states that the Project applicant has prepared and submitted a Water Quality Management Plans ("WQMP"), which includes Best Management Practices ("BMP") for site design, as well as source and treatment control for the proposed Project site's runoff. The DEIR further states that the WQMP is available for review at the City of Newport Beach. "The project WQMP demonstrates that the proposed project will implement post-construction BMPs to mitigate potential pollutants generated at the project site that may compromise the beneficial uses and water quality objectives of downstream receiving water bodies." DEIR P. 3B-12

The WQMP should have been included as an appendix to the DEIR, and the BMPs contained therein should have been fully analyzed in the DEIR in order for the public and decision makers to review and comment on it. However, since Mitigation Measure M-3B.2 calls for its submittal, it appears that the City may not have approved the WQMP.

**2-16**

The Final EIR should include the WQMP, discuss fully all water quality and hydrology impacts, and provide specific and enforceable mitigation measures to lessen any such impacts.

### Chapter 3C Transportation/Traffic

This chapter addresses the traffic impacts associated with the proposed Project. The DEIR summarizes the analysis that was conducted for the Project site. However, the DEIR does not include the traffic study itself as an appendix, but states that "(t)he entire report is available for review at the City of Newport Beach." Again, this makes it difficult for the public to review and comment on the traffic analysis, and the Final EIR should include the "Traffic Study for Newport Lexus" as an appendix.

**2-17**

Chapter 3C lists the various agency regulations that govern the traffic analysis. The Final EIR should include Measure S among the applicable regulations and discuss whether the General Plan Amendment and additional traffic generated by the proposed Project trigger Measure S regulations.

**2-18**

MacArthur Boulevard is a high speed, high traffic volume arterial. Adding a drive aisle to this street without providing acceleration and deceleration lanes can

**2-19**

increase the potential for accidents and impede through traffic. For this reason, the location and geometry of the MacArthur Boulevard access drive needs to be evaluated in the following areas:

**2-19 Cont.**

- Vehicles approach the site on MacArthur Boulevard at a downhill grade and drive at a high rate of speed. Vehicles that have not slowed significantly prior to entering the site will pose a hazard to customers shopping for vehicles in the parking lot. The traffic study should be revised to show how vehicles will be slowed so they may safely enter the site without impeding through traffic on MacArthur Boulevard.
- Drivers exiting the site onto MacArthur Boulevard from the right-in, right-out driveway may attempt to cross several travel lanes to reach the left-turn lane onto northbound Jamboree Road. The traffic study should be revised to include a weaving analysis to determine whether drivers can safely make this movement, or whether operational improvements should be incorporated into the proposed Project to preclude drivers from attempting a dangerous traffic maneuver.
- The lack of an acceleration lane for drivers exiting the site onto MacArthur Boulevard will require them to merge into high speed traffic from a stop. The traffic study needs to be revised to evaluate traffic impedance and accident potential from vehicles merging onto MacArthur Boulevard.

**2-20**

**2-21**

At the Fletcher Jones dealership, vehicles waiting to be serviced are dropped off on Bayview Way. To ensure that vehicles do not stack onto Dove Street at the new Lexus dealership, the Final EIR should include a stacking and queuing study to determine if the staging areas are large enough to accommodate the volume of customers at peak drop off hours.

**2-22**

Mitigation Measure M-3C.2 requires the widening of MacArthur Boulevard to three left turn lanes and a fourth through lane. The DEIR does not indicate whether these improvements will require right-of-way acquisition. The Final EIR should fully analyze where the right-of-way is needed, the cost of right-of-way acquisition, and any environmental impacts of the widening. DEIR P. 3C-11

**2-23**

According to the DEIR, the Traffic Phasing Ordinance (“TPO”) calculation of the applicant’s fair share of the improvements called for in Mitigation Measure M-3C.1 and M-3C.2 is only 7.8% for the Irvine/Mesa intersection and 10.5% for Jamboree and MacArthur Boulevard. The Final EIR should specify if there are other sources of funds for these improvements and when the improvements are likely to be constructed.

**2-24**

Finally, the MacArthur Boulevard drive aisle and the Bowsprit/ MacArthur Boulevard intersection are potentially hazardous sharp curves and dangerous intersections. The “Traffic Study for Newport Lexus” should be revised to include an analysis of these areas, and the Final EIR should discuss fully all traffic impacts

**2-25**

associated with the MacArthur Boulevard drive aisle and the Bowsprit/ MacArthur Boulevard intersection, and provide specific and enforceable mitigation measures to lessen any such impacts.

**2-25 Cont.**

Appendix, Section 3 List of Mitigation Measures Incorporated Into the Project

This section lists mitigation measures that were incorporated into the project. However, these mitigation measures are not discussed in the Project Description and are not included in the list of mitigation measures in Table ES-1 on DEIR P. ES-5. The absence of these mitigation measures from sections of the report where mitigations would normally be found could lead to their omission when the proposed Project is implemented. The Final EIR should incorporate these mitigation measures into the proper chapters and sections of the main body of the document.

**2-26**



# AIRPORT LAND USE COMMISSION

## FOR ORANGE COUNTY

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

January 11, 2005

Mr. David Lepo, Project Manager  
Hogle-Ireland, Inc.  
42 Corporate Park, Suite 280  
Irvine, CA 92606

Subject: Draft Environmental Impact Report (DEIR) for Newport Lexus Dealership

Dear Mr. Lepo:

On behalf of the Airport Land Use Commission (ALUC) for Orange County, we have reviewed the DEIR for the Newport Lexus Dealership and wish to offer a few pertinent comments/corrections.

The reference to the ALUC on page 3A-7 incorrectly suggests that the Commission is an agency or arm of the County of Orange. In fact, the formal name of the ALUC was adopted specifically to convey the fact that ALUC is a State-mandated independent local commission operating under particular provisions of the California Public Utilities Code, and is not a "department" of County government. More significantly, the footnote citing the discussion's online source (*JWA AELUP*) is inappropriate as the current *JWA AELUP* (dated 12/19/2002) is not yet available on the airport's website. Copies of the current *JWA AELUP* are available at the ALUC office, as well as at the City's Planning Department. Pages 3A-7 & 3A-8 also contain typos in referring to the *AELUP*.

3-1

Mitigation Measure M-3A.10 (page 3A-16) correctly states that the applicant shall submit project plans to the FAA for evaluation under FAR Part 77, but incorrectly states that the applicant shall also submit the project to the ALUC for a Consistency/Inconsistency Determination. By law, the ALUC functions as an agency to agency entity. Consequently the City of Newport Beach bears the responsibility to submit the project for ALUC review.

3-2

Also, it merits noting that California Public Resources Code Section 21096(a) requires that lead agencies preparing an EIR for a project within an ALUC's airport planning area (i.e. *AELUP* zone) utilize the Caltrans/Division of Aeronautics' *California Airport Land Use Planning Handbook* as a technical resource for the CEQA document. The *Handbook* is available on-line at the Caltrans/DOA website which is: [www.dot.ca.gov](http://www.dot.ca.gov) under Land Use Planning.

3-3

Thank you for this opportunity to comment on this Draft EIR for a project in the environs of JWA.

If you have any questions, please contact me at (949) 252-5170 or [jgolding@ocair.com](mailto:jgolding@ocair.com).

Sincerely,

A handwritten signature in cursive script that reads "Joan S. Golding".

Joan S. Golding  
Executive Officer

cc: City of Newport Beach Planning Department



## LETTER 4



Community Development Department

[www.ci.irvine.ca.us](http://www.ci.irvine.ca.us)

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

January 12, 2005

Mr. David Lepo, Project Manager  
Hogle-Ireland, Inc.  
42 Corporate Park, Suite 250  
Irvine, CA 92606

**Subject: Draft EIR for a Lexus Dealership in the City of Newport Beach**

Dear Mr. Lepo:


The City of Irvine has received and reviewed the information on the above referenced project and has the following comments:

1. Per our phone conversation on Wednesday, January 5, 2005, please provide the City with a copy of the "Planned Community Development Standards, Newport Place." Staff is requesting for this information to confirm the additional uses that are permitted under this zoning district. **4-1**
2. Page ES-1 – Reference the figure that depicts the project location. **4-2**
3. Page ES-3 – Under the "Reduced Project Alternative" scenario, identify what is being reduced by 13,000 square feet. **4-3**
4. Page ES-7 and 3C-11 - Please revise the language describing mitigation measure number M-3C.2 to clearly identify the proposed improvements at the intersection of MacArthur Boulevard and Jamboree Road. As it currently reads, it is difficult to understand what improvements are being proposed. **4-4**
5. Page ES-9 – Revise mitigation measure M-3D.12 to ensure that construction-related traffic on the City of Irvine streets will be addressed and mitigated in the EIR. The City is requesting that the construction traffic hours be limited to 9:00 a.m. to 3:00 p.m. and 7:00 p.m. to 5:00 a.m. only. The City does not permit construction traffic during the peak hours. **4-5**
6. Page 2-9 – Add text in the EIR to state that deliveries/drop off will not be allowed on Jamboree Road or MacArthur Boulevard. **4-6**

7. Tables 2-2 & 2-3 – Clarify whether the R.D. Olsen project at 2801 Main Street (340 dwelling units with 6,500 s.f. of retail) was considered in the cumulative impacts to the project. It is not listed under the Tables 2-2 and 2-3 for the summary of pending and approved projects. For your information, the conditional use permit was approved by the Planning Commission on October 21, 2004. 4-7
8. Include a Sub-Section in Chapter 2 (Project Description and Site Characteristics) and Chapter 3C (Transportation/Traffic) to describe the proposed site access points (“Site Access”) in order to clearly understand the type and precise location of the proposed access points. 4-8
9. Page 3C-1 - The EIR shall include additional important information/tables/exhibits such as existing/proposed trip generations, trip distribution and so forth. Include the same tables and exhibits from the Lexus Traffic Impact Study. 4-9
10. Submit the proposed project site design plan to the City’s Public Works Department for detail analysis/review of the proximity of the proposed right in/out access to the intersection of MacArthur Boulevard and Jamboree Road. A Weaving Analysis (60 percent right out conflicts with MacArthur Boulevard SB through, SB free right turn and SB left turn traffic) may be required at a later date to review the impacts of 60 percent right out traffic. 4-10

Thank you for the opportunity to review and comment on the proposed document. We would appreciate the opportunity to review any further information regarding this project as the planning process proceeds. If you have any questions, please contact me at by phone at (949) 724-6375 or by email at [dinguyen@ci.irvine.ca.us](mailto:dinguyen@ci.irvine.ca.us).

Sincerely,



DIANE NGUYEN  
Associate Planner

cc: Tina Christiansen, Director of Community Development  
Brian Fisk, Manager of Planning Services  
Michael Haack, Manager of Development Services  
Barry Curtis, Principal Planner  
Farideh Lyons, Senior Transportation Analyst  
File



# LETTER 5

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER Governor

## DEPARTMENT OF TRANSPORTATION

District 12

3337 Michelson Drive, Suite 380

Irvine, CA 92612-8894

Tel: (949) 2724-2267

Fax: (949) 724-2592

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CITY OF NEWPORT BEACH



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January 12, 2004

Mr. David Lepo

City of Newport Beach

3300 Newport Boulevard

P.O. Box 1768

Newport Beach, California 92658-8915

File: IGR/CEQA

SCH#: 2004081004

Log #: 1442-A

SR #: 73

Subject: Newport Lexus Dealership

Dear Mr. Lepo,

Thank you for the opportunity to review and comment on the Lexus Dealership Draft Environmental Impact Report, and the Traffic Impact study dated November 2004. The project applicant, Wilson Automotive Group proposes to develop a 30,000 square foot dealership showroom, a 1000,00 square foot auto service building, a multi story parking structure that would accommodate up to 1,700 spaces for employees parking and storage of sales inventory. The project site is located on 3901, 3931, and 3961 MacArthur Boulevard and 848 and 888 Dove Street in the City of Newport Beach California. The nearest State Route to the project site is State Route 73.

Caltrans District 12 status is a reviewing agency on this project and has the following comments:

### Traffic

1. Traffic Analysis for the intersection of Bristol Street and Jamboree Road, and northbound SR-73 MacArthur tangent off ramp should be conducted. The trips generated, as a result of this project would cause queuing of left-turning traffic to the through lanes of southbound Jamboree Road. In addition the report does not address the impact on northbound SR-73 MacArthur tangent off ramp due to the increased traffic flow. These potential impacts and proposed mitigation measures have not been addressed in the report and must be submitted to Caltrans for review and comments. 5-1
2. Intersection analysis on state highway system shall utilize HCM method. The analyses presented in the report are based on ICU method, which does not address the above impacts. Please submit the evaluation of the above impacts and any subsequent mitigation measures using the HCM method for Caltrans review and comments. The analysis should indicate the average 70<sup>th</sup> and 90<sup>th</sup> queues at the above locations. The impact to the traffic on Jamboree Road (southbound approach) and MacArthur tangent off ramp (northbound SR-73) should be addressed based on the estimated queue lengths. 5-2
3. Caltrans requires that if any cultural or paleontological materials are discovered within the Caltrans right of way during this project, all construction activities in the immediate area must cease until the Caltrans cultural staff can inspect the find. 5-3

"Caltrans improves mobility across California"



## Environmental

4. All work within the State Right of Way must conform to Caltrans Standard Plans and Standard Specifications for Water Pollution Control, including production of a Water Pollution Control Program (WPCP) or Storm Water Pollution Prevention Plan (SWPPP) as required. Additionally, all work within State Right of Way must comply with the restrictions listed in the Caltrans Statewide NPDES Permit (Order No. 99-06-DWQ) and the Caltrans Storm Water Management Plan (May 2003), and any subsequent revisions, to avoid impacting water quality. When applicable, work within State Right of Way shall also conform to the requirements of the General NPDES Permit for Construction Activities, Order No. 99-08-DWQ, NPDES No. CAS000002. In addition, the project must conform to the requirements of any subsequent revisions and additions to any applicable water quality regulations during time of construction. Please note that all projects involving soil disturbance activities should pay extra attention to storm water pollution control during the "Rainy Season" (October 1<sup>st</sup> - April 30<sup>th</sup>) and follow the Water Pollution Control BMPs to minimize impact to the receiving waters. Measures must be incorporated to contain all vehicle loads and avoid any tracking of materials, which may fall or blow onto Caltrans roadways or facilities. 5-4
5. No modifications can be made to State drainage facilities without the approval of the District 12 NPDES Unit. 5-5
6. In the event of any activity in Caltrans' right-of-way, an encroachment permit will be required. Applicants are required to plan for sufficient permit processing time, which may include engineering studies and environmental documentation. 5-6

Please continue to keep us informed of this project and any future developments, which could potentially impact the transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

Sincerely,

*Maryam Molavi for*

ROBERT F. JOSEPH, Chief  
IGR/Community Planning Branch

- c. Terry Roberts, Office of Planning and Research  
Terri Pencovic, Caltrans HQ IGR/Community Planning  
Isaac Alonso Rice, Traffic Operations North  
Praveen Gupta, Environmental Planning A

## RESPONSE TO COMMENTS

**Letter 1:**  
**December 14, 2004**  
**Southern California Association of Governments**  
**Jeffrey M. Smith, AICP Senior Regional Planner**

No response necessary.

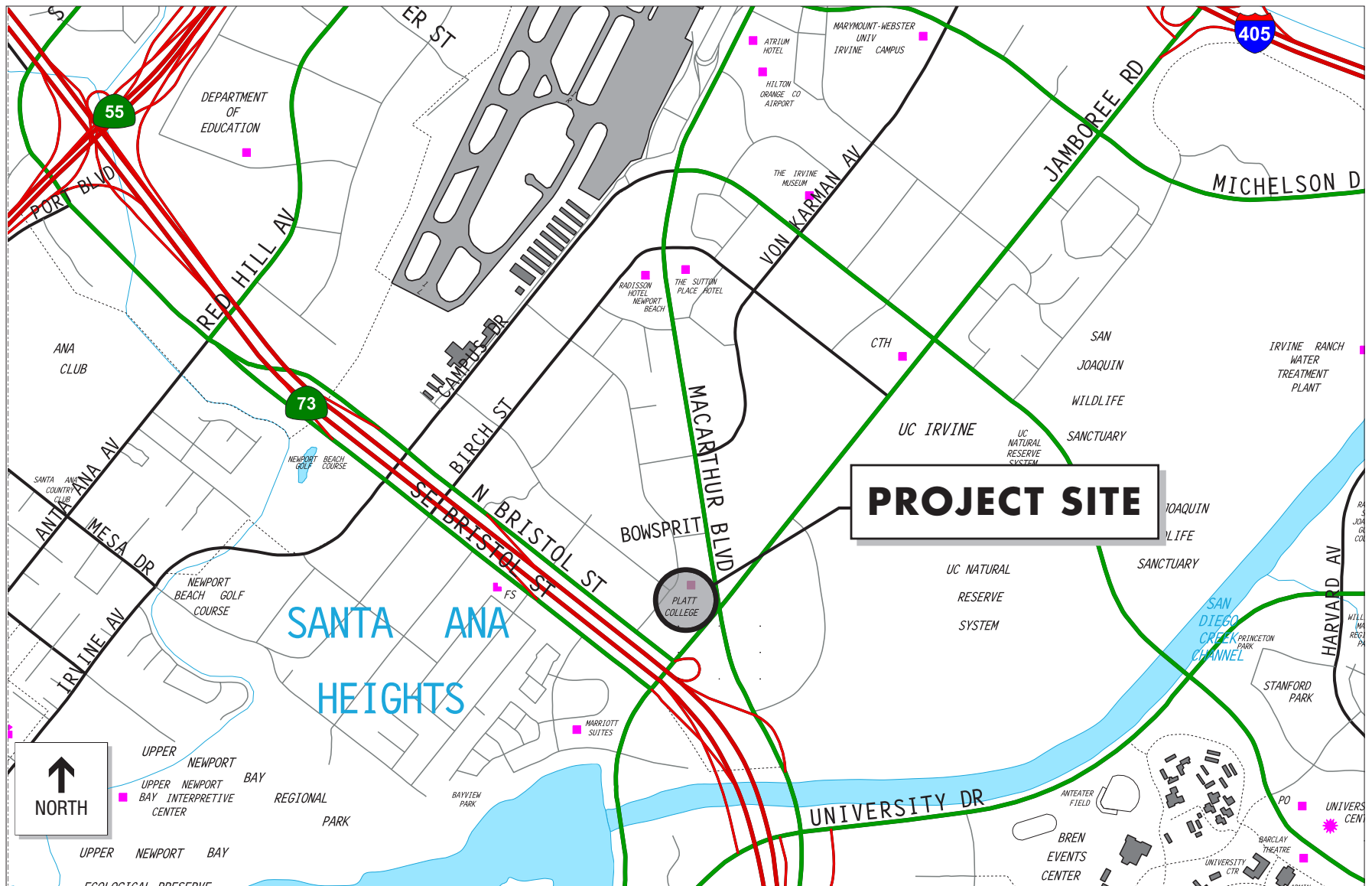
**Letter 2:**  
**January 10, 2005**  
**City of Newport Beach**  
**Memorandum from Lexus Subcommittee Environmental Quality Affairs Citizens**  
**Advisory Committee (EQAC)**

- 2-1 There is very little difference between the project discussed throughout the Draft Lexus Newport EIR and the “Reduced Project Alternative”. The minor reduction in service bays of 13,000 square feet results in a minor reduction in traffic impacts, however, this reduction would be sufficient to reduce project impacts at the two intersections identified as impacted in the traffic section of the EIR from significant to less than significant (although the alternative would still have a TPO impact that would be mitigated through fairshare participation in funding improvements). All other impacts would be essentially the same or only incrementally reduced.
- 2-2 The project specific objectives of the applicant (as shown at the top of p. E5-3 and middle of p. 2-4) are:
- To better serve the existing Lexus customer base in Newport Beach.
  - To expand Lexus’ market share in Orange County and the Newport Beach area; and
  - To construct a facility of high architectural quality, complimentary to the Newport Beach image.

The EIR also highlights that the project would help achieve certain City goals as identified in the City Council Economic Development Policy. Although these are listed in the Project Objectives section of the EIR, they are City goals that the project would help achieve, not project objectives. Issues associated with sales tax and other financial information are not the subject of CEQA documents. An economic analysis of the project was prepared for the City by Keyser Marston Associates, Inc. The analysis shows the project is projected to generate nearly \$1.5 million of sales tax revenue to the City in its first year of operation, growing to over \$2 million per year by the tenth year of operation. The City Council has approved a sales tax sharing agreement with the project applicant, which provides that the City and the applicant will share the local sales tax generated by the project equally until such time as the applicant is paid \$9.5 million at 5% interest. Based on the projected sales tax from the project, the City would complete payments in year 14 of operations. During the 14 years during which sales tax would be shared, the City would still be receiving new sales tax revenue, with its 50% share ranging from \$725,000 to \$1.2 million per year, and the total over 14 years reaching \$13.7

million. The City's full share of sales tax for the 15<sup>th</sup> year of operation would be \$2.5 million.

- 2-3 As indicated in the last paragraph on p. 3A-15 of the Draft EIR, "The Newport Beach General Plan Land Use Element designates the northerly five acres of the project site as 'Administrative, Professional and Financial Commercial' and the southerly three acres as 'Retail and Service Commercial'." Zoning for the entire site is PC Planned Community, as explained at the top of p. 3A-16.
- 2-4 The "; and " at the end of the third bullet at the top of p. ES-3 is deleted.
- 2-5 The first sentence of the second paragraph under the heading, "Alternatives to the Project" on P. ES-3 of the DEIR is deleted. The purpose of an alternatives analysis is to identify alternatives that would reduce identified significant impacts. The project already included identification of mitigation measures that would eliminate all significant adverse impacts. Thus identifying further ways to reduce impacts through different alternatives is unnecessary. However, the reduced project alternative does provide another method of reducing project impacts.
- 2-6 See response to comment 1 above.
- 2-7 A label is added to Figure 1 to identify Bowsprit.
- 2-8 See response to comment 1 above.
- 2-9 The City has no policies or process for design review. No architectural style has been established for any area of the City. There is no prevailing architectural style of existing surrounding developments.
- 2-10 None of the trees identified for removal are on City property and are therefore not subject to the City's policy. If street trees are required, they will be provided in accordance with applicable City policies.
- 2-11 The project is below the glide path for the airport and would comply with all applicable regulations. See also Letter 3 comments and responses.
- 2-12 The purpose of the City reviewing the photometric plan is to ensure that there is no inappropriate spillover light, and the elevations of surrounding roadways are taken into consideration in that review.
- 2-13 Mitigation Measure M-3A.6 is revised to reference "nearby buildings to block light sources" rather than "off-site architectural massing to block light sources." The intent of this measure is to consider the effect of and the impact upon other buildings in the evaluation of project lighting and the potential impact on any sensitive light receptors. Not all occupants of buildings are sensitive to light. This measure is complementary to measures M-3A.7.



SOURCE: Thomas Brothers Maps, 2004

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**Figure 2-1**  
Project Location Map

- 2-14 The end of mitigation M-3A.9, “and incorporate development standards reflecting the highest level of improvements as now exist in the project area” is deleted. The intent of this language was to require use of building materials/finishes equal to, or better than, those of surrounding buildings. However, the City has no policies relating to design. In addition the approval of the use permit requires findings of compatibility of the proposed use with existing uses.
- 2-15 Comment noted.
- 2-16 The WQMP is fully summarized in the Draft EIR. The full document is available for review at City Hall. The WQMP is fully analyzed in the Draft EIR, and appropriate mitigation identified. The City will review and approve the WQMP in connection with their review and approval of grading permits. In this way the latest BMP’s and requirements will be included.
- 2-17 The traffic study is fully summarized in the Draft EIR. It is available for review at City Hall.
- 2-18 Measure S is not related to physical environmental impacts and is not relevant to this CEQA document. It will be addressed in the Staff Report for this project.
- 2-19 There is an existing right-turn auxiliary lane along the entire MacArthur Boulevard project frontage, which becomes a free right-turn at the Jamboree intersection. Vehicles entering the Lexus site on MacArthur Boulevard will do so from this auxiliary lane, and will be out of the flow of through traffic on MacArthur Boulevard. The main driveway is also designed with a large radius on the entering approach to enable entering vehicles to make the turn without the need to slow to a near stop. An additional deceleration lane is not needed at this driveway.
- 2-20 The traffic analysis indicates that 20% of the project traffic will exit the site and turn left at Jamboree Road. This represents 14 vehicles in the morning peak hour and 42 vehicles in the evening peak hour. The Highway Capacity Manual weaving analysis was used to evaluate the “weave” that would be required for 42 vehicles to cross three southbound lanes in approximately 175 feet to get to the left-turn pocket over the course of an hour. The analysis was conducted for the Cumulative With Project evening peak hour, since this would represent the worst case. The analysis results indicate that the weave Level of Service would be LOS “C” due primarily to the small number of vehicles making the weave maneuver over the course of an hour.
- 2-21 The right-turn auxiliary lane along the MacArthur Boulevard frontage will provide an opportunity for exiting vehicles to accelerate while merging into the through lanes. A separate acceleration lane is not needed.

- 2-22 The Lexus site will provide three dedicated inbound queuing lanes, each more than 350 feet in length, (storage capacity for approximately 40 vehicles) for customers arriving for service. If the number of incoming vehicles exceeds the capacity of the three dedicated lanes, the center lane and one of the outbound lanes on the service entrance can be temporarily used for queuing inbound customer vehicles until the queue dissipates. This would allow for a total of approximately 60 additional vehicles.

Once the arriving vehicles are processed, they will be taken into the service building. The service building will accommodate 160 vehicles being serviced, waiting to be serviced, and already serviced. After being serviced, cars will be taken to the carwash area, which will accommodate an additional 26 vehicles. The layout of the Lexus site and the generous vehicle stacking and staging areas have been designed specifically to avoid the queuing and overflow problems experienced at other dealerships.

- 2-23 Mitigation Measure M-3C.2 would require some widening on Jamboree Road (not MacArthur Boulevard). The recommended improvement has not been engineered to determine right-of-way and cost issues. This level of detail is not required at the EIR stage. In addition, this mitigation measure is only required of the Full Project. Since the Reduced Intensity Alternative has been identified as the preferred alternative, this improvement will not be required of the project.
- 2-24 Additional funding sources for the Irvine / Mesa improvement include County funding programs and traffic impact fees collected from other developers. This intersection is scheduled for improvement through a County-sponsored improvement program by the Year 2007.
- 2-25 It is assumed that the reference to a potentially hazardous sharp curve refers to the angled MacArthur Boulevard drive aisle. The site plan presented in the EIR is conceptual as it relates to site access and on-site circulation. A detailed site plan will be required of the project, and the driveway design and all site access and circulation features will be reviewed and refined through the site design review and approval process at the City.

The operation of the intersection of Bowsprit and MacArthur was addressed in the traffic study. The study indicates that the project will be responsible for modifying the Bowsprit / MacArthur intersection to reduce the outbound curb radius from 90 feet to the typical 35 feet, to create additional separation between Bowsprit and the project entrance, and to slow the speed of vehicles turning out of Bowsprit and reduce the conflicts between Bowsprit traffic and dealership traffic.

- 2-26 The mitigation measures included in Section 3 of Appendix A are those preliminarily identified at the Initial Study stage of the process. Many of

these measures were revised and expanded in the Draft EIR. Measures related to impacts that were fully mitigated at the Initial Study stage (Cultural Resources, Noise, Utilities and Service Systems) are not included in the Draft EIR, because these issues were fully examined and ‘Focused out’ of the EIR at the Initial Study stage based on the analysis contained therein.



**Letter 3:**  
**January 11, 2005**  
**Airport Land Use Commission for Orange County**  
**Joan S. Golding, Executive Officer**

- 3-1 The reference to the ALUC in the last paragraph at the bottom of p. 3A-7 is changed from “Orange County Airport Land Use Commission” to “Airport Land Use Commission for Orange County”. The footnote at the bottom of p. 3A-7 is revised to read:

<sup>2</sup> Airport Land Use Commission, Airport Land Use Plan for John Wayne Airport.

References to the “ALUP” at the bottom of p. 3A-7 and top of p. 3A-8 are revised to be “AELUP.”

- 3-2 Mitigation measure M-3A.10 is revised to read:

The applicant shall submit project plans to the FAA to be evaluated under FAR Part 77. The City shall submit plans to the ALUC for a Determination of Consistency or Inconsistency with the AELUP.

- 3-3 Comment noted. The Draft EIR is consistent with the Handbook.

**Letter 4:**  
**January 12, 2005**  
**City of Irvine**  
**Diane Nguyen, Associate Planner**

- 4-1 Comment noted. Requested materials were sent.
- 4-2 A reference to Figure 2-1 is added to the first paragraph on p. ES-1 under the subheading 'Project Overview'.
- 4-3 The reduction of 13,000 square feet identified in the Reduced Project Alternative is in service bays.
- 4-4 Mitigation Measure M-3C.2 calls for the addition of a third westbound left-turn lane and a fourth eastbound through lane at the intersection of Jamboree Road and MacArthur Boulevard. Please note that Jamboree Road is considered to be the east-west street, and MacArthur Boulevard is considered to be the north-south street.
- 4-5 The City of Irvine, via e-mail of February 1, 2005 from Diane Nguyen, agreed to the following. Mitigation Measure M-3D.12 is revised to add the following:
- Construction traffic hours will be prohibited as follows: 7:00 p.m. to 7:00 a.m. Monday through Friday; 6:00 p.m. to 9:00 p.m. Saturday; all day Sunday and federal holidays. All vehicles involved with material deliveries, loading or transfer of materials, equipment service, and maintenance of any devices for or within any construction project shall not operate on City of Irvine streets during prohibited hours unless a waiver has been granted by the City.
- 4-6 As indicated at the bottom of p. 2-7, "Delivery trucks would access the site from Dove Street." This will be a standard condition of approval.
- 4-7 The R. D. Olsen project at 2801 Main Street (340 dwelling units, 6,500 sf of retail) was inadvertently omitted from Table 2-3; it was however assumed in the traffic analysis (see Table 2, Page 9 of the traffic report). It is hereby added to Table 2-3 of the EIR.
- 4-8 Site access is discussed in the last paragraph on p. 2-7. Site access is also discussed on p. 3C-14 under the heading "Potential Impact 3C3: Any hazards due to a design feature or incompatible use."
- 4-9 The following sentence and associated trip generation table and trip distribution graphic are added to the EIR at the bottom of p. 3C-8:

“Project trip generation and existing trip generation at the site are shown in Table 3C-2A; project trip distribution is shown in Figure 3C-0.”

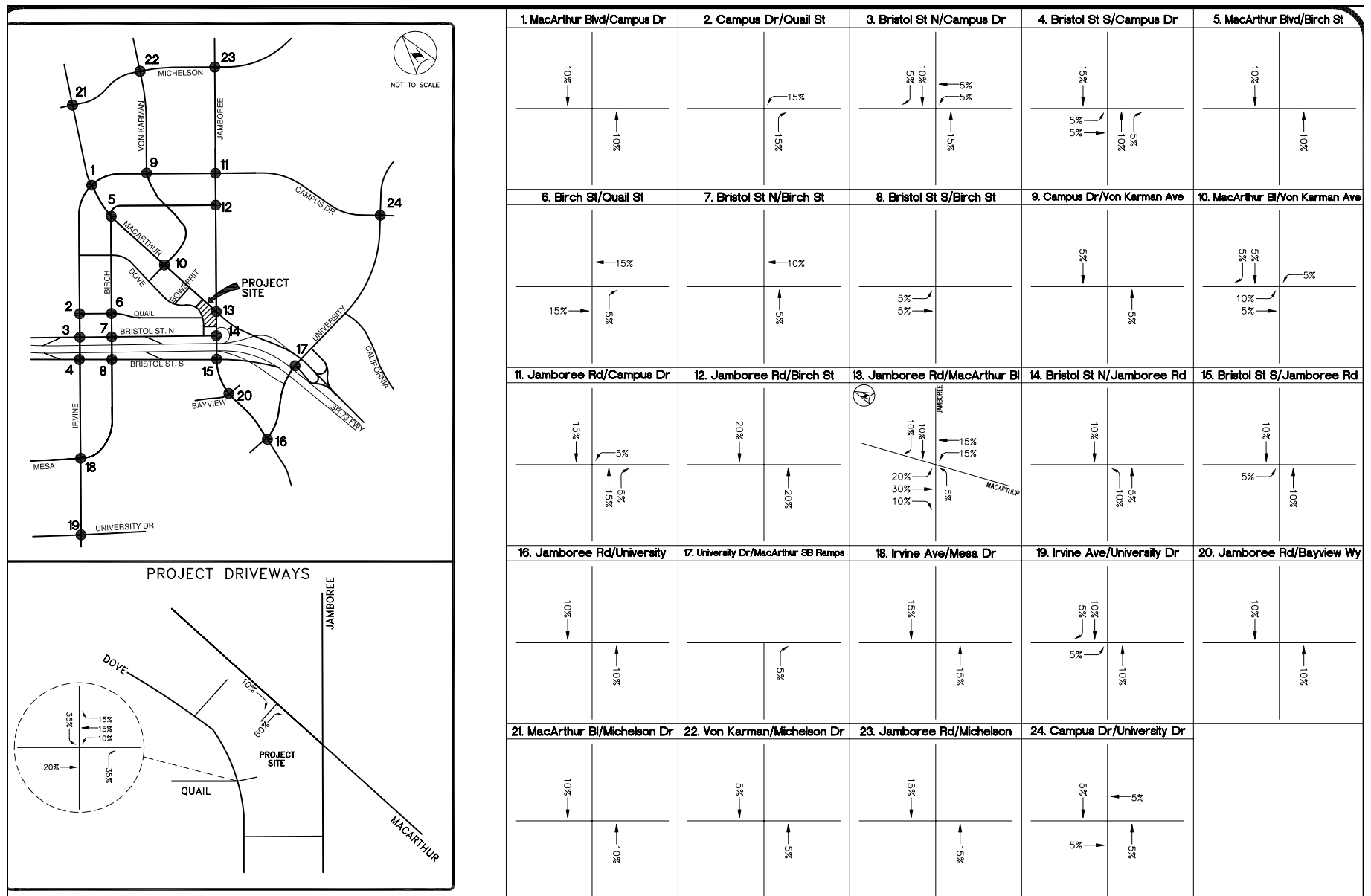
4-10 See response to comment 2-20 above.

**Table 3C-2A**  
**Newport Lexus Car Dealership**  
**Summary of Project Trip Generation <sup>1</sup>**

Land Use	ITE Code	Unit	Quantity	Trip Generation Rates							Project Trip Generation						
				Daily	AM Peak			PM Peak			Daily	AM Peak			PM Peak		
					In	Out	Total	In	Out	Total		In	Out	Total	In	Out	Total
Proposed Project																	
New Car Sales	841	KSF	130	33.34	1.52	0.53	2.05	1.03	1.61	2.64	4,334	197	69	266	134	209	343
Existing Uses																	
General Office	710	KSF	81.9	11.01	1.36	0.19	1.55	0.25	1.24	1.49	-902	-112	-15	-127	-21	-101	-122
Auto Care Center	158	KSF	9.595	15.86 <sup>2</sup>	1.91	1.03	2.94	1.69	1.69	3.38	-152	-18	-10	-28	-16	-16	-32
Total New Traffic											3,280	67	44	111	97	92	189

<sup>1</sup> Trip Generation rates based on the Institute of Transportation Engineers (ITE) publication, Trip Generation, Seventh Edition.

<sup>2</sup> Saturday daily trip generation rate was utilized since a weekday daily rate was not available.



SOURCE: Kimley-Horn and Associates, Inc.

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**Figure 3C-0**  
Project Trip Distribution

**Letter 5:**  
**January 12, 2004 (sic)**  
**Department of Transportation**  
**Robert F. Joseph, Chief**

- 5-1 After consultation with Caltrans engineer Steve Pham on January 31 and February 1, Caltrans has indicated that the reference to the Jamboree Road / Bristol Street intersection can be disregarded.

The following is added to page 13 of the traffic study under Trip Distribution: Project traffic was not assigned to the northbound SR-73 MacArthur Boulevard off-ramp, because project traffic on northbound MacArthur Boulevard destined for the Lexus site would find the northbound SR-73 route to be more out-of-direction than staying on MacArthur Boulevard. The project therefore would not be expected to impact the flow and queuing on the ramp.

- 5-2 With the discussion and understanding described above in Comment, additional analysis of queuing at these two locations is not needed.
- 5-3 Comment noted.
- 5-4 Comment noted.
- 5-5 Comment noted.
- 5-6 Comment noted.