OLD NEWPORT BOULEVARD SUB AREA
GENERAL PLAN AMENDMENT

INITIAL STUDY AND
MITIGATED NEGAIVE DECLARATION

December 14, 2009

Lead Agency:

City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, CA 92658 – 8915

Jaime Murillo
Associate Planner
949-644-3209

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PROJECT DESCRIPTION

INTRODUCTION

The City of Newport Beach is the lead agency under the California Environmental Quality Act (CEQA). This Initial Study has been prepared pursuant to the requirements of Section 15063 of the CEQA Guidelines.

PROJECT LOCATION

The project includes three parcels: 328, 332, and 340 Old Newport Boulevard in the City of Newport Beach, Orange County, California (see **Figure 1**).

Old Newport Boulevard was formerly the primary roadway leading into the City from the north. It was lined by highway-oriented commercial uses. However, with the construction of (new) Newport Boulevard, vehicle trips have shifted onto the new road leaving Old Newport Boulevard to serve as a local collector. The project area is a transitional area between hospital use (Hoag Hospital) to the west across (new) Newport Boulevard and single-family residential uses to the east. Immediately north and south of the project site and west across Old Newport Boulevard are one to two-story office and retail uses.

EXISTING SETTING

The project site is occupied by surface parking, three buildings containing office, medical office and one residence. Surrounding uses include single family residential to the east across an alley, one to two-story office and retail buildings to the north and south and across Old Newport Boulevard. The project site is designated General Commercial Office, with an allowable floor area to land area ratio (FAR) of 0.5 (CO-G 0.5), and is zoned Specific Plan Area 9, Old Newport, Retail Service Commercial (SP-9, RSC).

The site slopes up south to north along Old Newport Boulevard (the difference in grade from the south end of the site to the north end is about 10 feet) and steeply slopes up west to east from Old Newport Boulevard to the alley (the difference in grade between Old Newport Boulevard and the alley is about 24 feet at the south end of the site and 16 feet at the north end of the site).

Approximately 8.7-percent of the site is currently covered with impervious surfaces (2,240 sq. ft.).

PROJECT DESCRIPTION

The Project Applicant, Dr. Emanuel Shaoulian, is seeking a General Plan Amendment (GPA) to allow 1.0 FAR of development on the site (as compared to the currently permitted 0.5 FAR). An FAR of 1.0 could result in 25,725 square feet (sq. ft.) of development. The applicant intends to develop up to this amount of space subject to compliance with other Code requirements (such as parking). The currently proposed configuration of the project is 25,000 sq. ft., but in the final design process the bulding area could increase.

The applicant proposes to consolidate three existing parcels located along Old Newport Boulevard, demolish three older existing office and mixed-use buildings (totaling 14,012 square feet), and construct an approximately 25,000-square-foot (sq. ft.) medical office building. The combined area of the three

parcels is 25,725 sq. ft. (0.59 acres). The proposed project would require an amendment to the Land Use Element of the Newport Beach General Plan (GPA) to allow the requested floor area. The current allowable floor area to land area ratio (FAR) under the General Plan is 0.5 (12,863 sq. ft. of development is currently allowable). The applicant is requesting a change to allow an FAR of 1.0 (25,725 sq. ft. of allowable development). The proposed 25,000 sq. ft. medical office building would result in an actual FAR of 0.97.

The proposed project includes 10,988 sq. ft. of additional floor area than currently exists on-site (14,012 sq. ft. of varying uses currently occupy the site – see below). The requested GPA would allow for 12,862 sq. ft. of additional floor area than currently allowed by the General Plan. Existing development on the site exceeds the currently allowable FAR. See **Table 1** for a summary of existing and proposed floor areas.

TABLE 1:
OLD NEWPORT BOULEVARD GPA -- FLOOR AREAS

	Existing		Proposed	
	General Plan	**Existing Site**	**General Plan**	**Proposed Site**
Lot Area	N/A	328 Old Newport Blvd.: 5,890 sq. ft. 332 Old Newport Blvd.: 13,314 sq. ft. 340 Old Newport Blvd.: 27,725 sq. ft. Total: 25,725 sq. ft. (0.59 acres)	N/A	Combined: 25,725
Gross Floor Area	12,862.5 sq. ft. (0.5 FAR)	14,012 sq. ft. (non-conforming)	25,725 sq. ft	Commercial: 25,000 sq. ft. (0.97 FAR)
Specific Uses	N/A	328 Old Newport Blvd.: 5,000 sq.ft. office 332 Old Newport Blvd.: 3,012 sq.ft. all medical office 340 Old Newport Blvd.: 5,000 sq.ft. general office 1000 sq. ft of residential	N/A	Medical Office: 25,000 sq. ft.
Net Increase in General Plan Entitlement (25,725 sq. ft. – 12,862.5 sq. ft.)			12,862 sq. ft.	
Net Increase in Potential New Floor Area (25,725 sq. ft. – 14,012 sq. ft.)			11,713 sq. ft.	
Net Increase in Proposed Floor Area (25,000 sq. ft. – 14,012 sq. ft.)			10,988 sq. ft.	
SOURCE: City of Newport Beach 2009.				

The project site is on a hillside that has already been substantially modified. The natural grade of the site slopes up steeply from the west to the east, about 18 to 24 feet across the 100-foot deep site, from Old Newport Boulevard to the alley that separates the project site from single-family residential development. The project site also slopes up south to north about 8 feet (across the 250-foot-wide site).

The proposed building would have four levels: two levels of parking and two floors of office space. Both parking levels would be partially below grade – the lower parking level would be at grade at the southwest corner of the site (where there would be vehicular access from Old Newport Boulevard), but below grade at the northwest corner of the site (on Old Newport Boulevard); the upper level parking would be at grade at the northwest corner of the site (where there would be vehicular access from Old Newport Boulevard); both parking levels would be fully subterranean along the eastern property line of the site along the alley. Each parking level would allow one-way traffic flow. The first office level would be partially below the existing grade at the northern end of the site along the alley.

The project would include parking in compliance with the Zoning Code (one space per 200 sq. ft. of medical office floor area), or 125 parking spaces (seven of which would be on the street). Use of one on-street space will require relocation of a utlities cabinet.

Full vehicular ingress/egress to parking would be at-grade on Old Newport Boulevard on the northwest (upper parking garage level) and southwest (lower parking garage level) corners of the site. No vehicular

access or parking is proposed to be taken from the alley sperating the site from the existing residences to the east.

Pedestrian access would be available from both the alley and Old Newport Boulevard.

Figure 2 shows the lower parking garage level at grade on Old Newport Boulevard (parking), **Figure 3** shows the upper parking garage level, **Figure 4** shows the first office level, **Figure 5** shows the second office level, **Figure 6** shows east and west elevations of the proposed building, **Figure 7** shows the north and south elevations, and **Figure 8** shows a building section.

The proposed building height would not exceed 32 feet above natural grade, as measured in accordance with the Zoning Code, with the exception of a stairwell and elevator shaft. The stairwell and elevator shaft (including mechanical equipment/architectural screening) is proposed at a maximum height above natural grade of 44 feet 10 inches for a small portion of the site (about 600 sq. ft.) at the northwest corner just south of the parking access along Old Newport Boulevard. The building would be about 26.5 to 31 feet above natural grade along the alley (including screening). The building would be of modern design with architectural details that include diagonal lines along the front of the building. The building would also include substantial setbacks from the southwest corner at each office level in order to maximize views of the ocean from the new office space and to conform with the original natural grade of the site.

The project would include 1,300 sq. ft. of total landscaped area and 1,147 sq. ft. of decorative and pervious paving along the alley to the east of the site. (The project would have approximately 1,861 sq. ft. of total pervious surfaces; a decrease of about 380 sq. ft. compared to existing conditions.) The Zoning Code requires 8 percent of the site to be landscaped (2,048 sq. ft.), with up to one half allowed to be decorative paving (1,024 sq. ft.). Above grade, the building is proposed to provide a setback ranging from 5 feet to 16 feet from the rear alley property line; decorative paving would be provided within the required 5-foot setback area. Together with the existing 20 foot wide alley, the decorative paving would allow at least 25 feet of vehicle maneuverability along the alley adjacent to the site.

For purposes of the Initial Study, the project includes the maximum buildable area that could be developed under the GPA (25,725 sq.ft.) rather than the area proposed by the applicant (25,000 sq. ft.) in order to evaluate potential "worst case" impacts that could occur should the GPA be approved.

EXISTING USES

The 0.59-acre (25,725 sq. ft) project site currently includes three parcels (with four legal lots, since the 332 parcel consists of two legal lots). The following improvements would be demolished as part of the project:

- 340 Old Newport Boulevard (see **Figure 9**) – 5,000 sq. ft. of general office, 1,000 sf residential (one unit) and surface parking on a 6,521 sq. ft. site.

- 332 Old Newport Boulevard (see **Figure 10**) – 3,012 sq. ft. of medical office and surface parking on a 13,314 sq. ft site.

- 328 Old Newport Boulevard (see **Figure 11**) – 5,000 sq. ft of office uses and surface parking (accessible from alley) on a 5,890 sq. ft lot.

There are currently a total of 49 parking spaces on the three parcels. **Figures 9 to 15** show views of surrounding uses.

SCHEDULE

Construction is proposed to start in 2010. Completion of construction and full occupancy are anticipated to occur in 2012.

The project would involve 16,800 cubic yards (cy) of grading with 12,700 cy of soil to be exported.

The construction schedule is anticipated to be as follows:

Demolition: 3 weeks
Excavation: 6 to 10 weeks
Foundations: 10 weeks (including 1 to 2 weeks of pile driving)
Building construction: 24 weeks
Architectural coatings (painting): 4 weeks
Building Finishing: 2 weeks

APPROVAL REQUIREMENTS

Dr. Emanuel Shaoulian is seeking approvals for the implementation of the proposed project. The intent of the Initial Study and Mitigated Negative Declaration is to enable the City of Newport Beach, other responsible agencies, and intrested parties to evalaute the environmental impacts of the propsoed project, thereby enabling them to make informed decisions with respect to the requested entitlements.

The proposed project would require the following entitlements from the City of Newport Beach:

- An amendment to the Land Use Element of the Newport Beach General Plan to increase the allowable FAR from 0.5 to 1.0.

- A use permit to exceed the 32 foot base height limit for the zoning district with the elevator and stairwell shaft. With the approval of a use permit, an increase in the height limit of up to 50 feet is allowable (with exceptions for up to an additional 5 feet for mechanical equipment and accessory structures).

- A lot merger or a parcel map to consolidate the three parcels (four legal lots) into one parcel.

- A modification permit to allow the proposed subterranean parking area to encroach into the 5-foot rear yard setback.

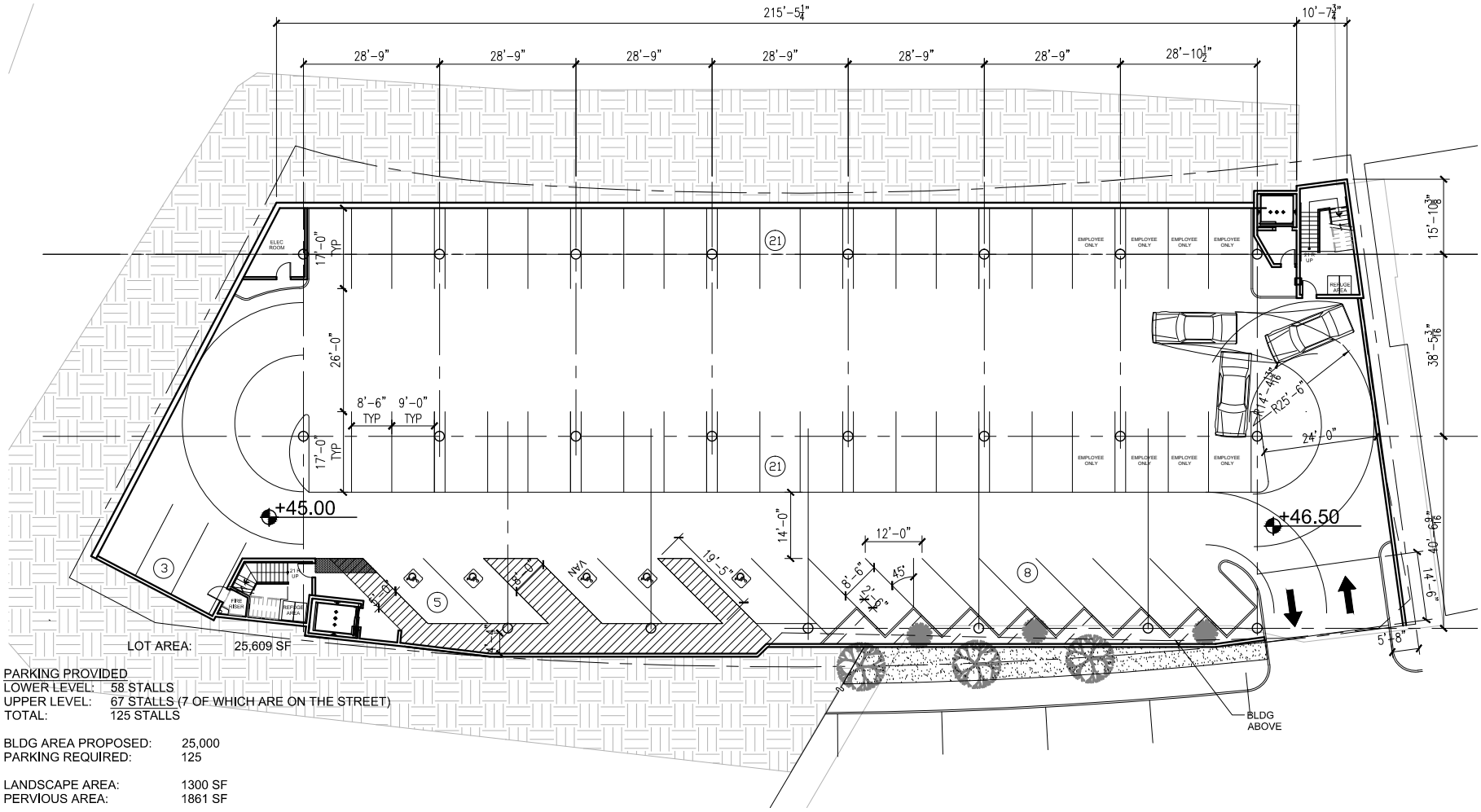
- Approval of a seven space off-street parking credit pursuant to Section 20.46.040(L) of the Zoning Code for the creation of seven, on-street parking spaces along the project frontage on Old Newport Boulevard.

- Preparation of a Traffic Study pursuant to the City's Traffic Phasing Ordinance, as the project would result in a net increase of 703 average daily trips (ADT) exceeding the 300 ADT threshold.

SOURCE: Google Earth Pro, Sirius Environmental, 2009

Figure 1

Project Location



LOT AREA: 25,609 SF

PARKING PROVIDED
LOWER LEVEL: 58 STALLS
UPPER LEVEL: 67 STALLS (7 OF WHICH ARE ON THE STREET)
TOTAL: 125 STALLS

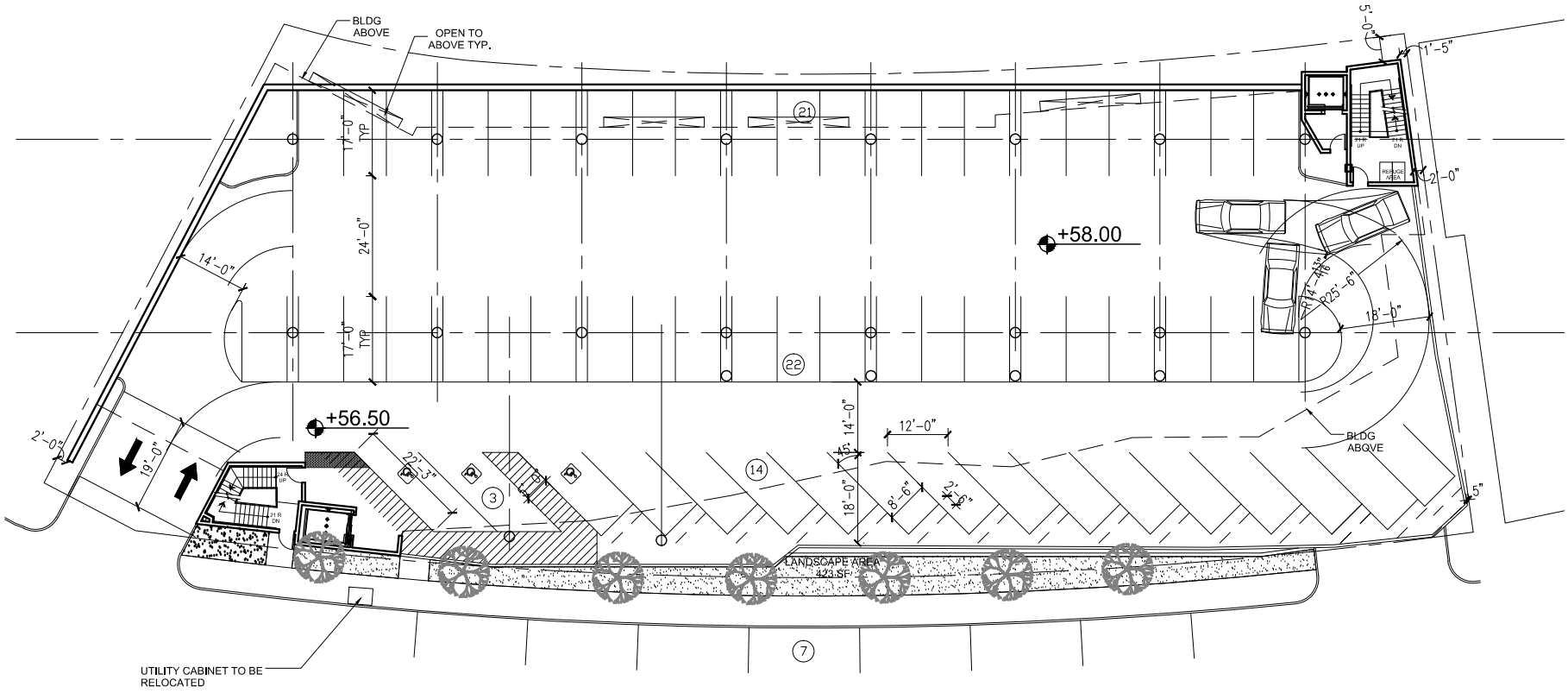
BLDG AREA PROPOSED: 25,000
PARKING REQUIRED: 125

LANDSCAPE AREA: 1300 SF
PERVIOUS AREA: 1861 SF

SOURCE: Wood, Burghard, Swain Architects, 2009

Figure 2

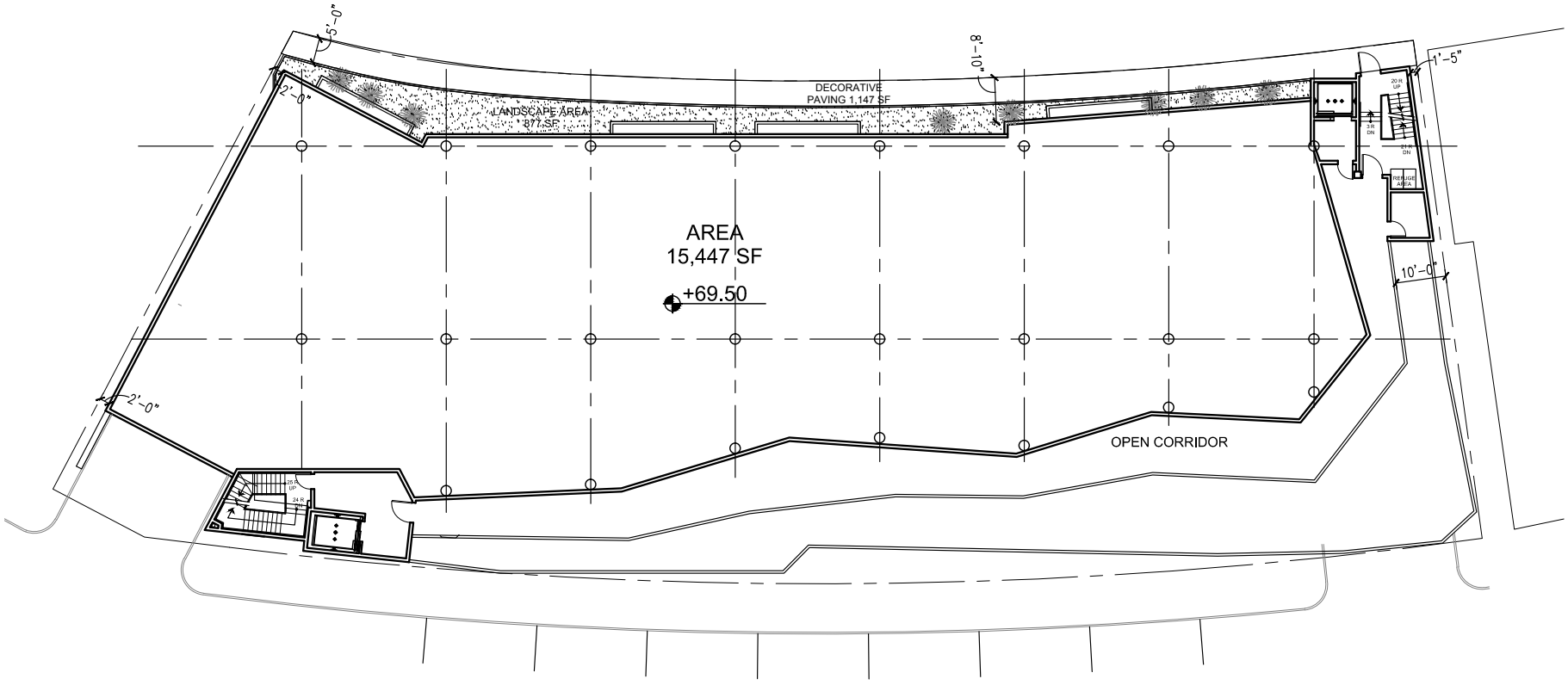
Lower Level Parking



SOURCE: Wood, Burghard, Swain Architects, 2009

Figure 3

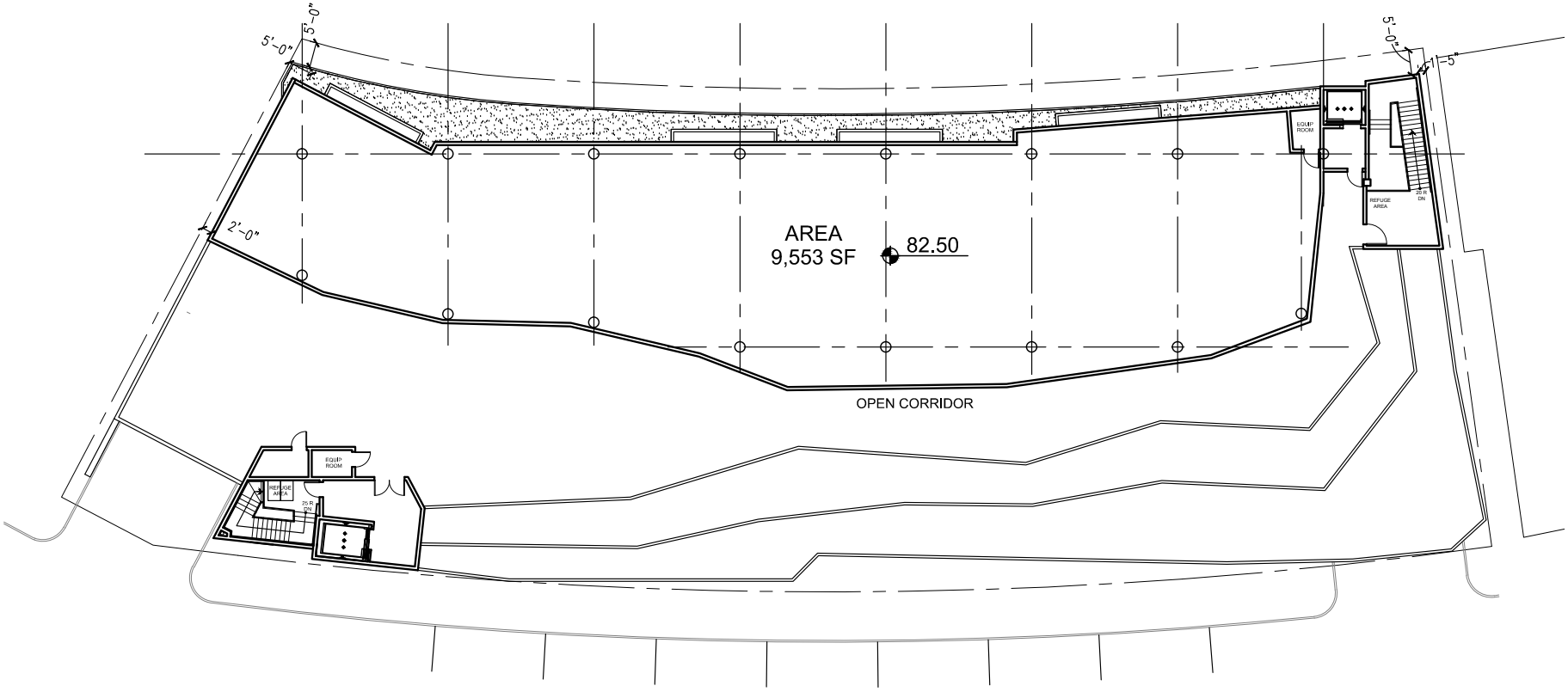
Upper Level Parking



SOURCE: Wood, Burghard, Swain Architects, 2009

Figure 4

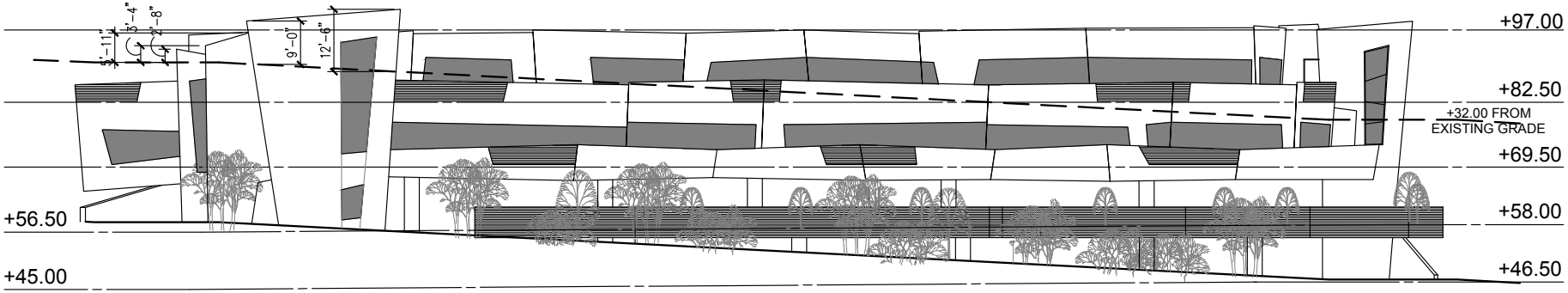
Office Level 1



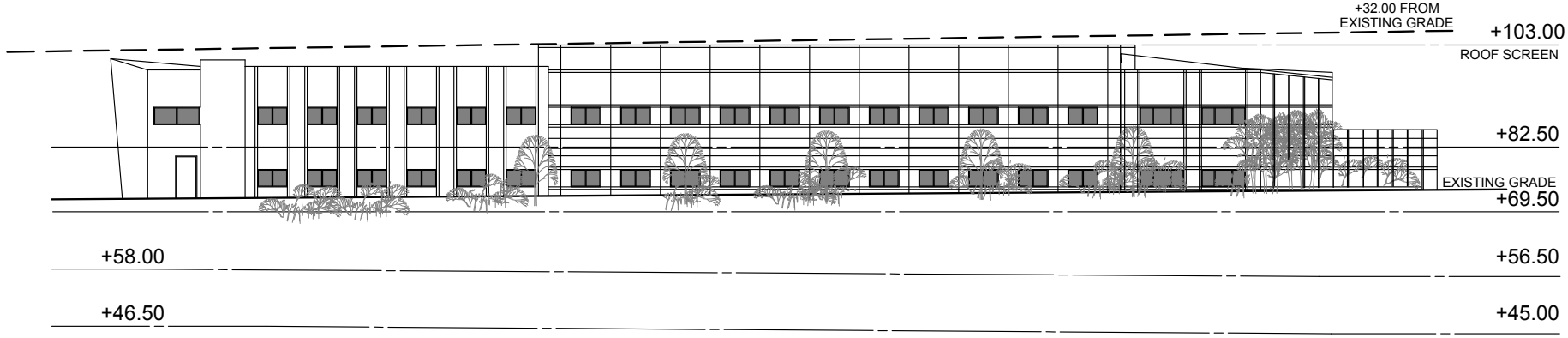
SOURCE: Wood, Burghard, Swain Architects, 2009

Figure 5

Office Level 2



OLD NEWPORT - WEST ELEVATION

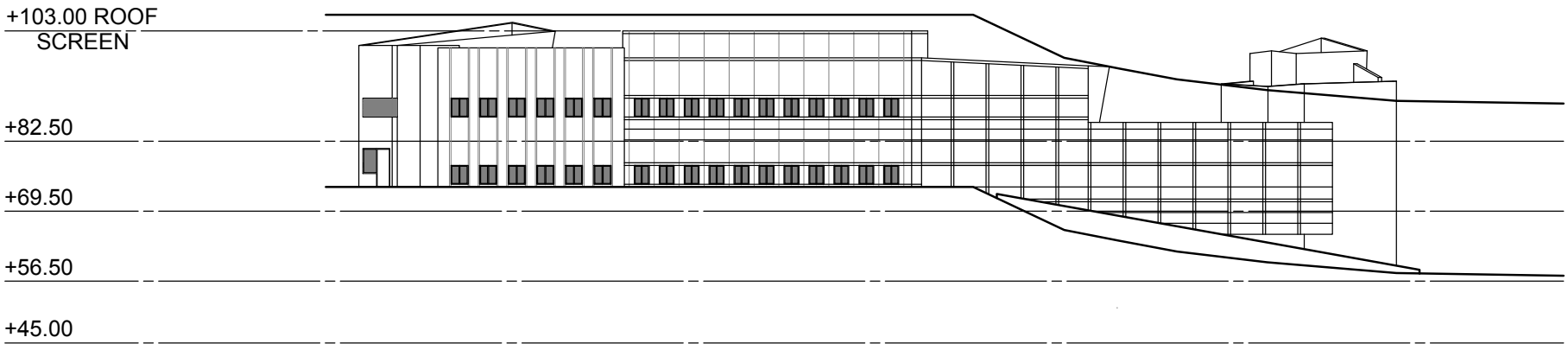


ALLEY - EAST ELEVATION

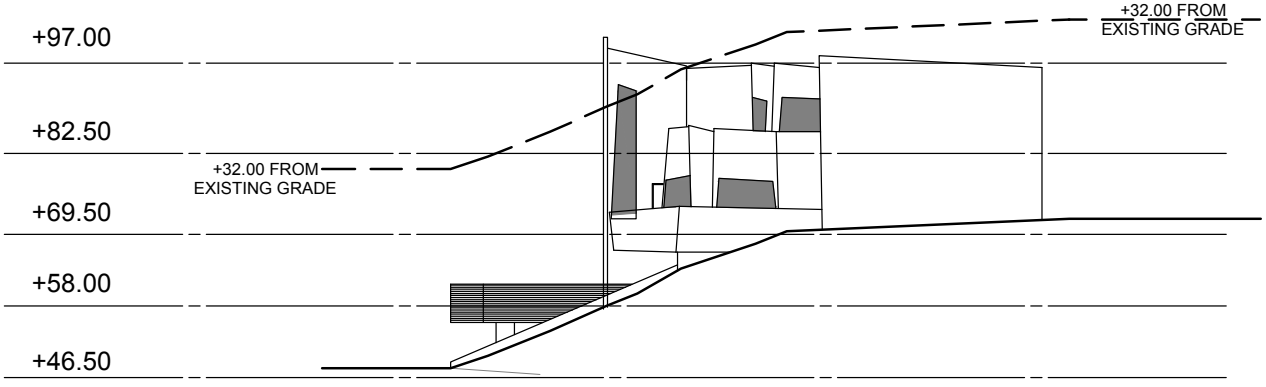
SOURCE: Wood, Burghard, Swain Architects, 2009

Figure 6

East-West Elevations



SIDE - NORTH ELEVATION

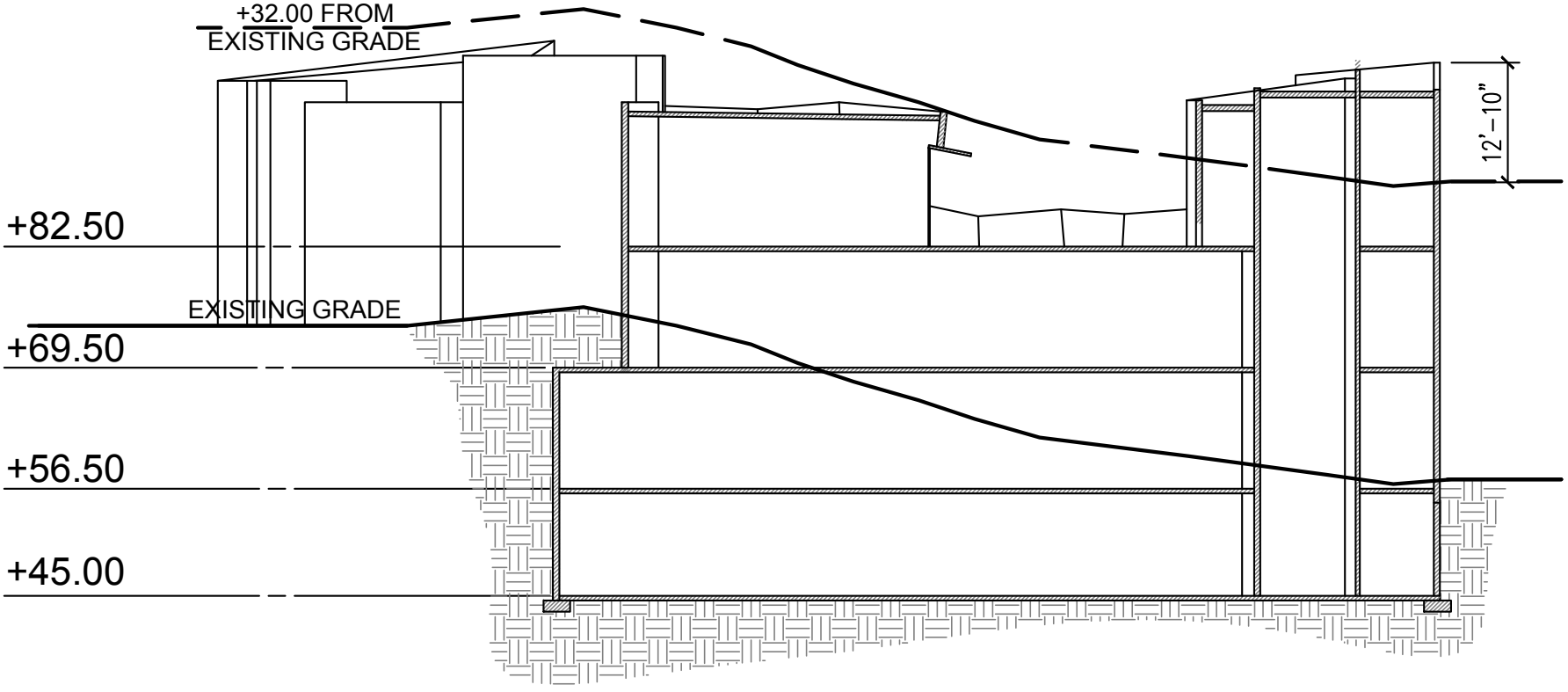


OCEAN VIEW - SOUTH ELEVATION

SOURCE: Wood, Burghard, Swain Architects, 2009

Figure 7

North-South Elevations



SOURCE: Wood, Burghard, Swain Architects, 2009

Figure 8

Building Section

Figure 9: Project Site -- 340 Old Newport Boulevard

Figure 10: Project Site -- 332 Old Newport Boulevard

Figure 11: Project Site – 328 Old Newport Boulevard

Figure 12: View North along Old Newport Boulevard (340 Building visible to right of picture)

Figure 13: View South along Old Newport Boulevard (328 Building visible to left of picture)

Figure 14: View West across Old Newport Boulevard (Hoag Hospital and associated parking, located west of Newport Boulevard visible in center and right of picture)

Figure 15: View south along Alley located immediately east of site (340 and 332 Buildings visible in center and right of picture), residential uses located immediately east of alley

Figure 16: View West from Alley across northern half of 332 Old Newport Boulevard (approximate view seen from residence shown in Figure 15).

Figure 17: View West from Alley across 328 Old Newport Boulevard

Figure 18: View of Residential neighborhood located east of Alley (north along Holmwood Drive)

SECTION 2.0
CEQA CHECKLIST

The following Environmental Checklist and evaluation of potential environmental effects were completed in accordance with Public Resources Code Section 21166 and Section 15063(d) of the *Guidelines*. A brief explanation is provided for all determinations. A "No Impact" or "Less than Significant Impact" determination is made when the project will not have any impact or will not have a significant effect on the environment for that issue area based on a project-specific analysis

ENVIRONMENTAL CHECKLIST FORM

1. Project Title:	Old Newport Boulevard General Plan Amendment
2. Lead Agency Name and Address:	City of Newport Beach Planning Department 3300 Newport Boulevard Newport Beach, CA 92658 – 8915
3. Contact Person and Phone Number:	Jaime Murillo Associate Planner 949-644-3209
4. Project Location:	328, 332, and 340 Old Newport Boulevard, City of Newport Beach, Orange County, California
5. Project Sponsor's Name and Address:	Michael C. Adams Associates (Applicant) 21190 Beach Boulevard Huntington Beach, CA 92648 Emanuel Shaoulian, M.D. (Property Owner) 3300 West Coast Highway Newport Beach. CA 92663

6. General Plan Designation: General Commercial Office, with an allowable FAR of 0.5 (CO-G 0.5).

7. Zoning: Specific Plan Area 9, Old Newport, Retail Service Commercial (SP-9, RSC).

8. Description of Project: The applicant requests a General Plan Amendment to increase the allowable FAR on the site from 0.5 to 1.0. While an FAR of 1.0 would allow up to 25,725 sq. ft, the applicant is currently proposing a medical office building of 25,000 sq. ft.; the building area could increase in final design. See Section 1.0 of this document for a detailed description of the project.

9. Surrounding Land Uses and Setting: Commercial uses north, south and west of the project site, single-family residential uses (land use designation -- RS-D, zoning designation – R-1) immediately east of the site across the alley.

10. Other agencies whose approval is required: None.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

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

DETERMINATION:
On the basis of this initial evaluation:

☐ I find that the proposed project DOES NOT have the potential to have a significant effect on the environment and a CATEGORICAL EXEMPTION will be prepared.

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

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

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

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

☐ I find that the project modifications do not result in new or more severe significant impacts than analyzed in the previous EIR, and that the project modifications do not require major revisions to the previously certified EIR.

Signature

December 14, 2009

Jaime Murillo, Associate Planner

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐
II. AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. **Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				

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

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

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on strata or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled 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 located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

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

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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 housing within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation of seiche, tsunami, or mudflow?	☐	☐	☐	☒
IX. LAND USE AND PLANNING -- 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 the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?	☐	☐	☐	☒
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐

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

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i. Fire protection?	☐	☒	☐	☐
ii. Police protection?	☐	☐	☐	☒
ii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒
XIV. RECREATION – Would the project:				
a) 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) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒
XV. TRANSPORTATION / TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☒	☐
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☒	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☒	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☒	☐	☐
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☒	☐	☐
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?	☐	☐	☐	☒

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XVII. MANDATORY FINDINGS OF SIGNIFICANCE – Does the project:				
a) 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) 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) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

SECTION 3.0
DISCUSSION OF ENVIRONMENTAL IMPACTS

I. AESTHETICS

Would the project:

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

Less than Significant Impact. Although views of the ocean are not available from grade on Old Newport Boulevard, there are limited views available from portions of the alley (which is 16 to 24 feet above the grade of Old Newport Boulevard) immediately east of the site. Existing buildings on the site block most views of the ocean from the alley above the project site. The City has policies that protect public views and corridors; however, there are no protected public view corridors or view points in the vicinity of the project (General Plan Policy NR 20.3– Public Views, identifies protected view corridors in the City). The nearest identified public view corridor is from Newport Boulevard from Hospital Road/Westminster Avenue to Via Lido, which would not be impacted by the project. The project would therefore have a less than significant impact on scenic vistas.

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

No Impact. Old Newport Boulevard is not a roadway where views are protected (General Plan Policy NR 20.3– Public Views identifies protected view corridors in the City). The project site is located on a hillside that has already been substantially altered by existing development. The site does not contain any visually unique resources including, but not limited to, trees, rock outcroppings, or historic buildings. Implementation of the proposed project would not substantially damage scenic resources.

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

Less than Significant Impact. The proposed project would change the visual character of the site and surroundings. The analysis below describes existing on-site buildings, characteristics of the surrounding area, characteristics of the project as compared to the surrounding area, and then presents an overview and conclusions as to impact.

Existing On-Site Buildings. The proposed project would consist of redeveloping a site located along a hillside that is already developed with urban uses. The existing site consists of three buildings with differing architectural styles with their foundations and heights set at different levels. The building located at 328 Old Newport Boulevard consists of two office levels fronting Old Newport Boulvard with roof-top parking accessible from the alley above. The building located at 332 Old Newport Boulevard consists of two office levels fronting the alley, with a large retaining wall that appears as another level as viewed from Old Newport Boulevard and a surface parking area accessible from Old Newport Boulvard. The building located at 340 Old Newport Boulevard consist of a residential unit accessible from the alley and one office level over an open parking level accessible from Old Newport Boulevard. The site also contains a number of large trees including eucalyptus and other non-native landscaping. The current development on the site slightly exceeds the 0.5 FAR currently allowed on the site (the current intensity is 0.54 FAR).

Characteristics of the Surrounding Area. The existing visual character of the surrounding area includes residences to the east across the alley and multi-story commercial buildings to the north, south, and west. In response to development pressures and General Plan policies (see section IX. Land Use) that seek to accommodate uses that "serve adjoining residential neighborhoods, provide professional offices, and support Hoag Hospital," the project area is in transition with older buildings from the 1950's and 1960's being replaced with newer office buildings. The multi-story commerical buildings fronting Old Newport Boulevard are mostly composed of ageing buildings from the middle of the 20th Century, with a few recently constructed buildings, that have varying architectural styles. The current allowable FAR for commercial properties in the Old Newport Boulevard Corridor area is 0.5, although several of the older properties were constructed prior to the current FAR limitations and are non-conforming due to floor area to varying degrees.

Intensity and Building Massing. The applicant is requesting an increase in the allowable FAR of the site to 1.0, twice the floor area of the 0.5 FAR that is currently allowed. The increased floor area would not result in an increased allowable building envelope or coverage of the site as viewed from the east and west elevations (ie. building heights and lot area would not increase). A building designed with a 0.5 FAR and a 1.0 FAR could occupy the same envelope because each building could occupy the entire width of the lot with a height up to 32 feet. However, the increased floor area would result in the existing building envelope being more fully developed, resulting in a building with increased massing (twice as much) compared to what is currently allowed.

Additional building massing would also result from the need to create the two levels of parking needed to satisfy the parking requirements of the increased floor area. The increased massing of the project would be evident along Old Newport Boulevard, where the existing visual character of the surrounding sites includes several older buildings with surface parking. Surface parking of existing uses serves to break up the street wall and reduces the overall building massing on these sites. Building setbacks incorporated into the design would reduce massing on upper floors resulting in a building that follows the original landform of the site and area. The setbacks combined with the slope of the site would make the increased intensity less obvious. While the project would increase the intensity of development on the site, and would contrast with the building intensity of older development in the immediate vicinity, it would appear similar in scale to newer office development in the area.

Building Height. The building would be no greater than 32 feet in height with the exception of an approximately 600-square-foot area to allow for the elevator equipment penthouse and stairwell enclosure that would reach approximately 45 feet above grade. The elevator and stairwell would provide pedestrian access from Old Newport Boulevard as well as access between the partially subterranean parking areas and the above ground offices. The project would be similar in height to newer office buildings in the immediate area (such as the building at the northwest corner of Hospital Road and Old Newport Boulevard) as well as office buildings associated with Hoag Hospital across (new) Newport Boulevard. The project height would not be out of character with the area.

Building Design and Landscaping. The building would be of modern, functional design and would incorporate an angled roofline, fixed-window rows, and setbacks that would follow the pre-existing landform that is a characteristic of the area. The project also includes landscaped areas along the street frontages, with 877 square feet of planted area adjacent to the alley and a narrow strip of landscaping with trees along the majority of the Old Newport Boulevard frontage.

Old Newport Boulevard Frontage. The project would result in a uniform two to three-level above-grade building as viewed from Old Newport Boulevard. There would be a narrow planted area in

front of the building that would include trees and other landscaping that would soften the front façade and make the building frontage and sidewalk in front of the site attractive to pedestrians. The strong geometric design on the Old Newport Boulevard frontage, together with the large building setbacks from the southwest corner would provide visual interest.

Alley Frontage. The project would appear as a uniform continuous two levels above grade along the entire length of the alley frontage adjacent to the residential neighborhood to the east; however, the proposed building would provide a variable setback from the alley ranging from 5 feet to 16 feet; within the provided building setback, landscaping and decorative paving would improve the aesthetics of the alley. No vehicular access would be provided from the alley (where at present there is access to surface parking). This elimination of vehicular access would improve the visual quality adjacent to the site in the alley. The increased alley setback (enhanced with decorative paving and plantings) would also allow increased light and air to the alley and residences across the alley as compared to the minimum required 5-foot setback. The increased height of the proposed elevator and stairwell will not be visible from the alley at the rear of the site as the overall elevation to the top of the elevator and stairwell will remain lower than the elevation of the portion of the building facing the alley (see Figure 8- Building Section); therefore, the proposed project would not adversly impact the residential neighborhood located east of the site.

Overview/Conclusion. The proposed project would incorporate a modern architecture style, organized landscaping, and a building that follows the pre-established landforms. The proposed project would improve the visual character and quality of the area by providing a cohesive architectural style within the area. Most surrounding sites have landscaping along the perimeter of the properties. The project would be similar in character to other buildings in the area that have a modern architecture style (such as the building at 401 Old Newport Boulevard). The project would be approximately twice as intense as development in the immediate area. To minimize the massing on Old Newport Boulevard, the proposed design incorporates setbacks at each of the two office levels. Therefore, while the project would result in a noticeable increase in intensity and massing, it would not significantly degrade the visual character and quality of the surroundings.

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

Less than Significant Impact with Mitigation. Lighting of the new structure would be similar to existing lighting in the area. The following mitigation measure would ensure a less than significant impact to the residential uses located immediately across the alley from the site.

MM V.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.

MM V.2: Prior to the issuance of building permits, the applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Department.

MM V.3: Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. Parking area lighting shall have zero

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

II. AGRICULTURAL RESOURCES

Would the project:

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

and

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

and

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

No Impact. The project is not currently zoned or used for agricultural purposes and does not fall under a Williamson Act Contract. There are no agricultural or forest resources or operations in the vicinity of the project site; therefore, there would be no impacts to agricultural resources.

III. AIR QUALITY

Would the project:

a). Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?

Less than Significant Impact with Mitigation. The Project is requesting an amendment to the General Plan to allow an FAR of 1.0 on the site where 0.5 FAR is currently allowed. The project is consistent with the use assumptions for the site in the City's General Plan and would be within the population and employment projections for the City. The General Plan is used by the South Coast Air Quality Management District (SCAQMD) to prepare the Air Quality Management Plan (AQMP). Project implementation does not include land use changes that would conflict with the General Plan or the AQMP long-range air quality projections. While the General Plan Amendment would allow for additional floor area on the site (of up to 11,713 sq. ft. compared to what is developed on the site today), the amount of additional development is small and would not increase the population or employment projections for the City; therefore, the project would fall within land use assumptions made in the AQMP for the City and region. The additional area would not result in emissions over the SCAQMD thresholds of significance (see **Tables 2** and **3** below). In terms of land use, the proposed medical office use is consistent with the General Commercial Office land use designation for the site contained in the City's adopted Land Use Element of the General Plan. Although the proposed demolition and construction activities would result in temporary emissions and the operation of the medical office project would result in a net incremental increase in traffic that would result in an increase in operational mobile-source emissions, the project would not exceed significance thresholds established by the SCAQMD (see **Tables 2** and **3**). Therefore, no significant impacts are anticipated and the project would not obstruct the implementation of applicable air quality plans and/or programs. Mitigation Measure MM AQ.1 would ensure that construction emissions remain below a level of significance thus further ensuring that the project would be consistent with the AQMP.

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

Less than Significant Impact with Mitigation. The project would not be expected to violate any existing or projected air quality standard.

Construction Impacts

Calculated construction emissions using the Urbemis model (Urbemis 2007, Version 9.2.4; see **Appendix B** for model outputs) are shown in **Table 2**.

Dust is normally the primary concern during grading and construction activities. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive emissions". Emission rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). These parameters are not known with any reasonable certainty prior to Project development and may change from day to day. Any assignment of specific parameters to an unknown future date is speculative and conjectural. Other construction emissions are the result of the use of construction equipment (e.g., graders, bull dozers, scrapers, trucks, etc.), which are necessary to prepare the site/project area and aid in the construction of the improvements. **Table 2** summarizes construction emissions associated with construction of the medical office building and compares the emissions to SCAQMD thresholds. As indicated in **Table 2**, emissions associated with construction activities would not exceed the daily significance thresholds identified by the SCAQMD. Therefore, potential construction impacts would be less than significant. Although construction impacts would be less than significant, given the project's proximity to residential uses, Mitigation Measure MM AQ.1 is recommended (standard City condition) to reduce emissions to the maximum extent possible.

TABLE 2:
CONSTRUCTION EMISSIONS (PEAK DAY POUNDS PER DAY)

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Demolition and Grading (includes demolition of 14,012 sq. ft. of existing structures)							
No Mitigation	4.06	38.35	18.62	0.02	44.51	10.58	4,182.28
With Mitigation					23.96	6.29	
Construction, Finishing							
No Mitigation	27.57	8.85	6.49	0	0.57	0.52	1,150.9
SCAQMD Threshold	75	100	550	150	150	55	--
Exceeds threshold?	No	No	No	No	No	No	No. See discussion below under Greenhouse Gases.

Source: Urbemis 2007, Version 9.2.4 (model output in Appendix B)

Construction equipment exhaust contains carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a lifetime exposure of 24 hours per day, 365 days per year for 70 years. Public exposure to heavy equipment emissions would be an extremely small fraction of the above dosage assumption. Diesel equipment is also becoming progressively "cleaner" in response to air quality rules on new off-road equipment. Any public health risk associated with project-related heavy equipment operations exhaust is therefore not quantifiable, but small.

Construction activity air quality impacts occur mainly in close proximity to the surface disturbance area. However, there may be some "spillover" into the surrounding community. That spillover may be physical as vehicles drop or carry out dirt or silt is washed into public streets. Passing non-project

vehicles then pulverize the dirt to create off-site dust impacts. Spillover may also occur via congestion effects. Construction may entail roadway encroachment, detours, lane closures and competition between construction vehicles (trucks and contractor employee commuting) and ambient traffic for available roadway capacity. Mitigation Measure MM AQ. 1 would minimize these impacts.

Operational Emissions

Potential project-related air quality impacts would result from the net increase in vehicle trip emissions that would be generated from the proposed project. It is anticipated that the proposed project would result in an additional 703 new daily trips, with an associated increase of about 6,890 vehicle miles traveled (VMT) per day. Operational emissions for existing conditions and project conditions were modeled (see **Appendix B** for model outputs). The model calculates area source emissions and vehicular emissions for an assumed project build-out year of 2012. (For the project, a majority of the emissions are from vehicles.) The net increase in emissions (project emissions minus existing emissions) is shown in **Table 3** and compared to SCAQMD thresholds of significance; as shown in the table, project emissions would be well below SCAQMD thresholds.

TABLE 3:
OPERATIONAL EMISSIONS (MAX NET INCREASE POUNDS PER DAY 2012)

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Total (mobile and area sources)	1.83	2.83	56.73	0.07	10.86	2.11	6,458.56
SCAQMD Threshold	55	55	550	150	150	55	--
Exceeds threshold?	No	No	No	No	No	No	No. See discussion below under Greenhouse Gases.
Source: Urbemis 2007, Version 9.2.4 (model output in Appendix B)							

Greenhouse Gases

Greenhouse gases emitted by human activity are implicated in global climate change or global warming. The principal greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, 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 one-half of GHG emissions globally. Industrial and commercial sources are the second largest contributors of GHG emissions with about one-fourth of total emissions.

Some greenhouse gases such as carbon dioxide 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. The principal greenhouse gases that enter the atmosphere as a result of human activities are:

Carbon Dioxide (CO2): Carbon dioxide enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, and trees and wood products, and also as a result of other chemical reactions (e.g., manufacture of cement). Carbon dioxide is also removed from the atmosphere (or sequestered) when it is absorbed by plants as part of the biological carbon cycle.

Methane (CH4): Methane is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.

Nitrous Oxide (N2O): Nitrous oxide is emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.

Fluorinated Gases: Hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are synthetic, powerful greenhouse gases that are emitted from a variety of industrial processes. Fluorinated gases are sometimes used as substitutes for ozone-depleting substances (i.e., CFCs, HCFCs, and halons). These gases are typically emitted in smaller quantities, but because they are potent greenhouse gases, they are sometimes referred to as High Global Warming Potential gases ("High GWP gases"). For purposes of analysis the global warming potential of each gas is equated to Carbon Dioxide (CO2e) and the Carbon Dioxide equivalent is identified in metric tons for each GHG.

California has passed several bills and the Governor has signed at least three executive orders regarding greenhouse gases. The Governor's Office of Planning and Research recently published suggested changes to the CEQA Guidelines that would require that greenhouse gases be evaluated in environmental documents.

The recommended approach for GHG analysis included in the Governor's Office of Planning and Research (OPR) June 2008 Technical Advisory (TA) 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 CEQA statute nor Guidelines prescribe thresholds of significance or a particular methodology for performing an impact analysis. The June 2008 Governor's Office of Planning and Research (OPR) guidance provides some additional direction regarding planning documents as follows: "CEQA can be a more effective tool for greenhouse gas emissions analysis and mitigation if it is supported and supplemented by sound development policies and practices that will reduce greenhouse gas emissions on a broad planning scale and that can provide the basis for a programmatic approach to project-specific CEQA analysis and mitigation. For local government lead agencies, adoption of general plan policies and certification of general plan Environmental Impact Reports (EIRs) that analyze broad jurisdiction-wide impacts of greenhouse gas emissions can be part of an effective strategy for addressing cumulative impacts and for streamlining later project-specific CEQA reviews."

ARB has published draft preliminary guidance to agencies on how to establish interim significance thresholds for analyzing GHG emissions.[1] That guidance, while still in draft form, does provide some assistance to the City in evaluating whether projects would impede the State's mandatory requirements under AB 32 to reduce statewide GHG emissions to 1990 levels by 2020.

The Guidance describes generally three classes of common projects: industrial, commercial, and residential projects. For each type of project, the ARB guidance document recommends that a two-pronged threshold be employed, one performance based and one numerical. For performance standards, the draft guidance suggests that operations and construction of the project be evaluated for its consistency with applicable performance standards contained in plans designed to reduce GHG emissions and/or help meet the State's emission reduction objectives in AB 32. The ARB guidance contains two numerical standards that guide the City's analysis of the impacts of this project. First, the guidance states that some small residential and commercial projects, emitting 1,600 metric tons of

[1] California, State of, 2008. California Air Resources Board (ARB). *Preliminary Draft Staff Proposal: Recommended Approaches for Setting Interim Thresholds for Greenhouse Gases Under the California Environmental Quality Act*. October 24, 2008.

CO2e per year or less, would clearly not interfere with achieving the States emission reduction objectives in AB 32 (and EO S-03-05) and thus may be deemed categorically exempt from CEQA. The guidance does not state or imply that projects emitting more than 1,600 metric tons of CO2e per year will necessarily result in a significant impact, although at this point, the guidance has no precise numerical threshold for commercial and residential projects. For industrial projects, the guidance proposes that projects that emit less than 7,000 metric tons of CO2e per year may be considered less than significant, recognizing that AB 32 will continue to reduce or mitigate emissions from these sorts of projects over time.

Until more guidance is provided from the expert agencies (ARB and/or SCAQMD), the City of Newport Beach intends to consider projects emitting 1,600 metric tons of CO2e per year or less to be less than significant and no further analysis is required. For projects exceeding the screening threshold of 1,600 metric tons of CO2e 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 greenhouse gas emission or (2) would emit more than 6,000 metric tons of CO2e 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.

The Urbemis Model (see Appendix B) indicates annual CO2 emissions (in short tons) from construction and operation of the project. Converted to metric tons (1 short ton = 0.907 metric tons), the project would result in a net increase of 1,035 CO2e metric tons per year during operation. Project construction would result in 193 metric tons of CO2e over the construction period; SCAQMD is considering a methodology to evaluate Greenhouse Gases that would amortize construction emissions over a 30-year project life, construction emissions would add 6.5 CO2e metric tons per year. The City's threshold for a less than significant impact requiring no mitigation is 1,600 metric tons; at 1,041.5 CO2e annually, project emissions would be well below this threshold. The incremental increase in potential greenhouse gases associated with the proposed project would not be significant in the context of the contribution of worldwide GHG impacts and would not interfere with the State's mandatory requirements under AB 32 to reduce statewide GHG emissions to 1990 levels by 2020. In addition, with implementation of Mitigation Measure MM AQ.2 the project would be consistent with City policies to reduce energy use and conserve water.

One of the key approaches to addressing greenhouse gas emissions is a mix of land uses that locate uses adjacent to other activities thereby reducing trips. The proposed project is a commercial use adjacent to residential land uses. The project would provide complementary services to the nearby Hoag Hospital thereby reducing vehicle miles travelled. In addition retail and restaurant uses are available in the area to provide services to project workers. Mitigation measures to reduce energy consumption would also reduce greenhouse gas emissions.

Even though the project would be well below the City's threshold for significant greenhouse gas emissions, mitigation measures to reduce greenhouse gas emissions are recommended below (see Mitigation Measure MM AQ.2).

MM AQ.1: The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas as needed.
- Cover all haul trucks or maintain at least two feet of freeboard.

- Pave, or apply water four times daily to all unpaved parking or staging areas.
- Sweep any site access points within two hours of any visible dirt deposition on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 5 minutes for trucks and heavy equipment.
- The construction contractor shall utilize coatings and solvents with a VOC content lower than required under SCAQMD Rule 1113.
- The construction contractor shall utilize materials that do not require painting, as feasible.

Off-Site Impacts

- Encourage car pooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site as needed to reduce dust.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Excavation

- The number and type of equipment for dirt removal will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth movement to achieve a minimum 10 percent soil moisture content in the top six-inch surface layer, subject to review/discretion of the geotechnical engineer.

MM AQ.2: Energy Conservation

During demolition, to the extent feasible, recyclable materials shall be separated from materials that cannot be recycled.

Incorporate energy and water saving materials, features and practices as feasible; maximize use of low-energy lighting (LED, fluorescent) where feasible; require acquisition of new appliances and equipment to meet Energy Star certification where appropriate.

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

Less than Significant Impact with Mitigation. In accordance with SCAQMD methodology, operational emissions that are or can be mitigated to less than the daily criteria are not significant on a

cumulative basis. As such, project emissions do not add to a cumulatively significant impact. As noted above, short-term construction impacts would not exceed emissions thresholds identified by the SCAQMD and the construction-related impacts would be reduced further through the implementation of watering and other required conditions prescribed in requisite SCAQMD rules and by the City of Newport Beach standard condition reflected in required Mitigation Measure MM AQ.1. Therefore, the project-related cumulative impacts are anticipated to be less than significant and not cumulatively considerable.

d). Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact with Mitigation. The sensitive receptors in the vicinity of the site are the occupants of residential units located 25 feet across the alley from the site. The greatest amount of pollutants generated by the construction activities will occur during the excavation phase. The emissions will be comprised of mostly dust and particulate materials that will be dispersed in the area of operations. These emissions will be controlled through the implementation of standard conditions and rules prescribed by the SCAQMD. The use of dust control measures can substantially reduce the generation of fugitive dust. Watering the site three times a day would reduce dust generation by 61 percent. Rather than representing a significant adverse air quality impact, fugitive dust would represent a temporary annoyance in the immediate vicinity of the project sites as the dust settles on automobiles, homes and other outdoor structures. With the implementation of the dust reducing measures identified above in Mitigation Measure MM AQ.1, which is a standard condition of approval that the City imposes on construction projects, the potential impacts would not be considered significant.

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

Less than Significant Impact. The proposed project would result in similar uses to those currently on the site and creation of objectionable odors affecting a substantial number of people is not anticipated. Project construction would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment bringing asphalt and other building materials to the site. With regards to nuisance odors, any air quality impacts would be confined to the immediate vicinity of the equipment itself. By the time such emissions reach any sensitive receptor sites away from the project site, they are typically diluted to well below any level of air quality concern. An occasional "whiff" of diesel exhaust from passing equipment and trucks accessing the site from public roadways may result; however, such brief exhaust odors are not significant air quality impacts.

IV. BIOLOGICAL RESOURCES

Would the proposed project result in impacts to:

a). Endangered, threatened, or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?

and

b). Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?

and

c). Wetland habitat (e.g., marsh, riparian and vernal pool)?

and

d). Wildlife dispersal or migration corridors?

and

e). Local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?

and

f). Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The project site and surrounding area are developed with urban uses. The site currently includes 2,240 sq. ft. of planters that are pervious and contains trees and other landscape materials. Neither the site nor project area support native species of plants or animals, nor is there any wetland habitat on the site or in the immediate vicinity. All of the vegetation that exists on the site and in the project area is introduced (i.e., non-native) plant materials that are common in urban landscapes; there are no locally designated natural communities on the site or in the immediate vicinty, and there are no wildlife dispersal or migration corridors on the site. There are no species identified as candidate, sensitive, or special status species within the limits of either the site or in the immediate project area, which has been completely altered by development. Therefore, no significant impact would occur to any sensitive species.

Runoff from the project site would potentially result in discharge of pollutants to the local receiving waters, potentially affecting local aquatic organisms; the Water Quality Management Plan (WQMP) required below (see VIII. Hydrology and Water Quality discssion below) would reduce any potential impact to less than significance.

There are several large non-native trees on the site that would be removed as part of the project. The City Council Policy G-3 (Retention or Removal of City Trees) was adopted with the intent to preserve views and to preserve and promote the aesthetic and environmental benefits provided by trees; however, it only applies to City trees (i.e., those located on public property and within public parkways). Removal of the trees and plants on the site would not conflict with any local policies or ordinances.

The project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the implementation of the proposed project would not conflict with any habitat conservation plans. No mitigation measures are necessary.

V. CULTURAL RESOURCES

Would the project:

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

No Impact. Section 10564.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered to be "historically significant," if it meets one of the following criteria:

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

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

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

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

Neither the project site nor the surrounding properties are identified as historic resources in the City's General Plan; they have not been identified to be eligible for listing by the State Historical Resources Commission, nor have they been identified as eligible for listing on the National Register of Historic Places. The three buildings on the site were built in the early 1950's to early 1960's (340 Old Newport Boulevard was constructed in 1958, 328 Old Newport Boulevard was constructed in 1962, 332 Old Newport Boulevard was constructed in 1952 and converted to medical office building in 1996. The buildings are not known to have made a significant contribution to broad patterns of California History, nor are they known to be associated with persons important to our past. None of the buildings possess distinctive characteristics that would make them significant.

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

and

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

and

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

Less than Significant Impact with Mitigation. The City of Newport Beach and area have a long cultural history and are known to have been home to Native American groups prior to settlement by Spanish, Mexican, and Americans. Archaeological materials associated with occupation of the City are known to exist and have the potential to provide important scientific information regarding history and prehistory.

Paleontological resources may be present in fossil-bearing soils and rock formations below the ground surface. A number of localities in the City have a variety of known significant paleontological resources, including portions of the Vaqueros formation that underlie the Newport Coast, the Newport Banning Ranch, the Topanga and Monterey Formations, and Fossil Canyon in the North Bluffs area of the Planning Area.

Past construction on the site has likely disturbed any archaeological resources that may have been present on the site. While the project site has been previously disturbed to construct the existing uses,

the proposed project includes excavation to a depth of about 27 feet. Ground-disturbing activities, particularly in previously undisturbed material has the potential to damage or destroy historic or prehistoric archaeological resources as well as paleontological resources that may be present on or below the ground surface.

In the event that archaeological artifacts or paleontological remains were to be encountered during ground-disturbing activities, then earth moving would be temporarily halted while a qualified archaeologist or paleontologist (as applicable) would examine the materials to determine their importance and, if warranted, collect and process them.

No human remains are known to exist on the project site, and the site is not identified as a formal cemetery. The project site and its surrounding area are highly disturbed and the possibility of discovering human remains is unlikely. However, the lack of past evidence of a Native American burial ground or human remains at the project site does not guarantee the absence of subsurface remains. Therefore, if there is an unexpected discovery of human remains, then the District shall follow guidelines addressed in the Health and Safety Code section that are summarized in MM CR.2 above.

In accordance with State law, if remains are discovered (to be determined by the County Coroner and a qualified archaeologist) no work will be permitted until the remains are removed from the site. Once the remains are removed, construction activities may resume. If the remains are non-Native American and of no forensic significance, the City will make the proper arrangements with a qualified archaeologist to remove the remains and have them reburied in accordance with current Health and Safety guidelines. If the remains are recent, the Coroner will handle all necessary removal and reburial activities.

Mitigation Measures MM CR.1 and MM CR.2 would ensure that impacts to any buried resources on site would be mitigated to a level of less than significance.

MM CR.1: Prior to issuance of a grading permit, the applicant shall provide written evidence to the Planning Director that a qualified archaeologist (with training in the recognition of paleontological resources, or a separate paleontologist) has been retained to observe grading activities and conduct salvage excavation of archeological resources as necessary. The archeologist shall be present at the pre-grading conference, shall establish procedures for archeological resources surveillance, and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit the sampling, identification and evaluation of the artifacts as appropriate. If archeological and/or paleontological features are discovered, the archeologist shall report such findings to the Planning Department. If the archeological resources are found to be significant, the archeological observer shall determine appropriate actions, in cooperation with the City, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Director.

MM CR.2: In accordance with the Public Resources Code §5097.94, if human remains are found, the Orange County Coroner must be notified within 24 hours of the discovery. If the Coroner determines that the remains are not recent, the Coroner will notify the Native American Heritage Commission in Sacramento to determine the most likely descendent for the area. The designated Native American representative then determines in consultation with the City the disposition of the human remains.

VI. GEOLOGY AND SOILS

Would the project:

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

- **i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
- **ii) Strong seismic ground shaking?**
- **iii) Seismic-related ground failure, including liquefaction?**
- **iv) Landslides?**

Less than Significant Impact. The project site is located in tectonically active Southern California. Since the site is located in a seismically active region, numerous faults capable of generating moderate to large earthquakes lie within 100 kilometers of the site.

Known regional active faults that could produce significant ground shaking at the site include the Newport-Inglewood (Offshore and Los Angeles Basin segments), Palos Verdes, and Chino-Central Avenue (Elsinore segment) among others. The Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone also carry the potential to cause earthquakes that would cause ground shaking in Newport Beach. The potential for damage resulting from seismic-related events exists within the City as it does throughout Southern California. Seismic hazards include ground shaking, ground failure, ground displacement, tsunamis and seiches.

The project site is not within an Alquist-Priolo Earthquake Fault Zone as illustrated on the maps issued by the State Geologist for the area. However, other faults without surface expression (i.e., blind faults) or other potentially active seismic sources also capable of generating an earthquake may be present under the site at depth but not yet identified.

The Newport Beach area has a ten percent chance of experiencing ground acceleration greater than 43 to 52 percent the force of gravity in 50 years. These probabilistic ground motion values for the City of Newport Beach are in the high to very high range for southern California and are the result of the City's proximity to major fault systems with high earthquake recurrence rates.

The site is located about 600 feet north of soil indicated as an area with liquefaction potential and about 1,000 feet east of an area shown as having landslide potential (Figure S2 Seismic Hazards Map, Newport Beach General Plan).

All demolition and construction activities within the City would be required to comply with California Building Code (CBC) Chapter 70 standards, which would ensure implementation of appropriate measures during grading activities to reduce soil erosion. In addition, all new developments would also be subject to regional and local regulations pertaining to construction activities. A geology report would be required by the CBC to address site geotechnical and soil conditions. No mitigation measures are necessary.

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

Less than Significant Impact. Currently, the project site is developed with existing buildings, and parking areas. The proposed project would not alter the existing topography of the project area.

Upon completion of the proposed project, all exposed areas would be paved or otherwise stabilized to prohibit any substantial soil erosion or loss of topsoil. No significant erosion impacts are expected to occur as a result of the project.

Compliance with policies contained in the General Plan would further ensure that new development would not result in substantial soil erosion or loss of topsoil. Specifically, Policies NR 3.11, NR 3.12, and NR 3.13 would require compliance with applicable local, State, and Federal laws. This would ensure maximum practicable protection available for soils excavated during the construction and building associated with infrastructure. Compliance with the California Building Code (CBC) and the National Pollution Discharge Elimination System (NPDES) permits as appropriate and/or the City-required Water Quality Management Plan (WQMP; see Mitigation Measure MM HY.1 below), would minimize effects from erosion and ensure consistency with the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan. In view of these policies, implementation of the General Plan would have a less-than-significant impact associated with soil erosion or topsoil. No mitigation is required.

c). Be located on strata or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

and

d). Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?

Less than Significant Impact. Unstable soil is earth material that, because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support. A geotechnical report will be required to identify site-specific construction techniques that would apply to the site. Compliance with the criteria and seismic design parameters of the Uniform Building Code (UBC), California Building Code (CBC), and the Structural Engineers Association of California (SEAOC) and submittal of the required geotechnical report would reduce potential unstable soil impacts to a less than significant level. No mitigation measures are necessary.

Expansive soil, with respect to engineering properties, refers to those soils that, upon wetting and drying, will alternately expand and contract, causing problems for foundations of buildings and other structures. Fine-grained soils, such as silts and clays, may contain variable amounts of expansive clay minerals. Most of the Newport Mesa and Corona Del Mar areas are underlain by marine terrace deposits and young alluvial fan sediments that are composed primarily of granular soils (silty sand, sand, and gravel). Such units are typically in the low to moderately low range for expansion potential. Even the slight potential for the existence of expansive soils within the project area raises the possibility that foundation stability for dwellings, roads and utilities could be compromised. The City's Building Code requires a site-specific foundation investigation and report for each construction site that identifies potentially unsuitable soil conditions and contains appropriate recommendations for foundation type and design criteria that conform to the analysis and implementation criteria described in the City's Building Code, Chapters 16, 18, and A33. The required geotechnical report would address any potential weak soils issues, including expansion.

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

No Impact. The proposed project would be connected to the City's sewer system and would not need a septic tank or alternative wastewater system to handle its wastewater.

VII. HAZARDS

Would the project:

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

and

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 with Mitigation. The potential exists for asbestos, PCBs and lead paint to be encountered in the existing buildings on the site, as well as other hazardous materials routinely used and occasionally improperly stored in commercial and residential buildings. Prior to demolition of the existing buildings, the Applicant shall undertake a survey for such materials, and if found to be present, the Applicant shall develop a plan for safe storage and disposal of such materials.

Due to the proposed medical office use of a portion of the project, some medical supplies and medical waste would be stored in the proposed medical office component of the Project. The proposed medical offices would be required to register with the Orange County Health Care Agency (OCHCA) and would also be required to prepare a Medical Waste Management Plan (MWMP) that includes an Emergency Action Plan, which delineates the procedures for properly handling on-site spills and releases of medical waste. This plan also addresses surface cleanup, protective clothing and equipment to be used, and disinfecting procedures. Any such materials will be stored and used in the prescribed manner by the OCHCA. Compliance with the MWMP and related OCHCA and related Public Health and Safety Code requirements will ensure that no significant impacts would occur.

The following mitigation measures would reduce any potential impacts associated with hazards and hazardous materials to a less than significant level.

MM HZ.1: A survey for hazardous materials/wastes shall be undertaken prior to demolition activities. In the event that hazardous materials are determined to be potentially present, a plan for safe storage and disposal shall be developed. The Applicant shall provide evidence that ensures that any identified hazardous materials/wastes are handled and disposed of in the manner specified by the State of California Hazardous Substances Control Law (Health and Safety Code Division 20, Chapter 6.5), standards established by the California Department of Health Services and Office of Statewide Planning and Development, and according to the requirements of the California Administrative Code, Title 30.

MM HZ.2: Prior to the issuance of any building permits for new construction, the Applicant shall submit documentation to the City's Fire Department for review and approval to ensure that either there are no hazardous materials/wastes on the site, or that any identified hazardous materials/wastes are stored, handled and disposed of in compliance with state and federal guidelines, and as directed by the City's Fire Department.

MM HZ.3: The Applicant shall ensure that grading and building plans include the following measures and that the measures shall be followed by the construction contractor and crew:

1. The storage of hazardous materials, chemicals, fuels, and oils and fueling of construction equipment shall be a minimum of 45 meters (150 feet) from any drainage, water supply, or other water feature.
2. Provide secondary containment and/or proper covers or lids for material storage, trash bins, and outdoor processing and work areas (Source NPDES Santa Ana Regional Water Quality Control Board [SARWQCB] 4th Term Permit R8-2009-0030).
3. Whenever possible, all of a product shall be used up before disposal of its container.
4. If surplus product must be disposed of, methods for disposal recommended by the manufacturer or the City and the state shall be followed.
5. Spills shall be contained and cleaned up immediately after discovery. Manufacturer's methods for spill cleanup of a material shall be followed as described on the Material Safety Data Sheets (MSDS) for each product. Any hazardous spills that enter the storm drains (also known as MS 4s) shall notify the City and the SARWQCB.

c). Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. There are no schools within one-quarter mile of the site. As noted above, any hazardous materials identified on site will be handled and disposed of in accordance with state and federal guidelines.

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

No Impact. The project is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 62962.5.[2] No mitigation measures are required.

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

No Impact. The subject property is not located within the limits of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport or other public airport. Neither that commercial airport nor any other public airport is located within three miles of the site. As a result, project implementation will not result in potential adverse impacts, including safety hazards, to people residing or working in the project area. No significant impacts will occur as a result of project implementation and no mitigation measures are necessary.

[2] Database consulted September 21, 2009: http://www.envirostor.dtsc.ca.gov/public/

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

No Impact. The subject property is not located in the vicinity of a private airstrip. Development of the site as proposed will not result in potential adverse impacts, including safety hazards, to people residing or working in the project area. Therefore, no significant impacts will occur as a result of project implementation and no mitigation measures are necessary.

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

No Impact. The City of Newport Beach has prepared an Emergency Operations Plan that designates procedures to be followed in case of a major emergency. Newport Boulevard west of the site and West Coast Highway (approximately 0.25 miles south of the site) are designated as evacuation routes in the City.

Although the site is subject to potentially severe seismic shaking, development pursuant to building and fire code requirements will ensure that the potential impacts are minimized or reduced to an acceptable level. The site is not located within a flood hazard area or subject to such potential disasters. Development of the project as proposed will not adversely affect either the evacuation routes or the adopted emergency operations planning program(s) being implemented by the City of Newport Beach. Therefore, the project will not interfere with the City's emergency planning program. No significant impacts will occur as a result of project implementation.

h). Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project site is located in an urbanized area that has been designated as having wild fire susceptibility of low/none.[3] Surrounding land uses include commercial and residential. Construction and operation of the proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

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

Less than Significant Impact with Mitigation. The project includes the demolition of existing office and residential uses, which would be replaced with a medical office building. The area of impervious surfaces would increase by about 380 sq. ft. (1.5-percent of the site); the types and quantities of pollutants would be virtually the same as those that exist on the current site.

Construction of the proposed project would potentially discharge sediment and pollutants to the nearest receiving waters and result in a potential significant impact to water quality. Grading and excavation of the site would expose and disturb soils. The storage and use of hazardous materials on-site, including treated wood, paints, solvents, fuels, cleaning materials, etc., would be potential

[3] City of Newport Beach General Plan, Wildfire Hazards Map, September 18, 2006

sources of pollutants during construction. The proposed project would generate the following potential runoff pollutants:

- fertilizers and pesticides
- hazardous waste associated with maintenance and cleaning (e.g., paints, cleaning agents, etc.)
- outside building and cleaning materials
- landscape maintenance debris
- vehicle washing and repair

The project site is located within the Newport Bay Watershed and the receiving water is Lower Newport Bay, which is identified by the Santa Ana Regional Water Quality Control Board as impaired due to metals and pesticides. In addition, EPA Region IX has established Total Maximum Daily Loads for fecal coliform, nutrients, and sedimentation/siltation for Lower Newport Bay. Pursuant to Section 402 of the Clean Water Act, the EPA has established regulations under the NPDES program to control direct stormwater discharges. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. For Orange County, the Santa Ana Regional Water Quality Control Board is responsible for implementation of the NPDES requirements. The NPDES program regulates industrial pollutant discharges, including those from construction activities on sites larger than one acre.

The applicant is required to prepare a Water Quality Management Plan (WQMP) to satisfy the City's requirements. This plan will prescribe appropriate structural and non-structural Best Management Practices (BMPs) that will address the manner in which pollutants generated by the project will be addressed to ensure that no violations of water quality standards will occur. As a result, no significant water quality impacts are anticipated. The project site is less than an acre in size and would not require a Storm Water Pollution Prevention Plan (SWPP) in accordance with the NPDES Construction Activities General Permit; however, given the steep slopes on-site, a SWPP may be required. If not required, similar BMPs to those required in an SWPP would be incorporated in to the WQMP.

The WQMP will contain specific source- and treatment-control BMPs that would reduce or eliminate the infiltration of pollutants into the stormwater system The project BMPs will be designed to have any future pollutants be filtered directly into the ground, which would allow the BMPs to work naturally and avoid the need for regular maintenance. Typical source-control BMPs (routine nonstructural and routine structural) included in WQMPs are:

Routine Nonstructural BMPs

- Education for property owners, tenants, and occupants.
- Activity restrictions
- BMP maintenance
- Title 22 California Code of Regulations Compliance
- Uniform Fire Code implementation
- Common area catch basin inspection
- Sweeping of driveways.

Routine Structural BMPs

- Use efficient irrigation systems and landscape design, water conservation, smart controllers, and source control.
- Protect slopes and channels and provide energy dissipation.

Typical site-design BMPs include:

Site-Design BMPs

- Porous pavement detention
- Infiltration trench

The project-specific WQMP would provide BMPs appropriate to the project to ensure that any water quality impact is reduced to a less than significant level.

MM HY.1: Prior to grading and building permit issuance, the applicant shall submit a Water Quality Management Plan (WQMP) to satisfy the City's requirements. This plan will prescribe appropriate structural and non-structural Best Management Practices ("BMPs") to address pollutants generated by the project to ensure that no violations of water quality standards will occur.

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

Less than Significant Impact. No groundwater wells are located on the site or in the vicinity of the project that would be adversely affected by the project. Site development as proposed would not result in any impacts to nearby wells that could affect any domestic water well capacity or their ability to provide adequate water service to the existing and planned land uses in the City. The project would result in an increase in impervious surfaces on the site of approximately 380 sq. ft. (1.5 - percent of the site). This increase in impervious surface would reduce groundwater recharge but not by a significant amount.

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

and

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

Less than Significant Impact. While on-site drainage would change, the project does not involve the alteration of the existing and/or planned drainage system (pattern) of the area. The development of the site would not alter the course of a stream or a river. The project does not propose any alterations to the existing or planned storm drain system in Newport Beach. The project would result in an increase of about 380 sq. ft. of impervious surfaces and the amount of surface runoff would incrementally increase, but not enough to significantly change the amount of surface runoff. The required WQMP will incorporate BMPs to address run off. Therefore, no significant impacts to drainage would occur as a result of the project.

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

Less than Significant Impact. The project site is currently substantially covered by impervious surfaces and would continue to be in the future (the project would result in an increase in impervious surfaces of about 380 sq. ft., or 1.5 - percent of the site). The project drains into adjacent streets and would be expected to do so in the future; the WQMP would incorporate BMPs to address discharge, including filters on-site drains.

f). Otherwise substantially degrade water quality?

Less than Significant Impact with Mitigation. The project site is less than an acre in size and would not require a SWPP in accordance with the NPDES Construction Activities General Permit; however, given the steep slopes on-site, a SWPP may be required. If not required, water quality control measures would be BMPs that would be incorporated into the WQMP. With implementation of the required WQMP, the project would not result in significant changes in the quality of surface water. The project includes uses that are consistent and compatible with the existing land uses and those reflected in the General Plan. With implementation of the project, the types and concentrations of pollutants are anticipated to be similar to those resulting from the same uses that exist on the site at present, and found in other similar areas throughout in the City and include: silt (during construction), petroleum hydrocarbons from parking areas, pesticides and fertilizers, and other pollutants common to urban development. No unusual contamination or pollutant is anticipated as a result of implementing the project and any increases in pollutants and/or contaminant concentrations will be addressed in the WQMP (Mitigation Measure MM HY.1 above). Therefore, any potential impacts will be reduced to a less than significant level.

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?

and

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

No Impact. The proposed project does not involve the development of housing or residential structures and is not located in a 100-year flood zone. No impact 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. The project site is not located within an area designated as 100-year flood plain; no levees or dams are located that could impact the project site. No potential impacts are anticipated as a result of flooding.

j). Inundation of seiche, tsunami, or mudflow?

No Impact. A seiche involves the oscillation of a body of water in an enclosed basin, such as a reservoir, storage tank, or lake. According to the City's General Plan, no enclosed bodies of water are located in the immediate vicinity of the site. A tsunami, commonly referred to as a tidal wave, is a sea wave generated by submarine earthquakes, major landslides, or volcanic action. Great magnitude waves have not historically been recorded in Orange County because the coastline is somewhat protected from the north by the coastal configuration (Palos Verdes Peninsula and Point Conception) and the offshore islands (Santa Catalina and San Clemente Islands). Although Newport Beach is a

coastal community, the project site is located more than one mile from the coastline. This combined with the fact that the potential for a tsunami is considered remote in the City of Newport Beach, minimize the potential for damage and/or inundation from that phenomenon. Implementation of the proposed project will not expose people or structures to seiches, tsunamis or mudflows. Therefore, no significant impacts will occur as a result of project implementation.

IX. LAND USE AND PLANNING

Would the project:

a). Physically divide an established community?

No Impact. The proposed project involves the intensification of an existing use and elimination of a residential use. Existing development on the site is slightly over the currently allowable 0.5 FAR; current development on the site is 0.54 FAR.

The policy overview for the project area in the General Plan indicates, that, "[i]n the Old Newport Boulevard area, the General Plan provides for the development of professional offices, retail, and other uses that support Hoag Hospital, and retail uses serving adjoining residential neighborhoods." Goal LU 6.18 of the Land Use Element specifically addresses the Old Newport Boulevard area, indicating that it should be a "corridor of uses and services that support Hoag Hospital and adjoining residential neighborhoods."

The project site is in a commercially designated area across an alley from a residentially designated area. The project would result in intensification of commercial uses along this boundary between use designations. The proposed project would be consistent with the designated land use and would not result in a division of the community.

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

Less than Significant Impact. The project site is designated General Commercial Office, with an allowable FAR of 0.5 (CO-G 0.5), and is zoned Specific Plan Area 9, Old Newport, Retail Service Commercial (SP-9, RSC). The CO-G designation is "intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses . . ." The provision of medical office space would be consistent with the land use designation and zoning of the site and would support Goal LU 6.18 and Policies 6.18.1, 6.18.3 and 6.18.4 (see **Table 4** Policy Consistency Analysis below) of the General Plan. The project would not be one of the "discouraged" uses identified in Policy LU 6.18.2 (highway-oriented retail is discouraged and heavy retail such as automobile supply and repair is prohibited). With an FAR of 1.0 the project would be twice as intense as the currently allowed floor area for this area in the General Plan.

The existing site contains a residential unit that is a non-conforming use in the area. Replacement of that unit with medical office use would bring the site into conformance with the designated use.

The applicant is seeking a General Plan Amendment (GPA) to allow additional intensity (1.0 FAR proposed) compared to what is currently allowed (0.5 FAR currently allowed). The provision of additional intensity on the project site would not be inconsistent with goals and policies of the General Plan (see discussion below), and would support Goal LU 6.18 and associated policies

specific to the Old Newport Corridor. As discussed in other sections of this document (particularly Air Quality, Noise and Transportation/Circulation), with mitigation, the increased intensity would not create any significant environmental impacts; therefore the project would be consistent with General Plan policies designed to prevent environmental problems in the community (see **Table 4** Policy Consistency Analysis below).

While approval of the project could induce other property owners in the Old Newport Boulevard area to request additional intensity, each request would be addressed through a GPA process requiring individual project and environmental review. The City Council would determine the appropriateness of each request (if any) on a project by project basis.

Table 4 presents an analysis of project consistency with applicable General Plan goals and policies.

TABLE 4:
POLICY CONSISTENCY ANALYSIS

Policy No.	Policy	Consistency Analysis
Land Use Element		
LU 1.1	**Unique Environment.** Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view sheds.	Consistent. The project would be consistent with the goals and policies for the Old Newport Boulevard area as indicated below. The architectural design would feature strong geometric lines and forms that would provide visual interest and adds to the diverse architecture found throughout the city. A large setback at the southwest corner of the building would ensure that the building remains under the height limit (with the exception of the elevator tower) and would provide a visually interesting building that mirrors the natural topography of the site. The nearest public view corridor is from Newport Boulevard between Hospital Road/Westminster Avenue to Via Lido, which provides views of the Balboa Peninsula, harbor and Pacific Ocean to the south. This view would not be impacted by the project given the location of the project site in relation to the roadway and the scenic vista to the south.
LU 1.5	**Economic Health.** Encourage a local economy that provides adequate commercial, office, industrial, and marine-oriented opportunities that provide employment and revenue to support high-quality community services.	Consistent. The project would complement Hoag Hospital and allow for the consolidation of healthcare in Newport Beach to serve residents and the surrounding community. The project would consolidate and redevelop three parcels (4 lots) that are currently occupied by a mix of underperforming uses into a modern medical office building that would provide jobs and modest growth to the area.
LU 3.1	**Neighborhoods, Districts, Corridors, and Open Spaces.** Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts.	Consistent. The project would be consistent with designated uses for the site and the Old Newport Boulevard area as discussed above. The project would change the approved pattern of development for the Old Newport Specific Plan corridor by allowing an increase in commercial intensity on one property within an existing developed neighborhood consisting of lesser commercial intensities.
LU 3.2	**Growth and change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected	Consistent. As indicated in the General Plan, the completion of (new) Newport Boulevard as the primary entry to the City, resulted in a shift of vehicular trips away from Old Newport Boulevard resulting in a reduction in the corridor's economic vitality which has significantly changed the land use mix. Without action to stimulate development, the desired General Plan goals of providing professional offices to support Hoag

TABLE 4: POLICY CONSISTENCY ANALYSIS		
Policy No.	**Policy**	**Consistency Analysis**
	regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	Hospital may be difficult. The property is unlikely to redevelop to a more productive use at 0.5 FAR. Providing a 1.0 FAR for the project site could provide an economic stimulus to revitalize the corridor. Without an economic stimulus, many of the older, non-conforming buildings may not redevelop due to possible reduction in floor area and increased parking requirements. The project site is within walking distance of an established residential neighborhood. Newport Beach residents desire high quality development and redevelopment of under-performing, non-conforming properties. The project would provide such redevelopment of the site and provide stimulus for the corridor. The project form scale and character would contrast with older development in the area but would be similar to newer development in the area (see I. Aesthetics). The projects proximity to Hoag Hospital would reduce traffic across town and would not result in a significant traffic impact in the project vicinity (see XV. Transportation).
LU 5.12	**Compatible Interfaces**. Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.	Consistent. The project is immediately adjacent to residential uses. While an increase of 12 ft 10 in above the existing 32 foot limit is sought for the elevator tower (600 sq. ft of the site) at the northern end of the site adjacent to Old Newport Boulevard the height of the structure adjacent to the residential uses would be below the allowable height (25 to 29 feet depending on grade). The Applicant is requesting a modification permit to allow the proposed subterranean parking area to encroach in to the 5-foot rear yard setback; the building would be set back 5 feet to 16 feet from the property line along the alley (5 feet min. required); the setback area would include decorative paving and landscaping to enhance the alley frontage. The project would eliminate existing vehicular access to the site from the alley (building access would only be on Old Newport Boulevard).
LU 5.2.1	**Architecture and Site Design**. Require that new development within existing commercial districts centers and corridors complement existing uses and exhibit a high level of architectural and site design .	Consistent. The project would be of a unique modern design with ample use of a strong geometric design theme and a large setback from the southwestern corner that would offset the increased height and mass and provide an architecturally distinctive design that would be interesting as viewed from the street. The Old Newport Boulevard corridor includes a variety of building types and styles and does not have a unified architectural design theme.
LU 5.2.2	**Buffering Residential Areas.** Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through such techniques as: ▪ Incorporation of landscape, decorative walls, enclosed trash containers, downward focused lighting fixtures, and/or comparable buffering elements; ▪ Attractive architectural treatment of elevations facing the residential neighborhood; ▪ Location of automobile and truck access to prevent impacts on neighborhood traffic and privacy.	Consistent. Although the project would present a continuous wall along an alley facing residential uses, the project would provide an increased setback from the alley and landscaping and decorative paving in this area to buffer the project from the residential uses. The project would remove vehicular access to the site from the alley benefiting residential uses across the alley. The height of the building as it faces the alley would be consistent with the height limit.

TABLE 4: POLICY CONSISTENCY ANALYSIS		
Policy No.	**Policy**	**Consistency Analysis**
LU 5.2.3	**Alley Design**. Improve and enhance the aesthetic quality of alleys without impacting service access.	Consistent. The project would provide increased setback, decorative paving and landscaping along the alley. The project would remove vehicular site access from the alley resulting in less traffic and parking from uses on the site in the alley and, therefore, improving the interface with residential uses
LU 5.6.1	**Compatible Development.** Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	Consistent. The project would provide a modern medical office building in an area of the City designated for uses to support and complement Hoag Hospital. As noted above, the alley behind the project site that abuts single family uses would be improved with increased setback, decorative paving, landscaping and removal of vehicular traffic. The project would contrast in intensity of development as compared to other commercial development in the sub area. The project would contrast in style and intensity with adjacent residential development, but would be separated somewhat by topography – there is a 16 ft to 24 ft. difference in grade between the street frontage on Old Newport Boulevard and the eastern frontage that faces the single-family residential development across the alley from the site.
LU 5.6.2	**Form and Environment.** Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.	Consistent. The project would be of modern design that would contrast with residential uses to the east and to a certain extent with low-rise commercial in the area. It would complement newer commercial buildings in the area as well as hospital uses further west. The project is in a distinct subarea of the City, somewhat separated from the residential uses to the east by topography (16 ft to 24 ft. change in grade) and building orientation. At a building intensity of 1.0 FAR the project would be twice as intense as other development in the immediate area; with two to three levels above grade the project would be similar in height to other development in the area, however the intensity of development would result in a building form that covers the entire site with two to three levels of building with no surface parking to break up the building form. This would contrast with other development in the area that has two to three levels but also has substantial amounts of surface parking that breaks up the street wall. The change in topography and differences in intensity of surrounding development provides variation in massing along the corridor. The project provides geometric lines and a substantial setback from the southwest corner that conforms to the natural topography to break up the street frontage. The project alone would not substantially affect the overall impression of the Old Newport Corridor as a lower-intensity commercial corridor with different building forms separated by surface parking.
LU 5.6.3	**Ambient Lighting**. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.	Consistent. Mitigation is included in the MND to minimize spillover lighting (Mitigation Measures MM V.1 to MM V.3).
LU 6.18.1	**Priority Uses**. Accommodate uses that serve adjoining residential neighborhoods, provide professional offices, and support Hoag Hospital.	Consistent. The medical offices would complement and support Hoag Hospital and would provide medical services and facilities to the adjacent residential

TABLE 4: POLICY CONSISTENCY ANALYSIS		
Policy No.	**Policy**	**Consistency Analysis**
		community.
LU 6.18.3	**Property Design.** Require that buildings be located and designed to orient to the Old Newport Boulevard frontage, while the rear of parcels on its west side shall incorporate landscape and design elements that are attractive when viewed from Newport Boulevard.	Consistent. Based upon the proposed plans, the project would be oriented towards Old Newport Boulevard almost completely. Pedestrian and vehicular access is proposed from Old Newport. Vehicular access from the alley would be avoided and the increased setback, decorative paving and landscaping at the alley would improve the aesthetics of the building frontage along the alley facing the residential uses.
LU 6.18.4	**Streetscape Design and Connectivity.** Develop a plan for streetscape improvements and improve street crossings to facilitate pedestrian access to Hoag Hospital and discourage automobile trips.	Consistent. Proposed landscaping along the Old Newport Boulevard frontage would enhance the pedestrian environment in front of the site. The Applicant would be required to construct a sidewalk in front of the property on Old Newport Boulevard providing better pedestrian access and connectivity to the neighborhood. The project would also provide for on-street parking.
Natural Resources		
NR 1.1	**Water Conservation in New Development**. Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, require the use of water-efficient landscaping and irrigation in conjunction with new projects.	Consistent. The project would be required to use low flow fixtures, water efficient equipment where feasible and drought tolerant landscaping (see Mitigation Measure MM W.3).
NR 1.2	**Use of Water Conserving Devices**. Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.	Consistent. The project would be required to use low flow fixtures, water efficient equipment and drought tolerant landscaping (see Mitigation Measure MM W.3).
NR 3.2	**Water Pollution prevention**. Promote pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies.	Consistent. The project would be required to prepare a Water Quality Management Plan that would provide BMPs appropriate to the project to ensure that any water quality impact is reduced to a less than significant level (see Mitigation Measure MM HY.1).
NR 3.4	**Storm Drain Sewer System Permit.** Comply with the regulations under the city's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.	Consistent. The project would be required to prepare a WQMP that would reduce pollutants in stormwater (see Mitigation Measure MM HY.1).
NR 3.5	**Natural Water Bodies**. Require that development does not degrade natural water bodies.	Consistent. The project would be required to prepare a WQMP that would reduce pollutants in stormwater (see Mitigation Measure MM HY.1).
NR 3.9	**Water Quality Management Plan.** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	Consistent. The project would be required to prepare a WQMP that would reduce pollutants in stormwater (see Mitigation Measure MM HY.1).
NR 6	**Walkable Neighborhoods**. Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.	Consistent. The project would be complementary to and within close proximity to Hoag Hospital and residential neighborhoods.
NR 8.1	**Management of Construction Activities to Reduce Air Pollution.** Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.	Consistent. This MND includes measures to reduce air emissions from construction (see MM AQ.1).
NR 18.1	**New Development**. Require new development to protect and preserve paleontological and	Consistent. This MND includes mitigation measures to monitor excavation activities at the site to ensure that

TABLE 4: POLICY CONSISTENCY ANALYSIS		
Policy No.	**Policy**	**Consistency Analysis**
	archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	any cultural resources buried on the site are protected (see Mitigation Measure MM CR.1).
NR 24.2	**Energy-Efficient Design Features**. Promote energy-efficient design features.	Consistent. This MND includes mitigation to encourage energy-efficient practices and design as feasible (see Mitigation Measure MM AQ.2).
Safety Element		
S 7.6	**Regulation of Companies Involved with Hazardous Materials.** Require all users, producers, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use, or transport, and to notify the appropriate City, County, state, and federal agencies in the event of a violation.	Consistent. Medical office buildings can generate biological and medical wastes that must be handled appropriately. Such waste is heavily regulated. The proposed medical offices would be required to register with the Orange County Health Care Agency (OCHCA) and would also be required to prepare a Medical Waste Management Plan (MWMP) that includes an Emergency Action Plan, which delineates the procedures for properly handling on-site spills and releases of medical waste. This plan also addresses surface cleanup, protective clothing and equipment to be used, and disinfecting procedures. Any such materials will be stored and used in the prescribed manner by the OCHCA. Compliance with the MWMP and related OCHCA and related Public Health and Safety Code requirements will ensure that no significant impacts would occur.
Circulation Element		
CE 2.1.1	**Level of Service Standards.** Plan the arterial roadway system to accommodate projected traffic at the following level of service standards: A. Level of Service (LOS) "D" throughout the City, unless otherwise noted	Consistent. See discussion in XV. Transportation below; the project would not create a significant adverse impact on traffic.
CE 7.1.1	**Required Parking.** Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.	Consistent. The project would be required to provide parking in accordance with Zoning Code parking requirements (1 space per 200 sq. ft. of medical office floor area).
Noise Element		
N 1.1	**Noise Compatibility of New Development**. Require that all proposed projects are compatible with the noise environment through use of Table N2 [Land Use Compatibility Matrix], and enforce the interior and exterior noise standards shown in Table N3 [Noise Standards].	The project would be developed in a noise environment compatible with the proposed use (an office use in an area less than 60 dBA CNEL). Office use is "clearly compatible" up to 65 dBA and "normally compatible" up to 75 dBA. Table N3 indicates that in commercial areas, exterior noise levels between the hours of 7 am to 10 pm should be no more than 65 dBA and between the hours of 10 pm to 7 am shall be no more than 60 dBA.
N 1.8	**Significant Noise Impacts.** Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below.	Consistent. The project would not result in a significant noise impact. See discussion of noise impacts below and Mitigation Measures MM N.1 through MM N. 6 that would reduce noise (and vibration) impacts below a level of significance.

TABLE 4: POLICY CONSISTENCY ANALYSIS		
Policy No.	**Policy**	**Consistency Analysis**
	CNEL ***dBA increase*** 55 3 60 2 65 & 70 1 75 Any increase is significant	
N 4.1	**Stationary Noise Sources**. Enforce interior and exterior noise standards outlined in Table N3, and in the City's Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.	Consistent. The project would be required to comply with the Municipal Code (Section 10.26 provides for Community Noise Control). The project would be compatible with the existing and future noise environment. The project would not significantly increase noise levels in the area. See XI Noise.
N 4.3	**New Commercial Developments.** Require that new commercial developments abutting residentially designated properties be designed to minimize noise impacts generated by loading areas, parking lots, trash enclosures, mechanical equipment, and any other noise generating features specific to the development to the extent feasible.	Consistent. The project would front Old Newport Boulevard and the rear of the project would effectively form a noise barrier between residential uses to the east and noise sources on Old Newport Boulevard (including those on the site). Vehicular access will be on Old Newport Boulevard; all vehicular traffic would be removed from alley.
N 5.1	**Limiting Hours of Activity.** Enforce the limits on hours of construction activity.	Consistent. The project would be required to comply with requirements of the Municipal Code (Section 10.26 addresses Community Noise Control; Section 10.28.040 addresses Construction Activity – Noise Regulations).

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

No Impact. The project site is located in a developed area. There are no habitat or natural communities conservation plans for the project area. Therefore, the proposed project would not conflict with any conservation plans. As noted above in the discussion of biological resources there is no habitat for protected species on the site or nearby.

X. MINERAL RESOURCES

Would the project:

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

And

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. Development of the proposed project would involve the use of construction materials, which include non-renewable mineral resources. Construction of the proposed project would follow industry standards and would not use non-renewable resources in a wasteful and inefficient manner. Neither the Newport Beach General Plan (Natural Resources Element) nor the State of California, Department of Conservation, Geological Survey has identified the project site or environs as a potential mineral resource of Statewide or regional significance. No mineral resources are known to exist and, therefore, project implementation will not result in any significant impacts.

XI. NOISE

Would the project:

a). Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact. The City of Newport Beach General Plan's Noise Element (General Plan Policy N 1.8) identifies a significant impact as follows: *A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below:*

CNEL	*dBA Increase*
55	*3*
60	*2*
65	*1*
70	*1*
Over 75	*Any increase is significant*

Noise Policy N 1.1 requires that all proposed developments are compatible with the noise environment through the use of Table N2 from the Noise Element. Table N2 provides criteria used to assess the compatibility of proposed land uses with the noise environment. For commercial office uses, Table N2 identifies exterior noise levels for office buildings as "clearly compatible" up to 65 dBA CNEL and "normally compatible" up to 75 dBA CNEL. Figure N1 of the Noise Element of the General Plan, shows existing noise contours which indicates that the project site and Old Newport Boulevard are outside the 60 CNEL contour for Newport Boulevard; Figure N4 shows future noise contours and indicates that Old Newport Boulevard and the project site are on the 60 CNEL contour for Newport Boulevard. Old Newport Boulevard carries substantially less traffic than Newport Boulevard and is not shown on Figures N1 or N4.

In the future, the project site is anticipated to experience noise levels of about 60 dBA from mobile sources on Newport Boulevard. Traffic generated by the project would represent a small fraction of traffic on Newport Boulevard (0.5%) which would result in a negligible (0.02 dBA) increase in noise levels. The project would represent 12% of the existing traffic on Hospital Road east of (new) Newport Boulevard resulting in a 0.5 dBA increase in noise along Hospital Road between Old Newport Boulevard and (new) Newport Boulevard; this would be a less than significant increase for that roadway because existing noise levels from traffic on Hospital Road are 60 dBA or less and there are no sensitive uses (sensitive uses include residences, hospital rooms, senior care facilities, open space, hotels and schools) along this stretch of Hospital Road.

Old Newport Boulevard carries substantially less traffic than Newport Boulevard; uses along Old Newport Boulevard experience noise from both Newport Boulevard (the site and Old Newport Boulevard are on the 60 CNEL contour for Old Newport Boulevard in the future) as well as traffic on Old Newport Boulevard itself. Project traffic would incrementally add noise to Old Newport Boulevard in front of the project site, but this increase in noise levels would be more than off-set at the sensitive receptors to the east by the noise blocking effect of the project building.

Policy N 1.1 also indicates that the interior and exterior noise standards shown in Table N3 of the Noise Element shall be enforced. Table N3 indicates interior and exterior noise standards for residential, commercial, and industrial areas and is intended to regulate noise from a use and the impacts on adjacent areas. In commercial areas, exterior noise levels between 7:00 am to 10:00 pm

should be no more than 65 dBA and between 10:00 pm to 7:00 am no more than 60 dBA. General Plan Policy N 4.1 indicates that these noise levels should be enforced to ensure that sensitive receptors are not exposed to excessive noise levels from stationary noise sources such as Heating Ventilation and Air Conditioning (HVAC) equipment. The project would be required to comply with the Municipal Code; Chapter 10.26 addresses Community Noise Control.

Policy N 4.3 requires that new commercial developments abutting residentially designated properties be designed to minimize noise impacts generated by loading areas, parking lots, trash enclosures, mechanical equipment, and any other noise generating features specific to the development to the extent feasible. Project access would only be from Old Newport Boulevard; therefore, the residential area to the east would be screened from noise associated with access to the parking levels by the building itself. Loading and trash pick up would also occur on Old Newport Boulevard and noise from these activities would also be screened from the residences to the east by the building. As noted above, the project would be required to comply with the Municipal Code that addresses Community Noise Control.

Policy N 4.6 states that the City of Newport Beach Noise Ordinance shall be enforced with regard to noise limits on hours of maintenance or construction activity in or adjacent to residential areas. The City enforces the Municipal Code as necessary; Section 10.28040 addresses Construction Activity – Noise Regulations.

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

Less than Significant Impact with Mitigation. Groundborne vibration consists of rapidly fluctuating motions of the ground that have an average motion of zero. Groundborne vibration usually affects only people, but extreme vibration can damage buildings. Although groundborne vibration can be felt outdoors, it is typically an annoyance only indoors, where it is exacerbated by the shaking of the building. Groundborne noise due to groundborne vibration typically only exists indoors, consisting of the rattling of windows, dishes, etc.

There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV, measured in inches per second, is most frequently used to describe vibration impacts to buildings. The root mean square (RMS) amplitude is most frequently used to describe the affect of vibration on the human body. The RMS amplitude is defined as the average of the squared amplitude of the signal. Decibel notation (VdB) is commonly used to measure RMS. The decibel notation acts to compress the range of numbers required to describe vibration.

The City of Newport Beach does not have specific limits or thresholds for vibration. The FTA provides criteria for acceptable levels of groundborne vibration for various types of special buildings that are sensitive to vibration; structural damage is possible for typical residential construction when the peak particle velocity (PPV) exceeds 0.2 inch per second. This criterion is the threshold at which there is a risk of damage to typical residential dwellings.

Vibration would be most severe during the one to two weeks of pile driving. The closest residences are about 30 feet from the closest piles. Pile driving is required because of site topography and soil conditions and the fact that the building would not be able to tie back (provide building support or anchors) in the public right of way.

There are different ways of sinking piles. An impact pile driver, would produce groundborne vibration of about 0.489 PPV at 30 feet (0.644 PPV at 25 feet); vibration falls off rapidly with distance; at 50 feet vibration from impact pile driving would be 0.225 PPV. Sonic pile driving (sonic pile driving uses vibration to vibrate the pile into place) results in groundborne vibration of about 0.129 PPV at 30 feet (0.170 PPV at 25 feet).[4] Caisson drilling results in vibration of 0.089 PPV at 25 feet. Mitigation Measure MM N.1 below would require use of sonic pile driving or caisson drilling to ensure a less than significant impact on residences.

The human reaction to various levels of vibration varies. The upper end of the range for the threshold of perception, or roughly 65 VdB, and may be considered annoying by some people. Vibration below 65 VdB may also cause secondary audible effects such as a slight rattling of doors, suspended ceilings/fixtures, windows, and dishes, any of which may result in additional annoyance. For residences, FTA suggests groundborne vibration human annoyance thresholds of 72 VdB for frequent events (more than 70 vibration events per day) to 80 VdB for infrequent events (fewer than 30 vibration events per day). A sonic pile driver would result in 91 VdB at 30 feet (93 VdB at 25 feet); caisson drilling would result in 87 VdB at 25 feet.

Other than pile driving, construction activities are not expected to result in significant vibration impacts. For example small bulldozers result in vibration of up to 68 VdB adjacent to the activity that would be noticeable to some residents but is below the FTA annoyance threshold. Jackhammers result in vibration levels of up to 89 VdB but on average generate 65VdB at 25 feet (the closest such activities may come to residences).

While vibartion impacts as a result of construction would not be sufficient to cause damage to buildings, vibration impacts could be annoying to residents of the two homes that are located immediately across the alley from the site during the 1 to 2 weeks of pile placement unless caisson drilling is used.

Operational vibration impacts are anticipated to be less than existing conditions since vehicular access would be removed from the alley between the site and single family residences.

MM N.1: As feasible, pile driving shall utilize sonic pile driving or caisson drilling as appropriate for site conditions in place of impact pile driving; sonic pile driving shall only be used after review by acoustical and structural engineers to ensure that adjacent buildings would not be adversely affected by steady state excitation resulting in resonance response or other adverse geologic issues. The pile driving rig shall access the site from Old Newport and not the alley.

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

Less than Significant Impact. While the project would mainly add traffic to Newport Boulevard, it would represent such a small increase in traffic (about 0.5% on Newport Boulevard) that the increase in noise levels along Newport Boulevard from the project would be negligible. (To achieve a 3 dBA increase in noise levels traffic volumes have to double, or increase by 100%.) There are some sensitive receptors located along Newport Boulevard (for example Hoag Hospital and hotels to the north and residences to the south). Between Old Newport Boulevard and Newport Boulevard the

[4] Federal Transit Authority, *Transit Noise and Vibration Impact Assessment*, May 2006

project would have the highest percentage increase in traffic (12% of daily traffic); this level of additional traffc would not result in a perceptible change in noise levels along Hospital Road.

As indicated in the discussion of Transportation/Circulation below, project implementation would result in an increase in daily traffic of about 703 vehicle trips per day. As stated above, this increase in traffic, when distributed onto the surrounding circulation system, would not result in a significant long-term increase in ambient noise levels (0.02 dBA on (new) Newport Boulevard, 0.5 dBA on Hospital Road). The project would neither contribute to significant mobile-source noise in the project vicinity and/or City of Newport Beach nor exceed any long term noise projections for the area. Therefore, less than significant long-term vehicular noise impacts are anticipated as a result of project implementation.

The closest sensitive receptors to the project are the residents located immediately east of the site along the alley. It is anticipated that these uses would experience a decrease in traffic noise as project parking would only be accessible from Old Newport Boulevard as compared to the existing situation where the existing uses park cars along the alley and in a small parking lot above 328 Old Newport Boulevard. HVAC equipment would be enclosed/screened from view, which would also reduce noise levels to background levels. The proposed project would reduce noise levels audible from Old Newport Boulevard because the project building would be a solid barrier between the homes and the street below. As noted above the project would be required to comply with Municipal Code requirements for Community Noise Control (Section 10.26).

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. Construction activity noise levels would fluctuate depending on the particular type, number, and duration of uses of various pieces of construction equipment. Construction-related soil export and material haul trips would raise ambient noise levels along haul routes, depending on the number of haul trips made and types of vehicles used. In addition, certain types of construction equipment generate impulsive noises (such as pile driving), which can be particularly annoying. **Table 5** shows typical noise levels during different construction stages. **Table 6** shows typical noise levels produced by various types of construction equipment.

TABLE 5:
TYPICAL CONSTRUCTION NOISE LEVELS

Construction Phase	Noise Level (dBA, Leq) [a]
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85
Finishing	89

NOTE: a. Average noise levels correspond to a distance of 50 feet from the noisiest piece of equipment associated with a given phase of construction and 200 feet from the rest of the equipment associated with that phase.

SOURCE: U.S. Environmental Protection Agency, Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, 1971.

The residential uses along the alley are 25 feet from the site (about 30 feet from pile driving activity) and would at times experience noise levels 1 to 3 dBA higher than the noise levels shown in **Tables 5** and **6** (when equipment is operating directly across from the residences). However, most of the excavation and foundation work would be screened from the residents because of the elevation difference of 16 ft to 24 ft between the grade of Old Newport Boulevard and the alley above.

TABLE 6
TYPICAL NOISE LEVELS FROM CONSTRUCTION EQUIPMENT

Construction Equipment	Noise Level (dBA, Leq at 50 feet)
Dump Truck	88
Portable Air Compressor	81
Concrete Mixer (Truck)	85
Scraper	88
Jack Hammer	88
Dozer	87
Paver	89
Generator	76
Pile Driver (impact)	101
PileDriver (sonic)	96
Backhoe	85

SOURCE: Cunniff, Environmental Noise Pollution, 1977; Sonic Pile driving noise level from *US EPA Noise from Construction Equipment and Operations Building Equipment and Home Appliances*, NTID300.1, 1971

Noise from construction activities generally attenuates at a rate of 4.5 to 7.5 dBA per doubling of distance. Construction noise is assumed to attenuate at a rate of 6 dBA, because most of the loudest construction activities will attenuate at a rate similar to a point source. Noise from construction trucks would attenuate at a rate of about 3 dBA since trucks arriving and leaving the site would have the characteristics of a "line" source (noise sources are characterized as either line sources or point sources; traffic is a line source because noise is generated along the line or route of travel, point sources are stationary and emit noise from a point).

Without noise sources being screened by a change in grade or noise barrier, exterior construction noise at the nearest sensitive receptors (across the alley) would be approximately 78 to 89 dBA during the approximately one year of construction, with noise levels of about 101 dBA at 50 feet (104 dBA at 30 feet) during the one to two weeks of pile driving. Compliance with Mitigation Measure MM N.1 would also reduce noise associated with pile driving; a sonic pile driver results in a noise level of 96 dBA at 50 ft. (99 dBA at 30 feet). A noise barrier would reduce noise levels by 5 dBA to 15 dBA; with windows closed interior noise levels would be 24 dBA less than exterior noise levels.[5] So interior noise levels could range from 55 dBA to 60 dBA, with noise levels up to 80 dBA (at 30 feet) during the one to two weeks of pile driving assuming noise barriers are not possible because of the height and location of the rig (75 dBA at 30 feet without a noise barrier if sonic piles are used).

The Newport Beach Noise Ordinance addresses construction noise. Section 10.26.035.D of the Newport Beach Municipal Code exempts construction equipment from the provisions of the Noise Ordinance and requires them to comply with Section 10.28 of the Code. Section 10.28.040 of the Code restricts hours of noise-generating construction to 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 Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.

The duration of activities combined with the following Mitigation Measures MM N.2 though MM N.6 would reduce construction noise levels below a level of significance:

MM N.2: All construction equipment shall be equipped with residential-grade mufflers and other suitable noise attenuation devices.

[5] SAE AIR 1081- 1971 House Reduction Measurements (Reaffirmed April 1991, November 2007)

MM N.3: A temporary six-foot solid wall (e.g., wood or other noise baffling material) shall be constructed on the project site such that the line-of-sight is blocked from construction activity to the residential uses along the alley. Additionally noise shrouds and/or noise blankets shall be used to screen and reduce noise from pile driving activity at the residences along the alley.

MM N.4: Prior to the issuance of the demolition permit, the project applicant shall prepare a construction staging plan that reflects the locations of the construction and staging areas on the subject property, which shall be located as far away from the nearby residential development as possible to reduce temporary noise impacts.

MM N.5: All residential units and site occupants located within 300 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.

MM N.6: The construction contractor shall establish a "noise disturbance coordinator". The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 300 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.

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

and

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. No portion of the project site is located within an airport land use plan, or within two miles of a public airport or public use airport nor in the vicinity of a private air strip. John Wayne Airport (JWA) is located over six miles northeast of the project site. The project would neither affect nor be affected by aircraft operations at either JWA. Therefore, no impacts could occur as a result of the project.

XII. POPULATION AND HOUSING

Would the project:

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

Less than significant Impact. The site is currently developed at an FAR of 0.54. Development to 1.0 FAR could stimulate economic activity in the area in general potentially resulting in additional

requests to increase FAR along the Old Newport Boulevard corridor. However, any additional requests to increase allowable intensity in the area would be subject to discretionary action on the part of the City Council (General Plan Amendment), and if such increase in population were undesirable such requests for additional density would be denied. The project would meet a demand for medical office space in the vicinity of Hoag Hospital.

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

and

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

Less than Significant Impact. The project site includes one residence that would be displaced. The project would temporarily displace 13,000 sq. ft. of office use. The project would not displace a substantial number of housing units or people. The 2006 American Community Survey (Census 2007) estimates that there are 43,851 housing units the City of Newport Beach, with 5,462 vacant units. The total vacancy rate for the City is 12.5 percent—7.7 percent rental vacancy rate and 2.1 percent homeowner vacancy rate. Displacement of 1 unit would not necessitate the construction of replacement housing elsewhere, since there are sufficient existing ownership and rental units to absorb the proposed displaced housing unit. Therefore, impacts would be less than significant and no mitigation is necessary.

XIII. PUBLIC SERVICES

Would the project:

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

Fire protection?

Less than Significant Impact with Mitigation. Fire protection facilities and service to the subject property are provided by the Newport Beach Fire Department (NBFD). The NBFD operates and maintains six fire stations to respond to emergency calls throughout the City. The closest station is located less than a mile south of the site at 475 32nd Street (Fire Station No. 2). In addition to the City's resources, the NBFD also maintains a formal automatic aid agreement with the Orange County Fire Authority (OCFA) and all neighboring municipal fire departments to facilitate fire protection in the City should the need arise. The project must comply with Uniform Fire Code (UFC) and UBC requirements and will be subject to review by the NBFD. The following mitigation measure is recommended:

MM F.1: The project shall provide water and access to meet fire department requirements; the building shall be equipped with a sprinkler system that complies with Fire Department specifications (if any).

Police protection?
Schools?
Parks?
Other public facilities?

No Impact. The Newport Beach Police Department (NBPD) is responsible for providing police and law enforcement services within the corporate limits of the City. The Police Department headquarters is located at 870 Santa Barbara Drive, at the intersection of Jamboree Road and Santa Barbara approximately four miles east of the site. The NBPD currently has a ratio of 1.91 sworn officers for each 1,000 residents in the City. This ratio is adequate for the current population. Police and law enforcement service in the City is provided by patrols with designated "beats." Use of the site will remain similar to current conditions and would not adversely affect the ability of the NBPD to provide an adequate level of service. No significant impacts are anticipated and no mitigation measures are required.

The provision of educational services in the City of Newport Beach is the responsibility of the Newport- Mesa Unified School District. Residential and non-residential development is subject to the imposition of school fees. Payment of the State-mandated statutory school fees is the manner by which potential impacts to the District's educational facilities are mitigated. The project will not directly result in potentially significant impacts to the District's educational facilities and/or existing capacity because no school-age students will be generated by the medical office uses proposed by the applicant. No significant impacts would occur as a result of project implementation.

The project would not significantly change the use of the site and, therefore, would not have a significant adverse effects on other public services, including libraries or administrative services provided by the City.

XIV. RECREATION

Would the project:

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?

and

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

Less than Significant Impact. The proposed project is in the Newport Heights/ Upper Bay Service Area 3 of the Recreation Element of the General Plan. Recent data (2009) developed by the City of Newport Beach indicates that Service Area 3 experiences a deficit of 10.3 acres of parkland. The Recreation Element also states that the area is largely built out and contains several important park and recreational facilities that compensate for the deficit. The proposed project is a medical office use. In general commercial land uses are not considered to generate a substantial demand for parks and recreational opportnities because they are places of employment and occupants do not use parks and recrational facilities to a substantial extent. The project would not generate a need for new or physically-altered recreation facilities. Less than significant impacts to recreation facilities would occur.

XV. TRANSPORTATION/CIRCULATION

Would the project:

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

and

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

Less than Significant Impact. A traffic impact analysis was undertaken (by Kunzman Associates, Inc., dated September 30, 2009) to evaluate potential impacts of the project; that study is presented in full in **Appendix C** (this appendix is on file and available for review at the Planning Department at City Hall), and summarized below. The project (up to 25,725 sq. ft. of medical office use) could result in up to a net increase of about 11,713 sq. ft. of uses (10,000 sq. ft. of office, 3,012 sq. ft. of medical office and a residential unit of 1,000 sq. ft.), which would result in a net increase in 703 average daily trips, 36 am peak hour trips and 63 pm peak hour trips (see **Table 7**).

TABLE 7:
PROJECT TRIP GENERATION

			Peak Hour						
			Morning			Evening			
Land Use	Quantity	Units	Inbound	Outbound	Total	Inbound	Outbound	Total	Daily
Existing Uses									
Apartment	1	DU	0	0	1	0	0	1	7
Office	10.000	TSF	14	2	16	3	12	15	110
Medical Office	3.012	TSF	5	1	7	3	8	10	109
Total			19	3	24	6	20	26	226
Existing General Plan Medical Office	12.8625	TSF	23	6	29	12	33	45	465
Proposed Use									
Medical Office	25.725	TSF	47	12	59	24	65	89	929
Difference			+28	+9	+35	+18	+45	+63	+703

DU=Dwelling Units; TSF=Thousand Square Feet.
Source: Kunzman Associates, Traffic impact Analysis, September 2009, Appendix C

Consistent with the Cities of Newport Beach and Costa Mesa approved methodologies, the technique used to assess the operation of a signalized intersection is known as Intersection Capacity Utilization (ICU). To calculate an ICU value, the volume of traffic using the intersection is compared with the capacity of the intersection. An ICU value is usually expressed as a decimal. The decimal represents that portion of the hour required to provide sufficient capacity to accommodate all intersection traffic if all approaches operate at capacity.

Existing Conditions and Existing + Project. Currently (2009), all study intersections operate at Level of Service (LOS) D or better during both am and pm peak hours (LOS A represents free flow and LOS E represents congested conditions), with the exception of Newport Boulevard at Harbor Boulevard in the City of Costa Mesa that operates at LOS E during the pm peak hour. The addition of project traffic would not result in a significant impact at the study area intersections (increase of one-percent or more at a study area intersection operating at worse than LOS D during the morning/evening peak hours); therefore, no mitigation is required (see **Table 8**).

TABLE 8:
EXISTING AND EXISTING PLUS PROJECT CAPACITY UTILIZATION AND LOS

Intersection	Traffic Control[3]	Peak Hour ICU-LOS[1]					
		Existing		Existing + Project		ICU Increase	
		Morning	Evening	Morning	Evening	Morning	Evening
Newport Beach Intersections							
Superior Road (EW) at							
Hospital Road (EW)	TS	0.63-B	0.43-A	0.63-B	0.44-A	+0.000	+0.001
West Coast Highway (EW)	TS	0.65-B	0.73-C	0.65-B	0.73-C	+0.001	+0.002
Placentia Avenue (NS) at:	TS						
Superior Avenue (EW)	TS	0.51-A	0.57-A	0.51-A	0.57-A	+0.003	+0.000
Hospital Road (EW)	TS	0.44-A	0.48-A	0.44-A	0.49-A	+0.002	+0.006
Newport Boulevard (NS)at:	TS						
Hospital Road (EW)	TS	0.49-A	0.58-A	0.49-A	0.59-A	+0.008	+0.007
West Coast Highway (EW)	TS	0.83-D	0.64-B	0.83-B	0.64-B	+0.002	+0.001
Via Lido (EW)	TS	0.47-A	0.55-A	0.47-A	0.55-A	+0.000	+0.001
32nd Street (EW)	TS	0.43-A	0.51-A	0.43-A	0.51-A	+0.000	+0.000
Riverside Avenue (NS) at:	TS						
West Coast Highway (EW)	TS	0.79-C	0.86-D	0.79-C	0.86-D	+0.001	+0.001
Tustin Avenue (NS) at:	TS						
West Coast Highway (EW)	TS	0.65-B	0.59-A	0.65-B	0.59-A	+0.000	+0.001
Costa Mesa Intersections	TS						
Newport Boulevard (NS) at:	TS						
19th Street (EW)	TS	0.81-D	0.87-D	0.81-D	0.87-D	+0.001	+0.001
Broadway (EW)	TS	0.65-B	0.67-B	0.65-B	0.67-B	+0.002	+0.001
Harbor Boulevard (EW)	TS	0.76-C	0.91-E	0.76-C	0.92-E	+0.002	+0.002
18th Street/Rochester Street (EW)	TS	0.72-C	0.86-D	0.72-C	0.87-D	+0.000	+0.001
17th Street (EW)	TS	0.76-C	0.74-C	0.76-C	0.74-C	+0.000	+0.002
16th Street (EW)	TS	0.49-A	0.51-A	0.49-A	0.51-A	+0.001	+0.002
Industrial Way (EW)	TS	0.58-A	0.56-A	0.58-A	0.56-A	+0.001	+0.001

ICU =Intersection Capacity Utilization, LOS = Level of Service, TS = Traffic Signal
Source: Kunzman Associates, Traffic impact Analysis, September 2009, Appendix C

2012: Existing + Ambient Growth + Approved Projects[6], With and Without Project (Traffic Phasing Ordinance -- TPO Scenario). One-percent of the projected peak hour volumes of each approach of each study area intersection were compared with the peak hour distributed volumes from the proposed project. If one-percent of the existing + growth (Year 2012) + approved projects traffic peak hour volumes of each approach is greater than the peak hour project generated approach volumes, no further analysis is required. The one-percent methodology applies only to the City of Newport Beach intersections; however, all of the City of Costa Mesa intersections were analyzed. If project generated peak hour approach volumes are higher than one-percent of the projected peak hour volumes on any approach of an intersection, the intersection would require analysis utilizing the Intersection Capacity Utilization methodology. Comparison of the one-percent of the existing + growth (Year 2012) + approved projects traffic peak hour approach volumes with the project generated peak hour approach volumes resulted in the following City of Newport Beach study area intersections exceeding the one-percent threshold and requiring additional analysis:

Placentia Avenue (NS) at:
Superior Avenue (EW) – Evening Peak Hour
Hospital Road (EW) – Evening Peak Hour

[6] Approved Project- An approved project is one that has been approved, requires no further discretionary approval, and has received, or is entitled to receive, a building permit or grading permit for construction of the project or one or more phases of the project.

Newport Boulevard (NS) at
Hospital Road (EW) – Morning/Evening Peak Hours

In the future (2012), with the addition of ambient growth and approved projects to existing conditions, all intersections would continue to operate as in 2009 -- at LOS D or better during the am and pm peak hours with the exception of the Newport Boulevard at Harbor Boulevard in the City of Costa Mesa, that would continue to operate at LOS E during the pm peak hour. The addition of project traffic would not result in a significant impact at the study area intersections (increase of one-percent or more at a study area intersection operating at worse than LOS D during the morning/evening peak hours); therefore, no mitigation is required (see **Table 9**).

TABLE 9:
TPO CAPACITY UTILIZATION AND LOS

Intersection	Traffic Control[2]	Peak Hour ICU LOS[1]				ICU Increase	
		Existing +Growth (Year 2012) + Approved Projects		Existing + Growth (Year 2012) + Approved Projects + Project			
		Morning	Evening	Morning	Evening	Morning	Evening
Newport Beach Intersections							
Superior Road (EW) at:							
Hospital Road (EW)	TS	0.64-B	0.45-A	0.64-B	0.45-A	+0.00	+0.00
West Coast Highway (EW)	TS	0.67-B	0.78-C	0.68-B	0.78-C	+0.01	+0.00
Placentia Avenue (NS) at:	TS						
Superior Avenue (EW)	TS	0.53-A	0.60-A	0.53-A	0.60-A	+0.00	+0.00
Hospital Road (EW)	TS	0.46-A	0.53-A	0.47-A	0.53-A	+0.01	+0.00
Newport Boulevard (NS) at:	TS						
Hospital Road (EW)	TS	0.51-A	0.65-B	0.52-A	0.65-B	+0.01	+0.00
West Coast Highway (EW)	TS	0.88-D	0.69-B	0.88-D	0.69-B	+0.00	+0.00
Via Lido (EW)	TS	0.47-A	0.55-A	0.47-A	0.55-A	+0.00	+0.00
32nd Street (EW)	TS	0.43-A	0.51-A	0.43-A	0.51-A	+0.00	+0.00
Riverside Avenue (NS) at:	TS						
West Coast Highway (EW)	TS	0.84-D	0.90-D	0.84-D	0.90-D	+0.00	+0.00
Tustin Avenue (NS) at:	TS						
West Coast Highway (EW)	TS	0.71-C	0.63-B	0.71-C	0.63-B	+0.00	+0.00
Costa Mesa Intersections	TS						
Newport Boulevard (NS) at:	TS						
19th Street (EW)	TS	0.83-D	0.89-D	0.83-D	0.90-D	+0.00	+0.01
Broadway (EW)	TS	0.67-B	0.69-B	0.67-B	0.69-B	+0.00	+0.00
Harbor Boulevard (EW)	TS	0.78-C	0.94-E	0.78-C	0.94-E	+0.00	+0.00
18th Street/Rochester Street (EW)	TS	0.74-C	0.89-D	0.74-C	0.89-D	+0.00	+0.00
17th Street (EW)	TS	0.78-C	0.76-C	0.78-C	0.76-C	+0.00	+0.00
16th Street (EW)	TS	0.51-A	0.52-A	0.51-A	0.52-A	+0.00	+0.00
Industrial Way (EW)	TS	0.60-A	0.58-A	0.60-A	0.58-A	+0.00	+0.00

ICU =Intersection Capacity Utilization, LOS = Level of Service, TS = Traffic Signal
Source: Kunzman Associates, Traffic impact Analysis, September 2009, Appendix C

2012: Existing + Ambient Growth + Approved Projects + Cumulative Projects[7], With and Without Project (CEQA Analysis Scenario). In 2012, with approved projects, ambient growth and cumulative projects added to existing conditions, all intersections would continue to operate at LOS D with the exception of the following intersections that are projected to operate at LOS E/F. These same

[7] Cumulative Projects - Cumulative projects are known, but not yet approved project developments that are reasonably expected to be completed or nearly completed at the same time as the proposed project.

intersections would also operate at LOS E/F with the addition of project traffic:

Newport Beach Intersections:
Newport Boulevard (NS) at West Coast Highway (EW) – Morning Peak Hour
Riverside Avenue (NS) at West Coast Highway (EW) – Evening Peak Hour

Costa Mesa Intersections:
Newport Boulevard (NS) at:
19th Street (EW) – Morning/Evening Peak Hours
Harbor Boulevard (EW) - Evening Peak Hour
18th Street/Rochester Street (EW) – Evening Peak Hour

The addition of project traffic would not result in a significant impact at the study area intersections (increase of one-percent or more at a study area intersection operating at worse than LOS D during the morning/evening peak hours); therefore, no mitigation is required. **Table 10** shows with and without capacity utilization and LOS for the Culumative Analysis scenario.

TABLE 10:
CUMULATIVE CAPACITY UTILIZATION AND LOS

Intersection	Traffic Control[2]	Peak Hour ICU LOS[1]				ICU Increase	
		Existing + Growth (Year 2012) + Approved Projects + Cumulative Projects		Existing + Growth (Year 2012) + Approved Projects + Cumulative Projects + Project			
		Morning	Evening	Morning	Evening	Morning	Evening
Newport Beach Intersections							
Superior Road (EW) at:							
Hospital Road (EW)	TS	0.637-B	0.454-A	0.638-B	0.455-A	+0.001	+0.001
West Coast Highway (EW)	TS	0.686-B	0.803-D	0.587-B	0.805-D	+0.001	+0.002
Placentia Avenue (NS) at:	TS						
Superior Avenue (EW)	TS	0.522-A	0.594-A	0.525-A	0.594-A	+0.003	+0.000
Hospital Road (EW)	TS	0.464-A	0.525-A	0.466-A	0.530-A	+0.002	+0.005
Newport Boulevard (NS) at:	TS						
Hospital Road (EW)	TS	0.520-A	0.657-B	0.528-A	0.564-B	+0.008	+0.007
West Coast Highway (EW)	TS	0.905-E	0.723-C	0.907-E	0.724-C	+0.002	+0.001
Via Lido (EW)	TS	0.471-A	0.554-A	0.471-A	0.555-A	+0.000	+0.001
32nd Street (EW)	TS	0.430-A	0.511-A	0.431-A	0.512-A	+0.001	+0.001
Riverside Avenue (NS) at:	TS						
West Coast Highway (EW)	TS	0.868-D	0.929-E	0.869-D	0.929-E	+0.001	+0.000
Tustin Avenue (NS) at:	TS						
West Coast Highway (EW)	TS	0.730-C	0.655-B	0.731-C	0.656-B	+0.001	+0.001
Costa Mesa Intersections	TS						
Newport Boulevard (NS) at:	TS						
19th Street (EW)	TS	0.916-E	0.986-E	0.917-E	0.987-E	+0.001	+0.001
Broadway (EW)	TS	0.704-C	0.761-C	0.705-C	0.761-C	+0.001	+0.000
Harbor Boulevard (EW)	TS	0.827-D	1.024-F	0.829-D	1.026-F	+0.002	+0.002
18th Street/Rochester Street (EW)	TS	0.782-C	0.962-E	0.784-C	0.963-E	+0.002	+0.001
17th Street (EW)	TS	0.857-A	0.868-D	0.858-D	0.871-D	+0.001	+0.003
16th Street (EW)	TS	0.594-A	0.599-A	0.594-A	0.603-B	+0.000	+0.004
Industrial Way (EW)	TS	0.607-B	0.588-A	0.607-B	0.590-A	+0.000	+0.002

ICU =Intersection Capacity Utilization, LOS = Level of Service, TS = Traffic Signal
Source: Kunzman Associates, Traffic impact Analysis, September 2009, Appendix C

General Plan Buildout. The traffic generated by the project is determined by multiplying an appropriate trip generation rate by the quantity of land use; for the project site, 12,862,5 sq. ft. of medical office space was assumed to be what the existing General Plan would allow and 25,725 sq. ft. the development that would be allowed under the General Plan Amendment.

Trip generation rates were determined for daily traffic, morning peak hour inbound and outbound traffic, and evening peak hour inbound and outbound traffic for the proposed land use (see **Table 7**). By multiplying the traffic generation rates by the land use quantity, the project-generated traffic volumes are determined. The addition of project traffic at buildout would not result in a significant impact at the study area intersections (increase of one-percent or more at a study area intersection operating at worse than LOS D during the morning/evening peak hours); therefore, no mitigation is required (see **Table 11**).

Table 11 shows with and without project conditions under the General Plan Buildout scenario.

TABLE 11:
GENERAL PLAN BUILDOUT ICU LOS

Intersection	Traffic Control[2]	Peak Hour ICU-LOS[1]				ICU Increase	
		General Plan Buildout Without Project		General Plan Buildout With Project			
		Morning	Evening	Morning	Evening	Morning	Evening
Newport Beach Intersections							
Superior Road (EW) at:							
Hospital Road (EW)	TS	N/A	N/A	N/A	N/A	N/A	N/A
West Coast Highway (EW)	TS	0.898-D	0.750-C	0.900-D	0.751-C	+0.0002	+0.001
Placentia Avenue (NS) at:	TS						
Superior Avenue (EW)	TS	0.597-A	0.487-A	0.599-A	0.489-A	+0.002	+0.002
Hospital Road (EW)	TS	N/A	N/A	N/A	N/A	N/	N/A
Newport Boulevard (NS) at:	TS						
Hospital Road (EW)	TS	0.760-C	0.850-D	0.770-C	0.856-D	+0.010	+0.006
West Coast Highway (EW)	TS	0.844-D	0.735-C	0.846-D	0.737-C	+0.002	+0.002
Via Lido (EW)	TS	0.640-B	0.498-A	0.640-B	0.498-A	+0.000	+0.000
32nd Street (EW)	TS	0.587-A	0.672-B	0.588-A	0.673-B	+0.001	+0.001
Riverside Avenue (NS) at:	TS						
West Coast Highway (EW)	TS	1.084-F	1.083-F	1.085-F	1.084-F	+0.001	+0.001
Tustin Avenue (NS) at:	TS						
West Coast Highway (EW)	TS	0.875-D	0.788-C	0.875-D	0.788-C	+0.000	+0.000
Costa Mesa Intersections	TS						
Newport Boulevard (NS) at:	TS						
19th Street (EW)	TS	0.813-D	1.061F	0.814-D	1.062-F	+0.001	+0.001
Broadway (EW)	TS	0.765-C	0.863-D	0.765-C	0.863-D	+0.000	+0.000
Harbor Boulevard (EW)	TS	0.970-E	1.292-F	0.972-E	1.293-F	+0.002	+0.001
18th Street/Rochester Street (EW)	TS	0.836-D	1.121-F	0.837-D	1.122-F	+0.001	+0.001
17th Street (EW)	TS	1.001-F	0.979-E	1.001-F	0.982-E	+0.000	+0.003
16th Street (EW)	TS	0.629-B	0.677-B	0.629-B	0.679-B	+0.000	+0.002
Industrial Way (EW)	TS	0.604-B	0.527-A	0.605-B	0.528-A	+0.001	+0.001

ICU =Intersection Capacity Utilization, LOS = Level of Service, TS = Traffic Signal
Source: Kunzman Associates, Traffic impact Analysis, September 2009, Appendix C

Delay and LOS Summary. Using the delay methodology required by the California Department of Transportation, the delay and Level of Service summary for the study area intersections are shown in **Table 12**; the results show that the project would not have a significant impact at study area intersections and therefore no mitigation is necessary. [A significant project impact would occur at a State Highway study intersection when the addition of project-generated trips causes the peak hour level of service of the study intersection to change from acceptable operation (LOS A, B, or C) to deficient operation (LOS D, E, or F).]

TABLE 12:
INTERSECTION DELAY AND LOS SUMMARY

Intersection	Peak Hour Delay (Seconds) – Level of Service													
	Existing		Existing + Growth (Year 2012) + Approved Projects + Cumulative Projects		Existing + Growth (Year 2012) + Approved Projects + Cumulative Projects + Project		Delay Increase		General Plan Buildout Without Project		General Plan Buildout With Project		Delay Increase	
	Morning	Evening	Morning	Evening	Morning	Evening	Morning	Evening	Morning	Evening	Morning	Evening	Morning	Evening
Newport Beach Intersections														
Superior Avenue (NS) at:														
West Coast Highway (EW)	16.6-B	20.6-C	17.0-B	22.0-C	17.0-B	22.0-C	0.0	0.0	25.2-C	20.5-C	25.3-C	20.5-C	0.1	0.0
Newport Boulevard (NS) at:														
Hospital road (EW)	14.6-B	15.1-B	14.9-B	16.1-B	15.1-B	16.6-B	0.2	0.5	16.1-B	20.5-C	16.5-B	21.1-C	0.4	0.6
West Coast Highway (EW)	11.1-B	11.9-B	13.8-B	13.5-B	13.9-B	13.7-B	0.1	0.2	15.8-B	15.1-B	15.9-B	15.3-B	0.1	0.2
Riverside Avenue (NS) at"														
West Coast Highway (EW)	8.5-A	11.3-B	8.4-A	12.0-B	8.4-A	12.1-B	0.0	0.1	13.9-B	16.4-B	13.9-B	16.4-B	0.0	0.0
Tustin Avenue (NS) at"														
West Coast Highway (EW)	14.5-B	4.9-A	25.9-C	5.2-A	26.1-C	5.2-A	0.2	0.0	54.4-D	8.4-A	54.7-D	8.5-A	0.3	0.1
Costa Mesa Intersections														
Newport Boulevard (NS) at:														
19th Street (EW)	17.0-B	22.6-C	25.2-C	40.9-D	25.3-C	41.0-D	0.1	0.1	16.4-B	48.4-D	16.5-B	48.5-D	0.1	0.1
Broadway (EW)	6.1-A	6.0-A	6.5-A	6.6-A	6.5-A	6.6-A	0.0	0.0	9.2-A	10.2-B	9.2-A	10.3-B	0.0	0.1
Harbor Boulevard (EW)	9.7-A	18.5-B	11.3-B	33.4-C	11.3-B	33.6-C	0.0	0.2	25.9-C	101.0-F	26.1-C	101.3-F	0.2	0.3
18th Street/Rochester Street (EW)	10.3-B	16.6-B	11.3-B	23.4-C	11.3-B	23.5-C	0.0	0.1	14.4-B	49.5-D	14.4-B	49.7-D	0.0	0.2
17TH Street (EW)	20.5-C	21.5-C	25.2-C	28.1-C	25.2-C	28.3-C	0.0	0.2	48.9-D	39.3-D	48.9-D	39.6-D	0.0	0.3
16th Street (EW)	4.7-A	6.2-A	8.2-A	8.3-A	8.2-A	8.3-A	0.0	0.0	5.8-A	8.7-A	5.8-A	8.7-A	0.0	0.0
Industrial Way (EW)	10.2-B	8.3-A	10.3-B	8.4-A	10.3-B	8.4-A	0.0	0.0	8.5-A	6.1-A	8.5-A	6.1-A	0.0	0.0

c). Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The proposed project would result in no change to air traffic.

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

Less than Significant Impact with Mitigation. Old Newport Boulevard at the project site has a slight bend, in addition the change in topography at the project site presents a potential hazard with respect to adequate line of sight. In addition, existing parking design presents potential ciculation issues that could present a hazard to people parking in the building. The following mitigation measures (and Mitigation Measure MM T.3 below) are recommended to eliminate any potential hazards:

MM T.1: Sight distance at the project access points shall be reviewed with respect to City of Newport Beach standards in conjunction with the preparation of final grading, landscaping, and street improvement plans.

MM T.2: On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project and as approved by the City of Newport Beach.

e). Result in inadequate emergency access?

No Impact. The project would not result in a significant impact on local traffic and would therefore not affect emergency access. The project would be a medical office building, and as such emergency vehicles may occasionally access the site. In an emergency vehicles would park (or double park) along the street.

f). Result in inadequate parking capacity?

Less than Significant Impact. The project would provide parking in accordance with Zoning Code requirements (1 space per 200 sq. ft. of medical office), a total of 125 required spaces for the project as currently designed. In the Zoning Code in the Old Newport Boulevard SP-9 (RSC) area, developments with a 50 foot (full height curb) separation between driveway approaches on Old Newport Boulevard may be granted an off-street parking credit by the Planning Director equal to the number of on-street parking spaces available along that frontage (7 on-street parking spaces are currently proposed).

g). Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Less than Significant Impact. The proposed project would not conflict with adopted policies supporting alternative transportation. It would be located within walking distance of a residential community (who could use the facility) and Hoag Hospital (a complementary use). Limited shops and restaurants are available in the immediate area, but are located not too distant from the site. Public transportation is readily available in and around the project area. The City of Newport Beach (Zoning Code Section 20.64) requires all projects with 100 or more employees to develop a Transportation

Demand Management (TDM) Program to reduce peak period trips. In the absence of specific employment projections developed by the Applicant (subject to approval), a generation factor of one employee per 250 gross sq. ft. shall be used for office uses. Based on that generation factor, a total of 100 employees are estimated and a TDM Program would be required to be prepared pursuant to Zoning Code. However, the applicant has indicated that 75 employees would work in the project; this number must be approved by the City. If the number is not approved, the applicant would have to prepare a TDM program.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

a). 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?

and

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

Less than Significant Impact with Mitigation. The City of Newport Beach owns and maintains several water and sewer mains in the vicinity of the subject property (Figures 4.14.1 and 4.14.2 of the General Plan EIR). Implementation of the project would result in an increase in floor area (i.e., up to about 11,700 sq. ft.) and a different mix in use (from a mix of general office, medical office and residential to all medical office). The project would intensify the demand for City water and increase the generation of sewage. Although it is anticipated that the existing water and sewer mains and sewage treatment plant capacity are adequate to accommodate the potential demands for domestic water and potential increase in sewage that would be generated by the project, the Applicant will be required to prepare and submit a water system and sanitary sewer system demand studies (see Mitigation Measure MM W.1 below). Potential impacts to the existing City or Sanitation District's ability to provide adequate water and sewer service and sewage collection and treatment will be addressed by these studies and any identified recommendations in those studies. The water and sanitary sewer system studies will identify whether there is a need to upgrade any of the existing facilities currently serving the site. Domestic water facilities would be required to meet both the existing and proposed fire demands for the project. As a result, potential impacts would be less than significant. Potential impacts to water and sewer lines in the area as a result of construction activities will be reduced to a less than significant level by Mitigation Measure MM W.2.

MM W.1: Prior to demolition, the applicant shall prepare a water system and sanitary sewer system demand study to identify potential impacts to the existing City or Sanitation District's ability to provide adequate water and sewer service and sewage collection and treatment. The study will identify the need to upgrade any of the existing facilities currently serving the site.

MM W.2: Prior to the issuance of grading or building permits, the Applicant shall coordinate with utility and service organizations regarding any construction activities to ensure existing facilities are protected and any necessary expansion or relocation of facilities are planned and scheduled in consultation with the appropriate public agencies.

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

No Impact. Implementation of the project would result in an increase of about 380 sq. ft. of impervious surfaces (1.5 – percent of the site); as discussed in the Hydrology and Water Quality discussion above, the project would not result in significant changes to runoff conditions at the project site. Although on-site facilities would be necessary, the runoff would be directed to the same storm drain facilities that exist in the adjacent street system, which have adequate capacity to accommodate the post-development runoff generated by the project. Therefore, no significant impacts are anticipated.

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

and

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

Less than Significant Impact with Mitigation. While the project does result in an incremental increase in allowed development compared to what was considered for the site in the General Plan, the additional development would be within the growth projections for the City as a whole and the project would not create demands for water that exceed the parameters upon which the water supply and distribution, identified in the General Plan EIR are based. It is anticipated that the project will include water conservation features that would reduce consumption compared to similar uses developed in the past and, therefore, the increase in water consumption from the site would not be as much as such increase in use have cause in the past. The City owns and maintains facilities that serve the existing development in the vicinity of the site. It is not anticipated that the project would generate a significant increased demand for potable water, domestic water can be provided from the existing water supply and distribution system. Project implementation will not require the construction of new water or wastewater treatment facilities. Although new laterals may be required, existing supplies are adequate to ensure the provision of adequate fire flows and domestic water service to the site. With Mitigation Measure MM W.3 less than significant impacts are anticipated as a result of project implementation.

MM W.3: The project shall incorporate water conservation measures including low flow fixtures, water-efficient equipment, drought tolerant landscaping, rain capture and storage and other features as feasible to reduce water consumption.

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

No Impact. Implementation of the Project would result in the generation of demolition and construction debris during the construction phase of the project resulting from the demolition of the existing buildings. In addition, an increase in solid waste would be generated by the proposed land uses. The medical office could result in the generation of some medical/biohazard waste; such waste would be required to be disposed of properly at facilities certified to accept it. Further, the County landfill system (i.e., three landfill sites) has a capacity in excess of 30 years. The City is in compliance with AB 939, which requires a 50 percent reduction in the amount of solid waste. The project site will remain subject to this provision. Therefore, no impact is anticipated.

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

No Impact. As indicated above, the City is required to comply with AB939, which requires reducing the amount of solid waste by 50 percent. Site development will be subject to the requirements established in the City's Source Reduction and Recycling Element (SRRE) that reflect the manner in which solid waste reduction will occur. Compliance with the SRRE will ensure that such reductions occur, not only at the project site but also throughout the City of Newport Beach. It is possible that some of the demolition debris could be recycled, which would result in a reduction in the amount of construction debris that would be placed in a landfill. Therefore, no significant impacts are anticipated to occur as a result of project implementation.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Less Than Significant Impact with Mitigation. The project site has been impacted by past development. The project site is located within a generally urbanized area surrounded by commercial and residential uses. The project area has been modified from its natural condition. Topography has been modified and vegetation and habitats removed. The project site does not contain any historical or biological resources or any known archaeological, paleontological or unique geologic features. No historic resources exist on the site. Any surficial archaeological or paleontological resources that may have existed at one time have likely been previously unearthed or disturbed. Since the project involves up to two levels below grade archaeological resources and/or paleontological resources could be disturbed at deeper levels, therefore mitigation is included to address any potential cultural resources that could be found on the site.

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

Less Than Significant Impact with Mitigation. Implementation of the project would not result in significant cumulative impacts. In particular, incremental traffic, noise and air quality impacts would not exceed significance thresholds identified ether by the City of Newport Beach or other responsible agencies. The project does not have the potential to generate other project-related impacts that may be cumulatively considerable. The project site is currently served by the Newport Beach Police and Fire Departments and water and sewer service are provided by the City; with mitigation, less than significant impacts are anticipated to occur to these agencies; the project would not require new or additional law enforcement and/or fire protection service, and new or improved water or sewer facilities will be required as a result of the mitigation imposed on the project. Therefore, no additional impacts to those agencies would occur. Also, because the site is intensively developed, no native habitat or other important or sensitive species and/or cultural/scientific resources would occur. Therefore, with mitigation the project would not result in a cumulatively considerable contribution to a significant impact.

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

Less Than Significant Impact with Mitigation. Although project implementation would result in physical changes to the property, the alterations are not anticipated to result in significant changes to the environment. Construction and operation of the medical office floor area and subterranean parking would be consistent with the Newport Beach General Plan. The project is consistent with the designated general commercial office use for the area. The Applicant is requesting that the FAR double from 0.5 FAR to 1.0 FAR. It is anticipated that the project could stimulate economic activity in this area of the City that has experienced a considerable reduction in traffic (and thus economic activity) after completion of (new) Newport Boulevard. The potential impacts of project are evaluated in the preceding analysis. Based on that evaluation, the proposed project would not have the potential to generate significant environmental effects which could cause adverse effects on humans, either directly (e.g., traffic and circulation, etc.) or indirectly (e.g., contribute to deficiencies in public services and/or facilities). Therefore, potential significant impacts are anticipated to be less than significant after the incorporation and implementation of mitigation measures identified in this document.

XVIII. STATUTORY AUTHORITY AND EARLIER ANALYSES

In compliance with state law and procedures, the City has determined that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project. In compliance with §15063 of the CEQA Guidelines, the City conducted an Initial Study to determine if the project may have a significant effect on the environment. The preparation of the Initial Study and Mitigated Negative Declaration is governed by two principal sets of documents -- the California Environmental Quality Act, and the CEQA Guidelines (California Code of Regulations §15000, et seq.). Additionally, City of Newport Beach Council Policies and case law provide guidance to this Initial Study and Mitigated Negative Declaration. Section 15063(d)(3) requires that the entries on the Initial Study checklist identifying environmental effects be briefly explained to indicate that there is evidence to support the entries. An Initial Study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings. Section 15070 identifies that a public agency shall prepare a Negative Declaration or Mitigated Negative Declaration for a project subject to CEQA when the Initial Study shows that the project will not have a significant effect on the environment or the Initial Study identifies potentially significant effects but revisions in the project plans/designs show the effects would be avoided or the effects would be reduced with implementation of mitigation measures to a point where it is clearly shown that no significant impacts to the environment would occur as a result of the project.

As allowed by CEQA, this Mitigated Negative Declaration relies on the General Plan Program EIR (see source list below). CEQA allows that earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration [CEQA Guidelines §15063(c)(3)(D)]. In such case a discussion should identify the following on attached sheets:

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

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, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

In the case of this Mitigated Negative Declaration, where the General Plan EIR is relied upon, the analysis of the issue indicates what information has been used and the extent to which information and mitigation measures are relied upon.

XIX. INCORPORATION BY REFERENCE AND SOURCE LIST

Certain documents are incorporated by reference into this Initial Study and Mitigated Negative Declaration pursuant to CEQA Guidelines §15150. These documents are identified in the Initial Study Checklist discussion above (all are available for review at City of Newport Beach, Planning Department, 3300 Newport Boulevard, Newport Beach, California 92660). When a document is referenced and/or incorporated by reference, its pertinent sections are briefly summarized in Initial Study Checklist discussion above.

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

1. Final Program EIR – City of Newport Beach General Plan, 2006

2. General Plan, including all its elements, City of Newport Beach, 2006

3. Kunzman Associates, Inc.; Traffic Impact Analysis; City of Newport Beach Old Newport Beach Boulevard Sub Area project Center (September 15, 2009)

4. Zoning Map

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

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

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

8. South Coast Air Quality Management District, Air Quality Management Plan 2007

9. South Coast Air Quality Management district, CEQA Handbook, 1993