

**DRAFT INITIAL STUDY
PROPOSED MITIGATED NEGATIVE DECLARATION**

**City of Newport Beach
The Residences at Newport Place**

LEAD AGENCY:

City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, California 92660
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January 2016

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1.0 INTRODUCTION

Following preliminary review of the proposed Residences at Newport Place, the City of Newport Beach has determined that the proposed project is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). This Initial Study addresses the direct, indirect, and cumulative environmental effects associated with the project, as proposed.

1.1 STATUTORY AUTHORITY AND REQUIREMENTS

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations (CCR), the City of Newport Beach, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that any aspect of the project may cause a significant environmental effect, the Lead Agency shall further find that an Environmental Impact Report (EIR) is warranted to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency shall find that the proposed project would not have a significant effect on the environment and shall prepare a Negative Declaration for that project. Such determination can be made only if "there is no substantial evidence in light of the whole record before the Lead Agency" that such impacts may occur (Section 21080[c], Public Resources Code).

The environmental documentation, which is ultimately selected by the City of Newport Beach in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the proposed project. The resulting documentation is not, however, a policy document and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits and other discretionary approvals would be required.

The environmental documentation and supporting analysis is subject to a public review period. The proposed project is a project "of statewide, regional, or areawide significance" as prescribed in Section 15206 of the CEQA Guidelines because "... the project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located."¹ Therefore, the document will be submitted to the State Clearinghouse for review and the review period is determined to be 30 days in accordance with CEQA Guidelines § 15205(d). Following review of any comments received, the City of Newport Beach will consider these comments as a part of the project's environmental review and include them with the Initial Study documentation for consideration by the City of Newport Beach in accordance with Section 15074(b) of the CEQA Guidelines.

1.2 PURPOSE

The purposes of the Initial Study/Environmental Checklist are to: (1) identify environmental impacts; (2) provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or Negative Declaration; (3) enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared; (4) facilitate environmental assessment early in the design of the project; (5) provide documentation of the factual basis for the finding in a Negative Declaration that a project would not have a significant environmental effect; (6) eliminate needless EIRs; (7) determine whether a previously prepared EIR could be used for the project; and (8) assist in the preparation of an EIR, if required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant.

¹CEQA Guidelines § 15206.



Section 15063 of the CEQA Guidelines identifies specific disclosure requirements for inclusion in an Initial Study. Pursuant to those requirements, an Initial Study shall include: (1) a description of the project, including the location of the project; (2) an identification of the environmental setting; (3) an identification of environmental effects by use of a checklist, matrix or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries; (4) a discussion of ways to mitigate significant effects identified, if any; (5) an examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls; and (6) the name of the person or persons who prepared or participated in the preparation of the Initial Study.

1.3 INCORPORATION BY REFERENCE

As permitted by Section 15150 of the State CEQA Guidelines, this initial study incorporates several documents by reference. The reference documents identified below were utilized during the preparation of the Initial Study. The relevant information and analysis that have been incorporated by reference into this initial study has been summarized. Each of the documents identified below, which have been incorporated by reference, are available for review at the City of Newport Beach Community Development Department, located at 100 Civic Center Drive, Newport Beach, California 92660.

- City of Newport Beach General Plan (adopted July 25, 2006). The purpose of the City of Newport Beach General Plan (General Plan) is to provide a general, comprehensive, and long-range guide for community decision-making. The Newport Beach General Plan is organized into ten elements. General Plan Elements have been re-organized by thematic topic for clarity and to avoid redundancy. The subjects of the Conservation and Open Space Element have been merged into the Natural Resources Element. The General Plan also includes Parks and Recreation, Historical Resources, Arts and Cultural and Harbor and Bay Elements. Each General Plan element presents an overview of its scope, summary of conditions and planning issues, goals, and policies. Goals and policies of the General Plan are applicable to all lands within the City's jurisdiction. Consistent with state statutes, it also specifies policies for the adopted Sphere of Influence (SOI).
- City of Newport Beach Environmental Impact Report General Plan 2006 Update (April 21, 2006) SCH No. 2006011119. The City of Newport Beach Environmental Impact Report General Plan 2006 Update (General Plan EIR) reviews the City's and Planning Area's existing conditions, analyzes potential environmental impacts from implementation of the General Plan Update, identifies policies from the proposed General Plan Update that serve to reduce and minimize impacts, and identifies additional mitigation measures, to reduce potentially significant impacts of the General Plan Update. The EIR presents a worst-case scenario based upon the City's and adjacent areas' maximum potential development from 2002 through 2030.
- City of Newport Beach Planned Community (PC) – 11 (Newport Place) District Regulations and, where applicable, the Newport Beach Zoning Code (Title 20 of the City of Newport Beach Municipal Code, Planning and Zoning) (adopted October 26, 2010 and as amended from time to time thereafter). The purpose of the PC-11 Planned Community District Regulations and the Zoning Code is to promote growth in Newport Beach in an orderly manner, while promoting public health, safety, peace, comfort and general welfare. The Zoning Code also establishes zoning districts and regulations for the use of land and development for properties within the City. Where applicable, development standards and related relevant requirements prescribed in the Zoning Code have been identified and summarized and their relationship to the proposed Residences at Newport Place Project identified and described in the IS/MND.



2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND ENVIRONMENTAL SETTING

PROJECT LOCATION

The existing site encompasses 5.70 acres within three contiguous parcels and currently improved with eight retail/commercial buildings. The street addresses of these buildings are 1701 Corinthian Way; 4251, 4253, and 4255 Martingale Drive; 4200, 4220, and 4250 Scott Drive; and 16600 Dove Street. The odd, pentagonal-shaped site is bounded by Corinthian Way to the northeast, Martingale Way to the east, Scott Drive to the northwest, Dove Street to the southwest, and an office building development to the south. Site access is provided by three commercial driveways – located on Dove Street, Scott Drive, and Martingale Way. Exhibit 2-1 and Exhibit 2-2 illustrate the regional and vicinity locations of the project site, respectively. Exhibit 2-3 illustrates the three parcels encompassing the 5.70 acres within the project site. The Existing Site Plan, which illustrates the locations of each of the eight existing buildings, is depicted on Exhibit 2-4.

PROJECT SETTING

Project Site

The existing site has been occupied by MacArthur Square, a shopping center that was built in 1974. The center has a total of 58,277 square feet and 462 parking spaces. The Vicinity Map (refer to Exhibit 2-2) illustrates the development character of the site and surrounding area.

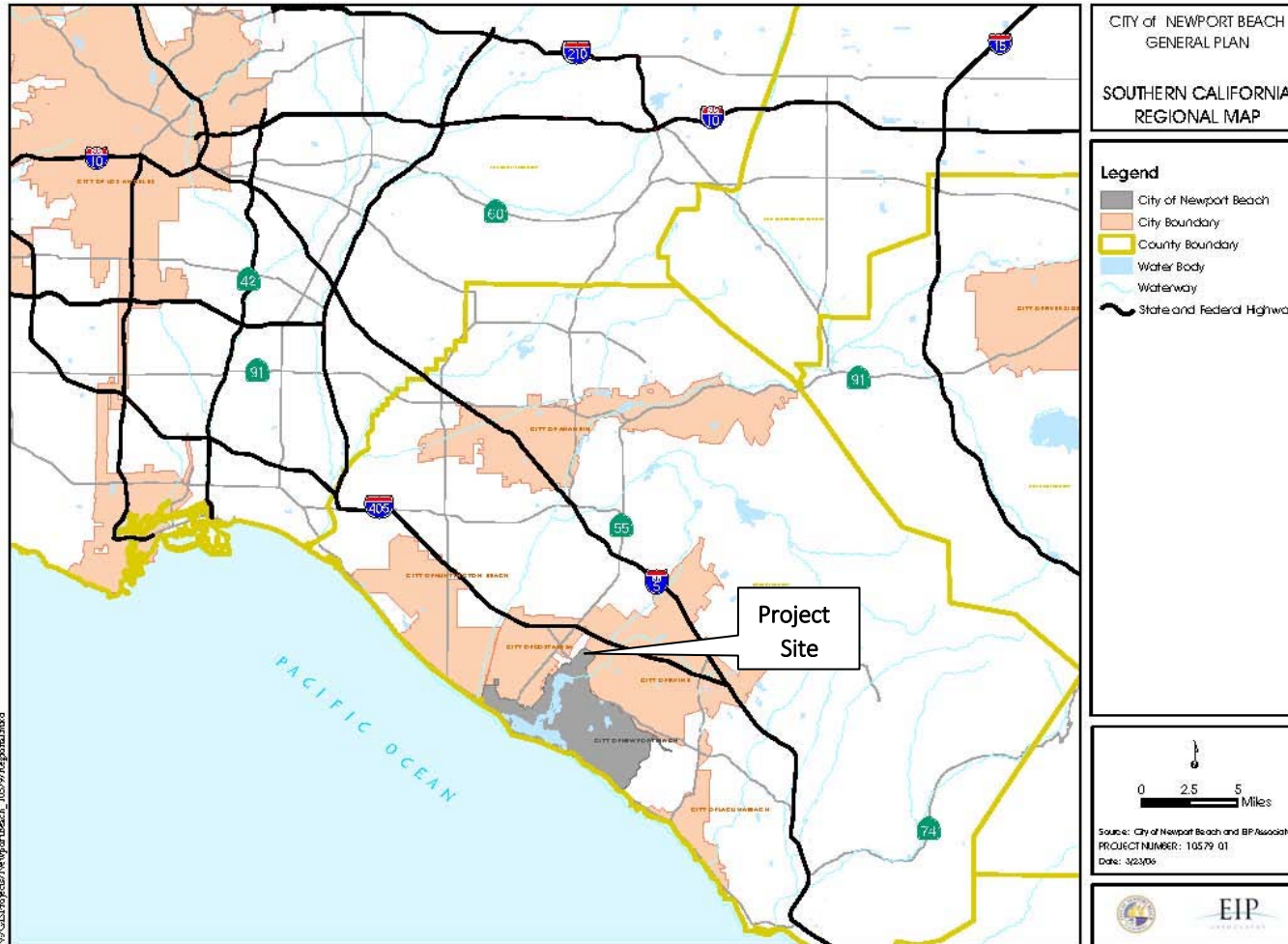
Given the odd shape of the property, it does not have a definable width or depth. The site frontages vary in length from 205 feet along Corinthian Way to 520 feet along Martingale Way. Existing building setbacks range from 60 to over 80 feet. The site topography can generally be described as flat, with only a 4-foot elevation difference over a length of approximately 500 feet (less than 1% slope) from Dove Street to Martingale Way. Landscaping within the core of the shopping center is sparse; however, there is an approximately 14-foot wide existing perimeter strip of landscaping adjacent to the public sidewalk, within which there is a somewhat continuous row of over 30 introduced trees, including 12 Italian Stone Pines (*Pinus pinea*), 12 Canary Island Pines (*Pinus canariensis*), and 12 London Planes (*Platanus acerifolia*). Underlying soil conditions may be described as stable, but unsuitable for stormwater infiltration, with a relatively shallow water table (historically measured at around 10 feet below the surface). There are no known historical, cultural, or scenic features on, or abutting, the proposed project site. There are no native plants or indigenous animal life on, or abutting, the site.

The proposed project site is located within the Newport Place Planned Community of the City of Newport Beach. The City of Newport Beach General Plan Designation for the proposed project site is MU-H2 (Mixed-Use Horizontal 2) and the Zoning is PC 11 (Planned Community 11, Newport Place). The proposed project site is also located within the limits of the Airport Area Planning Sub-Area of the General Plan, and is located within the 60-dB Airport Environs Land Use Plan (AELUP) Noise Contour.

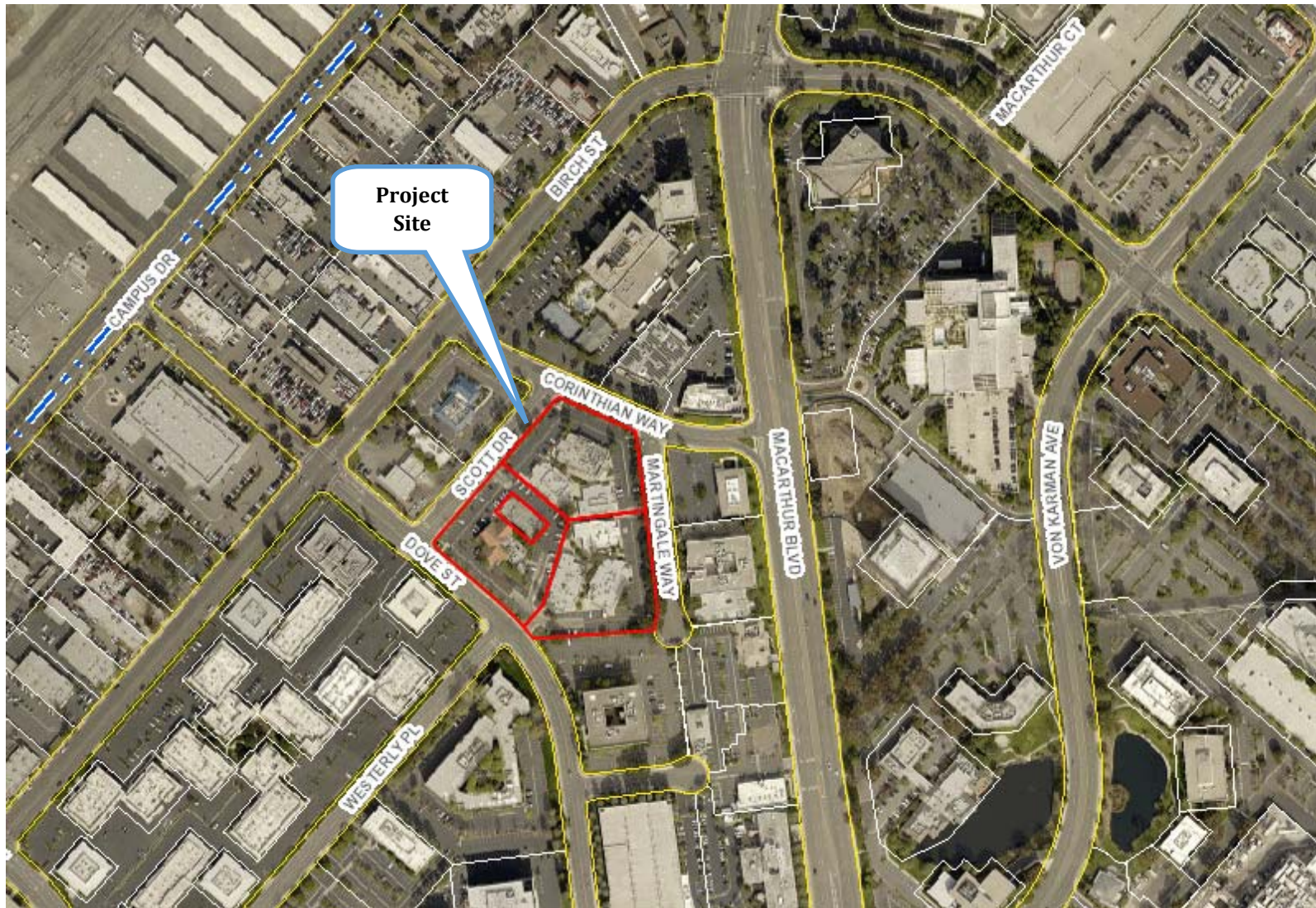
The project site is located within Flood Zone X as designated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06059C0286J, revised December 3, 2009. Flood Zone X is defined as areas determined to be of minimal flood hazard and outside the 500-year flood or protected by levee from a 100-year flood.



*City of Newport Beach
The Residences at Newport Place
Initial Study/Mitigated Negative Declaration*



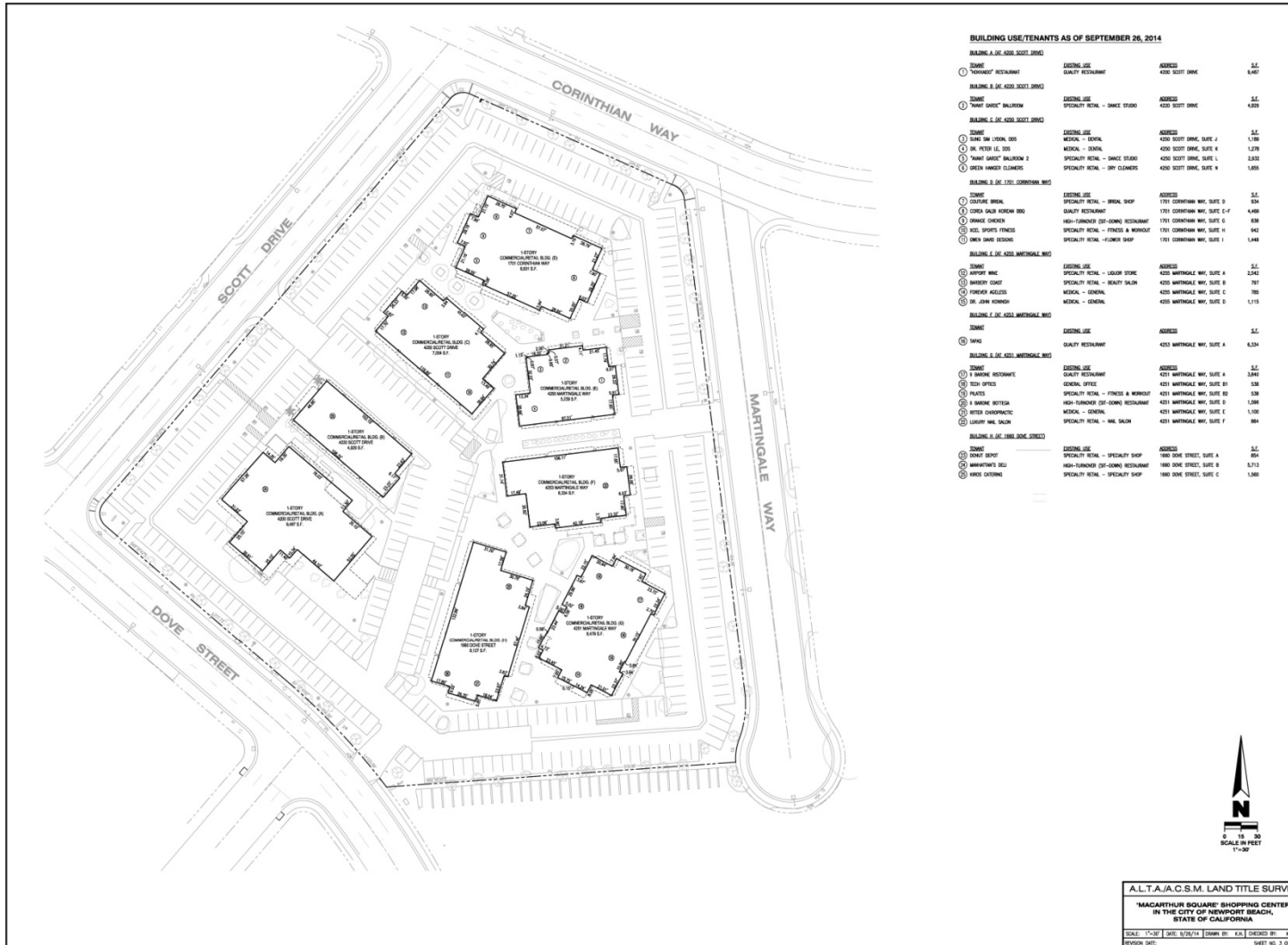
**Exhibit 2-1
Regional Location**



**Exhibit 2-2
Vicinity Map**



City of Newport Beach
The Residences at Newport Place
Initial Study/Mitigated Negative Declaration



BUILDING USE/TENANTS AS OF SEPTEMBER 26, 2014				
BUILDING #	NAME	EXISTING USE	ADDRESS	S.F.
BUILDING # 01 (400 SCOTT DRIVE)				
①	"YORKMAY" RESTAURANT	QUALITY RESTAURANT	400 SCOTT DRIVE	6,407
BUILDING # 02 (422 SCOTT DRIVE)				
①	"TAMM" GARDEN BALLROOM	SPECIALTY RETAIL - DANCE STUDIO	422 SCOTT DRIVE	4,023
BUILDING # 03 (424 SCOTT DRIVE)				
①	TAMM	EXISTING USE		S.F.
②	DR. DAN LYON, MD	MEDICAL - DENTAL	420 SCOTT DRIVE, SUITE J	1,150
③	DR. PETER LE, DDS	MEDICAL - DENTAL	420 SCOTT DRIVE, SUITE K	1,278
④	"TAMM GARDEN" BALLROOM 2	SPECIALTY RETAIL - DANCE STUDIO	420 SCOTT DRIVE, SUITE L	2,822
⑤	WEEK HANDED CLINICS	SPECIALTY RETAIL - OPT CLINIC	420 SCOTT DRIVE, SUITE M	1,820
BUILDING # 04 (170 CORINTHIAN WAY)				
①	TAMM	EXISTING USE		S.F.
②	COURTNEY BIRNBAUM	SPECIALTY RETAIL - BRIDAL SHOP	170 CORINTHIAN WAY, SUITE D	834
③	COCA COLA NEON BBQ	QUALITY RESTAURANT	170 CORINTHIAN WAY, SUITE C-F	4,480
④	GRAND CHECKER	HIGH-TURNOVER (OFF-GOING) RESTAURANT	170 CORINTHIAN WAY, SUITE G	838
⑤	KELI SPORTS FITNESS	SPECIALTY RETAIL - FITNESS & WORKOUT	170 CORINTHIAN WAY, SUITE H	942
⑥	NEW HAIR STUDIO	SPECIALTY RETAIL - FLOWER SHOP	170 CORINTHIAN WAY, SUITE I	1,448
BUILDING # 05 (424 MARTINGALE WAY)				
①	TAMM	EXISTING USE		S.F.
②	ANTHONY HINE	SPECIALTY RETAIL - LIQUOR STORE	424 MARTINGALE WAY, SUITE A	2,342
③	SHERRY GARDY	SPECIALTY RETAIL - BEAUTY SALON	424 MARTINGALE WAY, SUITE B	767
④	FOREKAY ARKLES	MEDICAL - GENERAL	424 MARTINGALE WAY, SUITE C	765
⑤	DR. JOHN KENNEDY	MEDICAL - GENERAL	424 MARTINGALE WAY, SUITE D	1,115
BUILDING # 06 (424 MARTINGALE WAY)				
①	TAMM	EXISTING USE		S.F.
②	SHAN	QUALITY RESTAURANT	424 MARTINGALE WAY, SUITE A	6,334
BUILDING # 07 (421 MARTINGALE WAY)				
①	TAMM	EXISTING USE		S.F.
②	H SHANE RESTAURANT	QUALITY RESTAURANT	421 MARTINGALE WAY, SUITE A	3,840
③	TECH OFFICE	GENERAL OFFICE	421 MARTINGALE WAY, SUITE B1	536
④	PLATE	SPECIALTY RETAIL - FITNESS & WORKOUT	421 MARTINGALE WAY, SUITE B2	538
⑤	H SHANE BUTTER	HIGH-TURNOVER (OFF-GOING) RESTAURANT	421 MARTINGALE WAY, SUITE D	1,346
⑥	WATER CHEMIST/PHYSICIAN	MEDICAL - DENTAL	421 MARTINGALE WAY, SUITE E	1,150
⑦	LAUREY HILL SALON	SPECIALTY RETAIL - NAIL SALON	421 MARTINGALE WAY, SUITE F	864
BUILDING # 08 (160 DOME STREET)				
①	TAMM	EXISTING USE		S.F.
②	SHANE SHOP	SPECIALTY RETAIL - SPECIALTY SHOP	160 DOME STREET, SUITE A	864
③	BRANDY'S DELI	HIGH-TURNOVER (OFF-GOING) RESTAURANT	160 DOME STREET, SUITE B	5,713
④	WINDS OUTRIG	SPECIALTY RETAIL - SPECIALTY SHOP	160 DOME STREET, SUITE C	1,560

A.L.T.A.A.C.S.M. LAND TITLE SURVEY
"MACARTHUR SQUARE" SHOPPING CENTER
IN THE CITY OF NEWPORT BEACH,
STATE OF CALIFORNIA
 SCALE: 1"=30' DATE: 5/24/14 DRAWN BY: K.A. CHECKED BY: K.A.
 REVISION SHEET NO. 3 OF 3

Exhibit 2-4
Existing Site Plan



Surrounding Area

The MacArthur Square property is surrounded by an assortment of low-rise and mid-rise office buildings, commercial centers, restaurants, a car wash and service station, and a hotel. From the project site, an office condominium complex known as The Hangars is situated on the opposite side of Dove Street; A hand carwash and the Benihana Japanese restaurant are located on the opposite side of Scott Drive; the rear of the 7- and 10-story Radisson hotel and the Staples office supply store are located on the opposite side of Corinthian Way; and a 2-story bank building and 3-story office building are located on the opposite side of Martingale Way. A 4-story office building is situated on the adjacent parcel to the south. Building setbacks of surrounding uses range from 25-feet to over 50 feet, as measured from the back of sidewalk (or street curb where no sidewalk exists).

2.2 PROJECT BACKGROUND

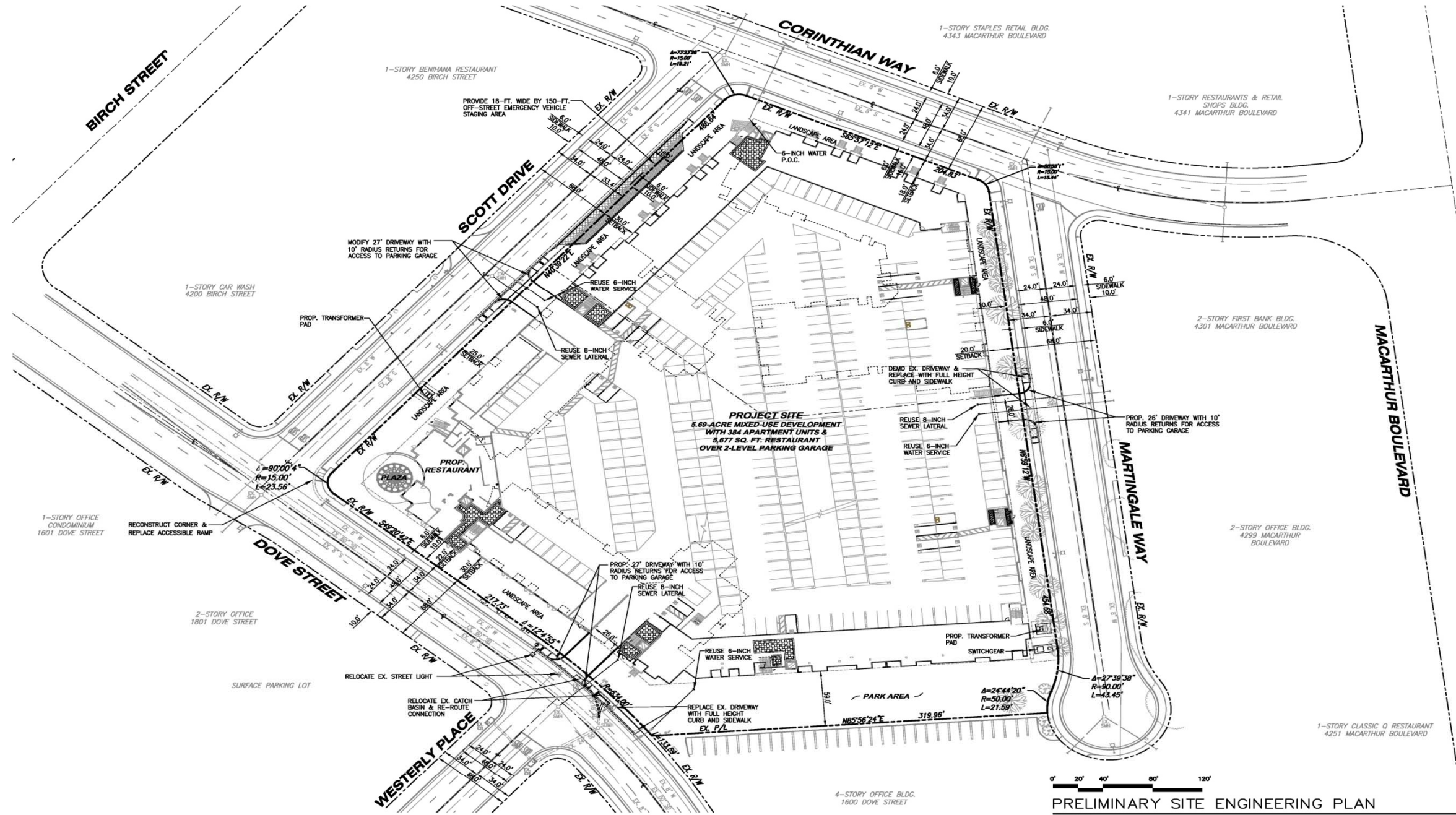
Built in 1974, MacArthur Square is characterized as a shopping center that supports a variety of retail commercial business, including restaurants, retail shops, may be described as an aging, underutilized, and underperforming neighborhood shopping center. Current tenants include several restaurants, a dance studio, retail stores, and professional and medical offices. The existing shopping center serves the weekday influx of workers to the area; no residential developments exist within a mile of the site.

2.3 PROJECT CHARACTERISTICS

PROJECT DESCRIPTION

Development

The project includes the demolition of the existing MacArthur Square shopping center and the redevelopment of the site with a new mixed-use development called The Residences at Newport Place. The proposed project will consist of 384 luxury multi-family residential apartments, including 298 market rate and 86 affordable units, and 5,677 square feet of integrated retail use. The current unit mix (subject to change) includes 54 studio units averaging 616 square feet in size; 173 one-bedroom units averaging 804 square feet in size; 136 two-bedroom units averaging 1,178 square feet in size; and 21 three-bedroom units averaging 1,422 square feet in size. The proposed project will consist of 4 levels of residential units to be built on a podium, and 2 levels of partially subterranean parking, with 715 full-size parking spaces, including accessible spaces and electric vehicle charging stations. The Proposed Engineering Site Plan is depicted in Exhibit 2-5 and the Illustrative Site Plan is illustrated on Exhibit 2-6.



NO. 1	EXISTING UTILITIES
NO. 2	PROPOSED UTILITIES
NO. 3	PROPOSED DRIVEWAYS
NO. 4	PROPOSED SIDEWALKS
NO. 5	PROPOSED PARKING SPACES
NO. 6	PROPOSED LANDSCAPE AREAS
NO. 7	PROPOSED BUILDING FOOTPRINTS
NO. 8	PROPOSED DRIVEWAY SETBACKS
NO. 9	PROPOSED SIDEWALK SETBACKS
NO. 10	PROPOSED DRIVEWAY WIDTHS
NO. 11	PROPOSED SIDEWALK WIDTHS
NO. 12	PROPOSED DRIVEWAY CURBS
NO. 13	PROPOSED SIDEWALK CURBS
NO. 14	PROPOSED DRIVEWAY GRADES
NO. 15	PROPOSED SIDEWALK GRADES
NO. 16	PROPOSED DRIVEWAY DRAINAGE
NO. 17	PROPOSED SIDEWALK DRAINAGE
NO. 18	PROPOSED DRIVEWAY LIGHTING
NO. 19	PROPOSED SIDEWALK LIGHTING
NO. 20	PROPOSED DRIVEWAY SIGNAGE
NO. 21	PROPOSED SIDEWALK SIGNAGE
NO. 22	PROPOSED DRIVEWAY FENCES
NO. 23	PROPOSED SIDEWALK FENCES
NO. 24	PROPOSED DRIVEWAY BARRIERS
NO. 25	PROPOSED SIDEWALK BARRIERS
NO. 26	PROPOSED DRIVEWAY CURB CUTS
NO. 27	PROPOSED SIDEWALK CURB CUTS
NO. 28	PROPOSED DRIVEWAY CATCH BASINS
NO. 29	PROPOSED SIDEWALK CATCH BASINS
NO. 30	PROPOSED DRIVEWAY SIGNAGE
NO. 31	PROPOSED SIDEWALK SIGNAGE
NO. 32	PROPOSED DRIVEWAY FENCES
NO. 33	PROPOSED SIDEWALK FENCES
NO. 34	PROPOSED DRIVEWAY BARRIERS
NO. 35	PROPOSED SIDEWALK BARRIERS
NO. 36	PROPOSED DRIVEWAY CURB CUTS
NO. 37	PROPOSED SIDEWALK CURB CUTS
NO. 38	PROPOSED DRIVEWAY CATCH BASINS
NO. 39	PROPOSED SIDEWALK CATCH BASINS
NO. 40	PROPOSED DRIVEWAY SIGNAGE
NO. 41	PROPOSED SIDEWALK SIGNAGE
NO. 42	PROPOSED DRIVEWAY FENCES
NO. 43	PROPOSED SIDEWALK FENCES
NO. 44	PROPOSED DRIVEWAY BARRIERS
NO. 45	PROPOSED SIDEWALK BARRIERS
NO. 46	PROPOSED DRIVEWAY CURB CUTS
NO. 47	PROPOSED SIDEWALK CURB CUTS
NO. 48	PROPOSED DRIVEWAY CATCH BASINS
NO. 49	PROPOSED SIDEWALK CATCH BASINS
NO. 50	PROPOSED DRIVEWAY SIGNAGE
NO. 51	PROPOSED SIDEWALK SIGNAGE
NO. 52	PROPOSED DRIVEWAY FENCES
NO. 53	PROPOSED SIDEWALK FENCES
NO. 54	PROPOSED DRIVEWAY BARRIERS
NO. 55	PROPOSED SIDEWALK BARRIERS
NO. 56	PROPOSED DRIVEWAY CURB CUTS
NO. 57	PROPOSED SIDEWALK CURB CUTS
NO. 58	PROPOSED DRIVEWAY CATCH BASINS
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NO. 60	PROPOSED DRIVEWAY SIGNAGE
NO. 61	PROPOSED SIDEWALK SIGNAGE
NO. 62	PROPOSED DRIVEWAY FENCES
NO. 63	PROPOSED SIDEWALK FENCES
NO. 64	PROPOSED DRIVEWAY BARRIERS
NO. 65	PROPOSED SIDEWALK BARRIERS
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NO. 71	PROPOSED SIDEWALK SIGNAGE
NO. 72	PROPOSED DRIVEWAY FENCES
NO. 73	PROPOSED SIDEWALK FENCES
NO. 74	PROPOSED DRIVEWAY BARRIERS
NO. 75	PROPOSED SIDEWALK BARRIERS
NO. 76	PROPOSED DRIVEWAY CURB CUTS
NO. 77	PROPOSED SIDEWALK CURB CUTS
NO. 78	PROPOSED DRIVEWAY CATCH BASINS
NO. 79	PROPOSED SIDEWALK CATCH BASINS
NO. 80	PROPOSED DRIVEWAY SIGNAGE
NO. 81	PROPOSED SIDEWALK SIGNAGE
NO. 82	PROPOSED DRIVEWAY FENCES
NO. 83	PROPOSED SIDEWALK FENCES
NO. 84	PROPOSED DRIVEWAY BARRIERS
NO. 85	PROPOSED SIDEWALK BARRIERS
NO. 86	PROPOSED DRIVEWAY CURB CUTS
NO. 87	PROPOSED SIDEWALK CURB CUTS
NO. 88	PROPOSED DRIVEWAY CATCH BASINS
NO. 89	PROPOSED SIDEWALK CATCH BASINS
NO. 90	PROPOSED DRIVEWAY SIGNAGE
NO. 91	PROPOSED SIDEWALK SIGNAGE
NO. 92	PROPOSED DRIVEWAY FENCES
NO. 93	PROPOSED SIDEWALK FENCES
NO. 94	PROPOSED DRIVEWAY BARRIERS
NO. 95	PROPOSED SIDEWALK BARRIERS
NO. 96	PROPOSED DRIVEWAY CURB CUTS
NO. 97	PROPOSED SIDEWALK CURB CUTS
NO. 98	PROPOSED DRIVEWAY CATCH BASINS
NO. 99	PROPOSED SIDEWALK CATCH BASINS
NO. 100	PROPOSED DRIVEWAY SIGNAGE

NEWPORT PLACE RESIDENTIAL, LLC
The Residences at Newport Place
NEWPORT BEACH CALIFORNIA

MJD
MJDDesign Group
Landscape Architecture

K-H ASSOCIATES
CONSULTING ENGINEERS/SURVEYORS/PLANNERS
4100 Newport Place Drive - Suite 200
Newport Beach, California 92660
Tel (949) 756-8440
Fax (949) 756-8444

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09/2014
C-1
09/16
03/16

A R K
ARCHITECTS, INC.
11001
NEWPORT PLACE
NEWPORT BEACH, CALIFORNIA
Tel: (949) 756-8440
Fax: (949) 756-8444

Exhibit 2-5
Preliminary Engineering Site Plan



1

REVISIONS
NO. DATE DESCRIPTION
1 07/22/2015
2 07/22/2015
3 07/22/2015
4 07/22/2015
5 07/22/2015
6 07/22/2015
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8 07/22/2015
9 07/22/2015
10 07/22/2015
11 07/22/2015
12 07/22/2015
13 07/22/2015
14 07/22/2015
15 07/22/2015
16 07/22/2015
17 07/22/2015
18 07/22/2015
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NEWPORT PLACE RESIDENTIAL, LLC
The Residences at Newport Place
NEWPORT BEACH CALIFORNIA



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PROJECT NO. 2012-062
DATE 07/22/2015
SHEET A1-6
DATE PLOTTED 7/22/15

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Exhibit 2-6
Illustrative Site Plan



Construction

As previously indicated, project implementation will result in the redevelopment of the subject property. It is anticipated that all of the demolition debris (approximately 8,400 tons/5,600 cubic yards) resulting from the demolition of the existing buildings will be crushed on site then hauled off-site. In addition, grading necessary to accommodate the subterranean parking component of the proposed project would result in the export of approximately 35,708 cubic yards of earth material from the site.

The proposed project would be constructed as Type V buildings over a Type I podium/parking garage. While the 4-story habitable portions of the buildings would be a maximum of 58 feet in height, construction of the project would introduce building elements up to 83 feet high to accommodate elevator/stair shafts and mechanical equipment rooms. A site survey indicates that the proposed project will not obstruct any private views from adjacent commercial and retail uses. The proposed project building setbacks would be 18 to 30 feet to property lines.

Project Features

Private and public amenities for residents and guests will be provided. Private amenities for residents and guests only would include a swimming pool with separate spas; a business center; a recreation and fitness center; courtyard gardens with water features; children's play areas; an expansive dog park; barbeque and seating areas; and a private deck. An open space area 40-feet wide minimum will be provided along the southern property line to a public be used by the residents and general public during daylight hours. This open space area will also provide pedestrian connectivity between Dove Street and Martingale Way. The open space area would also provide a landscaped buffer between the existing office building and surface parking lot to the south of the project and the proposed multiple-family residential development. The landscape concept proposed for the proposed project includes the incorporation of many of the existing mature trees within the project site. The Conceptual Landscape Plan (refer to Exhibit 2-7) is characterized by a variety of trees, shrubs and groundcover that are intended to incorporate varied shapes, sizes and textures in an informal arrangement that would be compatible with the proposed architectural theme. The landscape design, which is intended to be low maintenance, will incorporate the most recent low water use irrigation system technology to reduce domestic water consumption.



CONCEPTUAL LANDSCAPE PLAN

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	12/16/15
2	REVISION	1/14/16
3	REVISION	1/14/16
4	REVISION	1/14/16
5	REVISION	1/14/16
6	REVISION	1/14/16
7	REVISION	1/14/16
8	REVISION	1/14/16
9	REVISION	1/14/16
10	REVISION	1/14/16

NEWPORT PLACE RESIDENTIAL, LLC
The Residences at Newport Place
NEWPORT BEACH CALIFORNIA



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Fax: (949) 755-8444

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	12/16/15
2	REVISION	1/14/16
3	REVISION	1/14/16
4	REVISION	1/14/16
5	REVISION	1/14/16
6	REVISION	1/14/16
7	REVISION	1/14/16
8	REVISION	1/14/16
9	REVISION	1/14/16
10	REVISION	1/14/16

**Exhibit 2-7
Conceptual Landscape Plan**



2.4 PROJECT PHASING

Implementation of the proposed project will occur in four discrete phases, including three site preparation phases and a single building construction phases. These phases and the estimated phasing schedule are summarized in Table 2-1.

Table 2-1

**Anticipated Project Phasing
The Residences at Newport Place**

Development Phase	Estimated Schedule
Demolition	2 Months
Excavation/Grading	2 – 3 Months
Foundation to Grade	4 Months
Building Construction	12 Months
Total Construction	20 – 23 Months

SOURCE: Newport Place Residential

2.5 DISCRETIONARY APPROVALS

The project applicant is seeking approval of the following entitlements:

- Planned Development Permit No. PL2014-001: A planned development permit to ensure that the proposed project has efficient use of land and a better living environment, high standards of environmental quality and enhanced amenities. The permit also includes adjustments to development standards pertaining to building height and setback, pursuant to Section 29.52.060 (Planned Development Permits) of the Municipal Code.
- Lot Merger No. LM2014-003: A lot merger to merge three existing parcels into one lot, pursuant to Chapter 19.68 (Merger of Contiguous Lots) of the Municipal Code.
- Affordable Housing Implementation Plan No. AH2015-001: A program specifying how the proposed project would meet the City's affordable housing requirements, pursuant to Chapter 20.32 (Density Bonus) of the Municipal Code.



3.0 ENVIRONMENTAL SUMMARY

3.1 INTRODUCTION

1.	Project Title: The Residences at Newport Place
2.	Lead Agency Name and Address: City of Newport Beach 100 Civic Center Drive Newport Beach, California 92660
3.	Contact Persons and Phone Numbers: Ms. Rosalinh Ung, Associate Planner, (949) 644-3208
4.	Project Location: 1701 Corinthian Way; 4251, 4253, and 4255 Martingale Way; 4200, 4220 and 4250 Scott Drive; and 1600 Dove Street; Newport Beach, CA
5.	Project Sponsor's Name and Address: Newport Place Residential, LLC 20411 SW Birch, Suite 310 Newport Beach, CA 92660 (949) 672-8068
6.	General Plan Designation: MU-H2 (Mixed-Use-Horizontal 2)
7.	Zoning: Planned Community (PC) – 11 (Newport Place Planned Community)
8.	Description of the Project: Demolition of the eight (8) buildings encompassing 58,277 square feet comprising the MacArthur Square shopping center and the redevelopment of the 5.70-acre site with a mixed-use development, including 384 multi-family residential dwelling units and 5,677 square feet of commercial development (restaurant). The applicant is seeking the following entitlements from the City of Newport Beach: (1) Planned Development Permit; (2) Lot Merger for lot consolidation; and (3) Affordable Housing Implementation Plan.
9.	Surrounding Setting and Land Uses: The subject property is surrounded by an assortment of low-rise and mid-rise office buildings, commercial centers, restaurants, a car wash and service station, and a hotel. An office condominium complex is situated on the opposite side of Dove Street; a hand carwash and restaurant are located on the opposite side of Scott Drive; a hotel and the office supply store are located on the opposite side of Corinthian Way; and a 2-story bank building and 3-story office building are located on the opposite side of Martingale Way. A 4-story office building is situated on the adjacent parcel to the south.
9.	Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement): California Regional Water Quality Control Board



3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is Less than Significant Impact With Mitigation Incorporated,” as indicated by the checklist on the following pages.

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

3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

Section 4 (following) analyzes the potential environmental impacts associated with the proposed General Plan Amendment and Zone Change. The issue areas evaluated in this Initial Study include:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Aesthetics • Agriculture and Forest Resources • Air Quality • Biological Resources • Cultural Resources • Greenhouse Gas Emissions • Geology and Soils • Hazards and Hazardous Materials • Hydrology and Water Quality | <ul style="list-style-type: none"> • Land Use and Planning • Mineral Resources • Noise • Population and Housing • Public Services • Recreation • Transportation/Traffic • Utilities and Service Systems |
|--|---|

The environmental analysis in Section 4 is patterned after the Initial Study Checklist recommended by the *CEQA Guidelines*, as amended, and used by the City of Newport Beach in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study’s preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development’s impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- **No Impact.** The development will not have any measurable environmental impact on the environment.



- **Less Than Significant Impact.** The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.
- **Less Than Significant Impact With Mitigation Incorporated.** The development will have the potential to generate impacts, which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- **Potentially Significant Impact.** The development could have impacts, which may be considered significant, and therefore additional analysis is required to identify mitigation measures that could reduce potentially significant impacts to less than significant levels.



4.0 ENVIRONMENTAL ANALYSIS

The following analysis includes an assessment of the proposed project and the identification of potential project impacts as identified in the Initial Study. Explanations are provided for each item in the environmental checklist.

4.1 AESTHETICS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			■	

Impact Analysis

4.1(a) *Have a substantial adverse effect on a scenic vista?*

Less than Significant Impact. Conversion of the existing MacArthur Square shopping center to a mixed-use, predominantly multiple-family residential development, would not result in a significantly adverse visual impact or damage to any scenic resources. Views in the project area include those of a mix of land uses, including retail/commercial, professional offices, and most non-residential land uses. There are no designated important public scenic vistas in the project area. Virtually all of the important public view points in the City are views of coastal features and amenities as illustrated on Figure N3 in the Resources Element of the Newport Beach General Plan; no public view points are located either on the project site or within the project area. The aesthetic character of the project area is dominated by urbanization; no important scenic or aesthetic resources are located in the project area. Although the land use would change from a shopping center dominated by retail uses to a predominantly residential use with a small amount of retail and recreation uses. Although the character of the project site would change significantly, visual or aesthetic impacts would not occur because no important aesthetic features would be affected by the proposed development. Implementation of the proposed project would result in structures rising up to a maximum height of 58 feet with architectural features/element of 83 feet; however, the structures would be subject to the review and approval of the City to ensure that the aesthetic character of the area is not compromised. Therefore, potential aesthetic impacts associated with the proposed conversion of the property to the proposed mixed-use development would be less than significant; no mitigation measures are required.



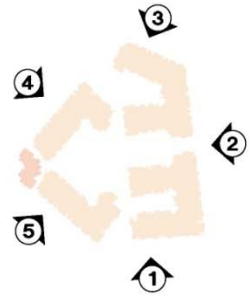
4.1(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. As indicated above, the project site is developed as a shopping center. Neither the existing MacArthur Square retail center nor the site possesses any important scenic qualities and/or features such as significant trees, rock outcroppings, or historic resources. Furthermore, the site is not located within the view corridor of a State scenic highway and no portion of the site or nearby areas are designated by the City having any aesthetic or visual importance. Redevelopment of the property with the proposed mixed-use development would not result in any impacts to scenic or aesthetic resources.

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

Less than Significant Impact. Redevelopment of the existing use (i.e., shopping center) to mixed-use development with mid-rise residential development as the predominant land use component will change the character of the site significantly because of the increased building height and residential character of the mixed-use development; however, the change in character resulting from project implementation would not degrade the visual character or quality of the site because the existing center is deteriorating from age and use. Built in 1974, MacArthur Square may be currently described as an aging, underutilized, and underperforming neighborhood shopping center. Demolition of the existing structures and redevelopment as proposed with 384 multiple-family residential dwelling units and 5,677 square feet of retail floor area will become a visual focal point within the project area as a result of the building height as well as the architectural character of the proposed structures. The architectural character of the proposed mixed-use development is illustrated in a several elevations from Dove Street (Exhibit 4-1), Martingale Way (Exhibit 4-2), Corinthian Way (Exhibit 4-3), and Scott Street (Exhibit 4-4.). In addition, Exhibit 4-5 illustrates the architectural character of the proposed structure from the proposed open space area. As previously indicated, neither the site nor the surrounding area is designated as a scenic amenity by the City of Newport Beach. The project area is characterized by a mix of older retail, commercial, and professional office development. The architectural character of the proposed project, including the landscaping, would be compatible with the character of the existing development and would not create any visual or aesthetic impacts. In addition, landscaping proposed for the project will include the integration of several existing mature trees as well as a variety of introduced landscape species proposed in the Conceptual Landscape Plan (refer to Exhibit 2-7).

While the 4-story habitable portions of the proposed buildings would be a maximum of 58 feet in height, construction of the proposed project would introduce building elements up to 83 feet high to accommodate elevator/stair shafts and mechanical equipment rooms. The proposed project has been designed so as not obstruct any private views from existing adjacent commercial and retail uses. The distance between the proposed project buildings and the property lines would be 18 to 40 feet. The proposed building setbacks are intended to enhance the aesthetic character of the area by defining the scale of the proposed structures when viewed from adjacent streets and properties. In addition, landscaping and lighting proposed for the project area intended to enhance the aesthetic character and compatibility of the proposed project with the surrounding land uses. Therefore, project-related visual impacts are anticipated to be less than significant and no mitigation measures are required.



0' 10' 20' 40' 80'
CONCEPTUAL SITE ELEVATION - DOVE STREET
1"=20'-0" 5

Legend table with columns for 'NO.' and 'DESCRIPTION'. Includes entries for '1. EXISTING CONDITIONS', '2. PROPOSED CONDITIONS', '3. CONCEPTUAL SITE ELEVATION', '4. CONCEPTUAL SITE PLAN', and '5. CONCEPTUAL SITE ELEVATION - DOVE STREET'.

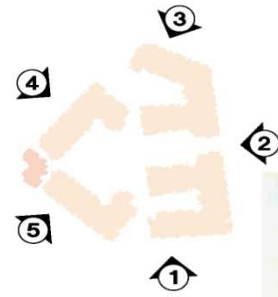
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2012-052
03/02/2015
ARCHITECT, INC.
A R K
PROJECT NO.: 1203
PROJECT NAME: 1203
SHEET NO.: 50/54
DATE: 03/02/15

Exhibit 4-1
Conceptual Site Elevation – Dove Street



0' 10' 20' 40' 60'
CONCEPTUAL SITE ELEVATION - MARTINGALE WAY
 1"=20'-0" ②

NO. 1	DATE	DESCRIPTION
1	02/03/2015	ISSUED FOR PERMITTING
2	02/03/2015	ISSUED FOR PERMITTING
3	02/03/2015	ISSUED FOR PERMITTING
4	02/03/2015	ISSUED FOR PERMITTING
5	02/03/2015	ISSUED FOR PERMITTING
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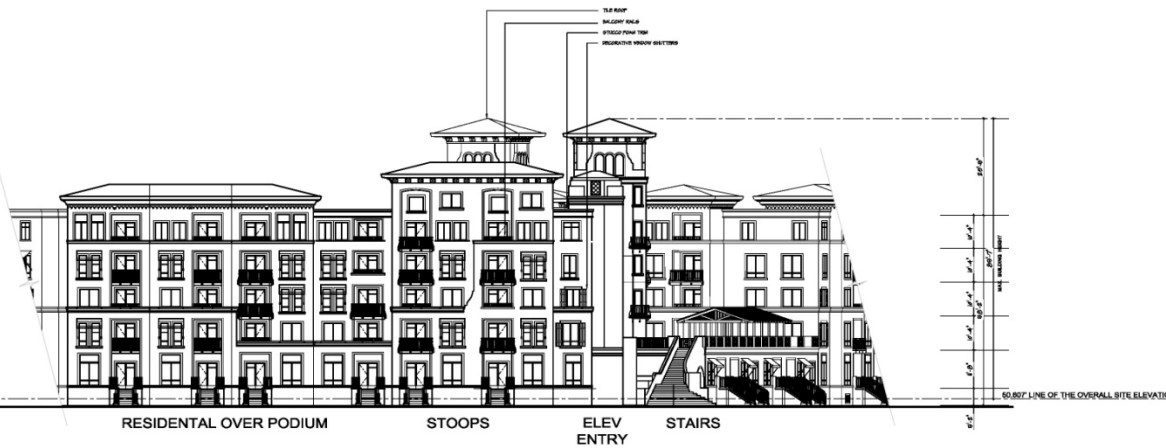
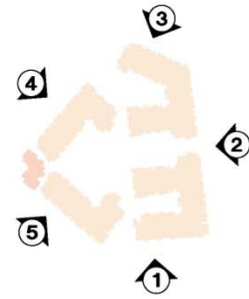
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2013-002	ARCHITECT, P.C.
03/03/2015	ARCHITECT, P.C.
A4-2	ARCHITECT, P.C.
02/03/2015	ARCHITECT, P.C.

Exhibit 4-2
 Conceptual Site Elevation - Martingale Way



0' 10' 20' 40' 60'

CONCEPTUAL SITE ELEVATION - CORINTHIAN WAY

1"=20'-0"

3

Small table with project details and dates.

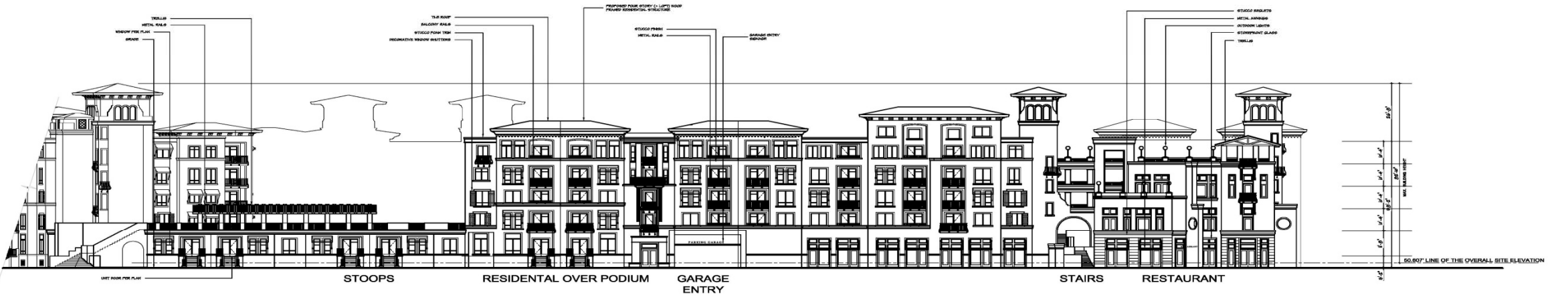
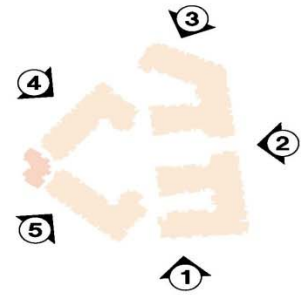
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2012-052
03/02/2015
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Exhibit 4-3
Conceptual Site Elevation - Corinthian Way



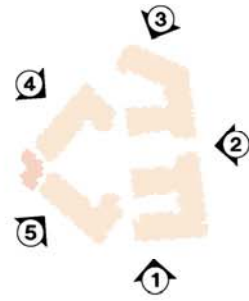
0' 10' 20' 40' 60'
CONCEPTUAL SITE ELEVATION - SCOTT DRIVE
 1"=20'-0" (4)

NO. 1	DATE	DESCRIPTION
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2	01/15/16	ISSUED FOR PERMITTING
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4	01/15/16	ISSUED FOR PERMITTING
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6	01/15/16	ISSUED FOR PERMITTING
7	01/15/16	ISSUED FOR PERMITTING
8	01/15/16	ISSUED FOR PERMITTING
9	01/15/16	ISSUED FOR PERMITTING
10	01/15/16	ISSUED FOR PERMITTING

NEWPORT PLACE RESIDENTIAL, LLC
The Residences at Newport Place
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 MJBDesign Group Landscape Architecture	 KFA ASSOCIATES CONSULTING ENGINEERS/SURVEYORS/PLANNERS 4100 Newport Place Drive - Suite 200 Newport Beach, California 92660 Tel: (949) 750-6440 Fax: (949) 750-6444	PROJECT NO.: 2012-002 DATE: 03/02/2015 SHEET: A4-4 DRAWN: GJ/AM CHECKED: TJJ/AM	 ARK ARCHITECTS, INC. ARCHITECTS, INC. PATTIANN JAFFARI, AIA 12801 BILLYEAR VALLEY ROAD SAN JUAN CAPITAN CA 92675 TEL: (949) 752-1887 FAX: (949) 752-1888
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Exhibit 4-4
 Conceptual Site Elevation – Scott Drive



NO. 1	DATE	DESCRIPTION
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2	01/12/16	ISSUED FOR PERMITTING
3	01/12/16	ISSUED FOR PERMITTING
4	01/12/16	ISSUED FOR PERMITTING
5	01/12/16	ISSUED FOR PERMITTING

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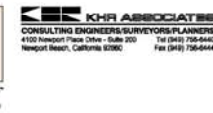


Exhibit 4-5
 Conceptual Site Elevation – Proposed Open Space



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

Less than Significant Impact. The project site is located in the Airport Area of the City that is developed with a mix of light industrial and office development and is characterized by night lighting. Exterior lighting exists for building security, parking lots serving the existing uses, and sign/building illumination. In addition, intermittent lighting associated with vehicles traveling in the project area also contributes to outdoor lighting in the evening. The proposed project would comply with the applicable provisions of the Newport Beach Municipal Code. As required by Section 20.30.070 of the Municipal Code, “[A]ll outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways.” Parking lot light must also be the minimum height necessary to provide adequate lighting and minimize spillover onto adjacent properties. Because the proposed lighting must comply with the requirements prescribed in the Municipal Code and, furthermore, because most of the land uses existing in the project area are generally not occupied during the evening, potential lighting impacts are anticipated to be less than significant. Therefore, potential increases in light intensity resulting from the proposed project would include those for security and would not result in potentially significant light and/or glare impacts.

Standard Conditions

- SC 1-1 The proposed project shall comply with City Policy G-1 (Retention and Removal of Trees), including but not limited to removal of trees, maintenance of trees, and tree trimming.
- SC 1-2 The proposed project shall comply with Section 20.30.070 of the Newport Beach Municipal Code, which requires that all outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways.

Mitigation Measures

No mitigation measures are required.



4.2 AGRICULTURE AND FOREST RESOURCES

<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				■
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				■
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				■
d. Result in the loss of forest land or conversion of forest land to non-forest use?				■
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				■

Impact Analysis

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

No Impact. There is no designated Prime Farmland, Unique Farmland or Farmland of Statewide Importance located within the City of Newport Beach. Furthermore, the subject property is not currently used for agricultural production. Therefore, project implementation would not result in the conversion of farmland to non-agricultural use. No impacts will occur as a result of project implementation and no mitigation measures are required.



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

No Impact. There are no existing Williamson Act Contracts covering property within the City of Newport Beach, including the subject property, which has been developed and supports over 58,000 square feet of retail/commercial development. Since there are no agricultural uses or Williamson Act contracts present in the City, project implementation would not result in any significant impacts to potential agricultural uses. Therefore, no mitigation measures are required.

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

No Impact. There is no zoning for forest land in the City of Newport Beach and no areas within the City are classified as forest or timberland as defined by PRC section 4526. Therefore, project implementation would not conflict with existing zoning for, or cause rezoning of, any forest or timberland. No significant impacts would occur and no mitigation measures are required.

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

No Impact. As indicated above, there are no forest lands present either on the subject property or in the City. Therefore, project implementation would not result in the loss of forest land or conversion of forest land to non-forest use. No impacts would occur and no mitigation measures are required.

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

No Impact. As previously indicated, no important farmland, agricultural activity, or forest and/or timberlands exist within the City of Newport Beach. Therefore, the proposed project would not result in environmental changes that would convert farmland to non-agricultural uses or forest land to non-forest uses. No impacts would occur and no mitigation measures are required.

Standard Conditions

No standard conditions are required.

Mitigation Measures

No significant impacts to either agricultural or forest resources will occur as a result of project implementation; no mitigation measures are required.



4.3 AIR QUALITY

<i>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:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			■	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			■	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is 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?			■	

An air quality and greenhouse gas (GHG) analysis was prepared by Giroux & Associates to evaluate the potential air quality impacts of the proposed project. The analysis in the following sections focuses on the existing conditions in the study area, the analysis methodology, thresholds of significance, the potential short- and long-term air quality impacts of the proposed project related to the ambient air quality standards (AAQS) and sensitive receptors, and mitigation as needed. The air quality and GHG analysis is included in Appendix A; the findings and recommendations of that analysis are summarized below.

Impact Analysis

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

Less than Significant Impact. The Federal Clean Air Act (1977 Amendments) required that designated agencies in any area of the nation not meeting national clean air standards must prepare a plan demonstrating the steps that would bring the area into compliance with all national standards. The South Coast Air Basin (SCAB) could not meet the deadlines for ozone, nitrogen dioxide, carbon monoxide, or PM₁₀. In the SCAB, the agencies designated by the governor to develop regional air quality plans are the South Coast Air Quality Management District (SCAQMD) and the Southern California Association of Governments (SCAG). The two agencies first adopted an Air Quality Management Plan (AQMP) in 1979 and revised it several times as earlier attainment forecasts were shown to be overly optimistic.

The 1990 Federal Clean Air Act Amendment (CAAA) required that all states with air-sheds with “serious” or worse ozone problems submit a revision to the State Implementation Plan (SIP). Amendments to the SIP have been proposed, revised and approved over the past decade. The most current regional attainment emissions forecast for ozone precursors (ROG and NO_x) and for carbon monoxide (CO) and for particulate matter are shown in Table 3-1. Substantial reductions in emissions of ROG, NO_x and CO are forecast to continue throughout the next several decades. Unless new particulate control programs are implemented, PM-10 and PM-2.5 are forecast to slightly increase.



Table 3-1

SCAB Emissions Forecasts
The Residences at Newport Place

Pollutant	2010 ¹ Tons/Day	2015 ² Tons/Day	2020 ² Tons/Day	2025 ² Tons/Day
NO _x	603	451	357	289
VOC	544	429	400	393
PM ₁₀	160	155	161	165
PM _{2.5}	71	67	67	68
¹ 2010 Base Year ² With current emissions reduction programs and adopted growth forecasts. SOURCE: Giroux & Associates (January 2016)				

The South Coast Air Quality Management District (SCAQMD) adopted an updated clean air “blueprint” in August 2003. The 2003 Air Quality Management Plan (AQMP) was approved by the EPA in 2004. The 2003 AQMP outlined the air pollution measures needed to meet federal health-based standards for ozone by 2010 and for particulates (PM₁₀) by 2006. The 2003 AQMP was based upon the federal one-hour ozone standard which was revoked late in 2005 and replaced by an 8-hour federal standard. Because of the revocation of the hourly standard, a new air quality planning cycle was initiated.

With re-designation of the air basin as non-attainment for the 8-hour ozone standard, a new attainment plan was developed. This plan shifted most of the one-hour ozone standard attainment strategies to the 8-hour standard. As previously noted, the attainment date was to “slip” from 2010 to 2021. The updated attainment plan also includes strategies for ultimately meeting the federal PM_{2.5} standard.

Because projected attainment by 2021 requires control technologies that do not exist yet, the SCAQMD requested a voluntary “bump-up” from a “severe non-attainment” area to an “extreme non-attainment” designation for ozone. The extreme designation will allow a longer time period for these technologies to develop. If attainment cannot be demonstrated within the specified deadline without relying on “black-box” measures, EPA would have been required to impose sanctions on the region had the bump-up request not been approved. In April 2010, the EPA approved the change in the non-attainment designation from “severe-17” to “extreme.” This reclassification sets a later attainment deadline (2024), but also requires the air basin to adopt even more stringent emissions controls.

In other air quality attainment plan reviews, EPA has disapproved part of the SCAB PM-2.5 attainment plan included in the AQMP. EPA has stated that the current attainment plan relies on PM-2.5 control regulations that have not yet been approved or implemented. It is expected that a number of rules that are pending approval will remove the identified deficiencies. If these issues are not resolved within the next several years, federal funding sanctions for transportation projects could result. The 2012 AQMP, which was adopted by the SCAQMD Governing Board on December 7, 2012, incorporates the latest scientific and technological information and planning assumptions, including the 2012 Regional Transportation Plan/Sustainable Communities Strategy and updated emission inventory methodologies for various source categories. The 2012 AQMP included the new and changing federal requirements, implementation of new technology measures, and the continued development of economically sound, flexible compliance approaches. The 2012 AQMP included in the ARB submittal to EPA as part of the California State Implementation Plan (SIP) is expected to remedy identified PM-2.5 planning deficiencies.



The federal Clean Air Act requires that non-attainment air basins have EPA approved attainment plans in place. This requirement includes the federal one-hour ozone standard even though that standard was revoked around eight years ago. There was no approved attainment plan for the one-hour federal standard at the time of revocation. Through a legal quirk, the SCAQMD is now required to develop an AQMP for the long since revoked one-hour federal ozone standard. Because the 2012 AQMP contains a number of control measures for the 8-hour ozone standard that are equally effective for one-hour levels, the 2012 AQMP is believed to satisfy hourly attainment planning requirements.

AQMPs are required to be updated every three years. The 2012 AQMP was adopted in early 2013. An updated AQMP must therefore be adopted in 2016. Planning for the 2016 AQMP is currently on-going. The current attainment deadlines for all federal non-attainment pollutants are now as follows:

- 8-hour ozone (75 ppb) 2032
- Annual PM_{2.5} (12 µg/m³) 2025
- 8-hour ozone (80 ppb) 2024 (old standard)
- 1-hour ozone (120 ppb) 2023 (old standard)
- 24-hour PM_{2.5} (35 µg/m³) 2019

The key challenge is that NO_x emission levels, as a critical ozone precursor pollutant, are forecast to continue to exceed the levels that would allow the above deadlines to be met. Unless additional NO_x control measures are adopted and implemented, attainment goals may not be met.

The proposed project does not directly relate to the AQMP in that there are no specific air quality programs or regulations governing predominately residential land use projects. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use is the primary yardstick by which impact significance of planned growth is determined. The SCAQMD, however, while acknowledging that the AQMP is a growth-accommodating document, does not favor designating regional impacts as less-than-significant just because the proposed development is consistent with regional growth projections. Air quality impact significance for the proposed project has therefore been analyzed on a project-specific basis.

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

Less than Significant Impact. Construction emissions, including demolition, site preparation, and construction, were estimated using the CalEEMod model.² Although exhaust emissions will result from on and off-site equipment, the exact types and numbers of equipment will vary among contractors such that such emissions cannot be quantified with certainty.

Construction Activities

The estimates of construction emissions are based on the equipment fleet and schedule shown in Table 3-2.

²The CalEEMod model was developed by the SCAQMD to calculate both construction emissions and operational emissions from a variety of land use projects. It calculates both the daily maximum and annual average emissions for criteria pollutants as well as total or annual greenhouse gas (GHG) emissions.



Table 3-2

**Construction Activity Equipment Fleet
 The Residences at Newport Place**

Phase	Duration	Characteristics	Equipment
Demolition	2 Months	8,400 tons demolition debris 622 haul trips	1 concrete saw 1 excavator 2 loader/backhoes 1 crusher
Excavation	3 Months	35,708 CY exported earthworks 3,968 haul trips	1 excavator 1 loader 1 backhoe 1 skid steer loader 1 water truck
Foundation	4 Months	N/A	1 trencher 3 loader/backhoes 1 forklift 1 compactor
Construction	12 Months	N/A	1 crane 3 forklifts 1 generator set 3 loaders/backhoes 1 welder
¹ Modeled as a 200 HP Off-highway truck to be representative of a 2,000-gallon truck SOURCE: Newport Place Residential, LLC			

The proposed project entails construction of 384 apartments with a 5,677 square-foot quality restaurant and a 715-space subterranean parking lot. Estimated construction emissions were modeled using CalEEMod2013.2.2 to identify maximum daily emissions for each pollutant during project construction. Table 3-3 summarizes the maximum daily construction-related emissions anticipated to occur as a result of project implementation.



Table 3-3

**Construction Activity Emissions
The Residences at Newport Place**

	Emissions (Pounds/Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Year 2016 Maximal Construction Emissions						
Unmitigated	3.9	31.8	25.7	0.1	6.5	2.3
Mitigated	3.9	31.8	25.7	0.1	1	2.2
SCAQMD Threshold	75	100	550	150	150	55
Exceeds Threshold (Yes/No)	No	No	No	No	No	No
Year 2017 Maximal Construction Emissions						
Unmitigated	67.9	29.9	27.1	0.1	3.5	2.2
Mitigated	67.9	29.6	27.1	0.1	3.5	2.2
SCAQMD Threshold	75	100	550	150	150	55
Exceeds Threshold (Yes/No)	No	No	No	No	No	No
SOURCE: Giroux & Associates (January 2016) CalEEMod2013.2.2						

As indicated in Table 3-3, peak daily construction activity emissions would not exceed SCAQMD CEQA thresholds for the 2016 and 2017 construction activities. No mitigation measures are necessary to achieve compliance with required thresholds.

The SCAQMD has developed analysis parameters to evaluate ambient air quality on a local level in addition to the more regional emissions-based thresholds of significance. These analysis elements are called Localized Significance Thresholds (LSTs). LSTs were developed in response to Governing Board's Environmental Justice Enhancement Initiative 1-4 and the LST methodology was provisionally adopted in October 2003 and formally approved by SCAQMD's Mobile Source Committee in February 2005.

Use of an LST analysis for a project is optional. For the proposed project, the primary source of possible LST impact would be during construction. LSTs are applicable for a sensitive receptor where it is possible that an individual could remain for 24 hours such as a residence, hospital or convalescent facility. However, for this project there are no adjacent sensitive receptors and, as a result, an LST analysis was not performed.

Operational Impacts

Based on the trip generation analysis prepared for the proposed project, a total of 3,065 daily trips would be generated each day, which is 208 more trips per day when compared to the existing MacArthur Square retail shopping center. Operational emissions were calculated based on an expected project buildout year of 2017 and full occupancy. A comparison of the operational pollutant emissions for the proposed project and those from the existing development is presented in Table 3-4. As indicated in that table, neither the existing nor the potential project-related operational emissions will exceed applicable SCAQMD operational emissions CEQA thresholds of significance.



Table 3-4

**Air Pollutant Emissions Comparison
The Residences at Newport Place**

Source	Emissions (Pounds/Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Project-Related Operational Emissions						
Area	17.7	0.4	32.0	0.0	0.6	0.6
Energy	0.1	1.1	0.6	0.0	0.1	0.1
Mobile	8.6	19.8	95.5	0.3	20.3	5.6
Total	26.4	21.3	128.2	0.3	21.0	6.3
SCAQMD Threshold	55	55	550	150	150	55
Exceeds Threshold (Yes/No)	No	No	No	No	No	No
Existing MacArthur Square Operational Emissions						
Area	1.1	0.0	0.0	0.0	0.0	0.0
Energy	0.1	1.1	1.0	0.0	0.1	0.1
Mobile	8.4	14.3	71.7	0.1	10.3	2.9
Total	9.7	15.4	72.7	0.1	10.4	3.0
SCAQMD Threshold	55	55	550	150	150	55
Exceeds Threshold (Yes/No)	No	No	No	No	No	No
Difference (Proposed Project - Existing MacArthur Square)						
Area	16.6	0.4	32.0	0.0	0.6	0.6
Energy	0.0	0.0	-0.4	0.0	0.0	0.0
Mobile	0.2	5.5	23.8	0.2	10.0	2.7
Total	16.8	5.9	55.4	0.2	10.6	3.3
SCAQMD Threshold	55	55	550	150	150	55
Exceeds Threshold (Yes/No)	No	No	No	No	No	No
SOURCE: Giroux & Associates (January 2016) CalEEMod2013.2.2						

As indicated in Table 3-4, - the proposed project would result in a small reduction in emissions associated with energy use but increases in the remaining emissions. Operational emissions are projected to increase when compared to the existing project. However, the incremental project-related increases would not exceed any of the SCAQMD thresholds. Therefore, potential air quality impacts would be less than significant; no mitigation measures are required.

4.3(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. As indicated in Table 16-1 (refer to Section 4.16 – Transportation/Traffic) project implementation would result in a small increase in the number of vehicle trips. Even with the resulting increase in the amount of pollutants emitted into the air basin associated with long-term operations, project-related operational emissions would not exceed any of the SCAQMD significance thresholds. Although the SCAQMD is currently designated a “non-attainment” area for ozone, PM₁₀, and PM_{2.5}, project implementation will not contribute significantly to the regional degradation of the air basin due to the small increase in long-



term emissions when compared to the existing emissions generated on the site by the existing land use. The proposed project will comply with the applicable SCAQMD rules during construction to ensure that incremental impacts are minimized. As a result, potential impacts will be less than significant.

4.3(d) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Construction equipment exhaust contains carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. The SCAQMD does not generally require the analysis of construction-related diesel emissions relative to health risk due to the short period for which the majority of diesel exhaust would occur. Health risk analyses are typically assessed over a 9-, 30-, or 70-year timeframe and not over a relatively brief construction period due to the lack of health risk associated with such a brief exposure. The project site is located in an area of the City that is characterized by non-residential land uses, including John Wayne Airport; no sensitive receptors are located in the vicinity of the site. Pollutant emissions resulting from project implementation will occur during the construction phase and following completion and occupancy/use of the mixed-use development. The emissions will be comprised mostly of dust and particulate materials during the construction phase (refer to Table 3-3) that will be dispersed in the area of operations. As indicated above, such emissions will be controlled through the implementation of standard conditions and rules prescribed by the SCAQMD and mitigation measures intended to reduce such emissions. Furthermore, the proposed project would not produce the volume of traffic required to generate a CO hotspot. Therefore, CO hotspots are not an environmental impact of concern for the proposed project. Localized air quality impacts related to mobile-source emissions would therefore be less than significant. As a result, no significant impacts will occur and no additional mitigation measures are required.

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

Less than Significant Impact. Odors are one of the most obvious forms of air pollution to the general public. Odors can present significant problems for both the source and the surrounding community. Although offensive odors seldom cause physical harm, they can cause agitation, anger and concern to the general public. Most people determine an odor to be offensive (objectionable) if it is sensed longer than the duration of a human breath, which is typically 2 to 5 seconds. Land uses that result in or create objectionable odors typically include agriculture (e.g., livestock and farming), wastewater treatment plants, food processing plants, composting operations, refineries, landfills, etc.). The proposed project includes the redevelopment of an existing retail commercial shopping center with a mixed-use, predominantly multiple-family residential development. The only potential odors associated with the proposed project are from site construction during the application of asphalt and paint. Any asphalt and paint odors, if perceptible, are common in the environment and would be of very limited duration. Therefore, any odor impacts would be considered less than significant and no mitigation measures are necessary.

Standard Conditions

SC 3-1 The proposed project shall comply with all applicable SCAQMD Rules.

Mitigation Measures

Although construction activities are not anticipated to cause dust emissions to exceed SCAQMD CEQA thresholds, emissions minimization through enhanced dust control measures is recommended because of the non-attainment status of the air basin.

MM 3-1 During all phase of construction (demolition, site preparation/grading, and building construction), the applicant shall implement the following measures to reduce fugitive dust emissions and vehicle exhaust emissions.



Fugitive Dust Control Measures

- Apply soil stabilizers or moisten inactive areas.
- Prepare a high wind dust control plan.
- Address previously disturbed areas if subsequent construction is delayed.
- Water exposed surfaces as needed to avoid visible dust leaving the construction site (typically 2-3 times/day).
- Cover all stock piles with tarps at the end of each day or as needed.
- Provide water spray during loading and unloading of earthen materials.
- Minimize in-out traffic from the construction zone.
- Cover all trucks hauling dirt, sand, or loose material and require all trucks to maintain at least two feet of freeboard.
- Sweep streets daily if visible soil material is carried out from the construction site.

Exhaust Emissions Control Measures

- Utilize well-tuned off-road construction equipment.
- Establish a preference for contractors using Tier 3 or better heavy equipment.
- Enforce 5-minute idling limits for both on-road trucks and off-road equipment.

4.4 BIOLOGICAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				■
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 species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				■
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			■	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation				■



<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Plan, or other approved local, regional, or state habitat conservation plan?				

Impact Analysis

4.4(a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. All of the vegetation that exists on the site and within the project area is introduced (i.e., non-native) plant materials that are common in urban landscapes. 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 designated by the resources agencies as a result of project implementation. Further, the proposed project is not directly affected by any regional plans, or policies of other resource agencies. No impacts are anticipated and no mitigation measures are required.

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

No Impact. As indicated above, the subject property is developed with a 58,277 square foot shopping center and is located within a heavily urbanized area of Newport Beach. Figure NR1 (Biological Resources) in the Natural Resource Element of the Newport General Plan does not identify any important or sensitive biological resources on the site. Similarly, the project site is not identified on Resources Element Figure NR2 (Environmental Study Areas); no sensitive habitat or other important biological resources exist on the site. Neither the site nor the surrounding area contains riparian habitat or other sensitive natural community. Although some small rodents and mammals that adapt to urban development may exist on the site, no native habitat or grasslands exist on the subject property that would represent an important source of foraging for raptors and other sensitive or protected species. No significant biological resources are identified in the Natural Resources Element of the Newport Beach General Plan either for the site or for the immediate project area. Due to the location and nature of the proposed project, implementation will not result in adverse impacts to riparian or other sensitive natural community; no mitigation measures are required.

4.4(c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. There are no federally protected wetlands as defined by Section 404 of the Clean Water Act located within the limits of the project site. As previously indicated, the City’s Natural Resources Element of the General Plan does not identify any important or sensitive biological resources on the project site. Further, no marshes, vernal pools, or coastal habitats exist in the project area according to the Natural Resources Element adopted by the City of Newport Beach. Therefore, there will be no significant impacts to wetlands resulting from project implementation; no mitigation measures are required.



4.4(d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

No Impact. As previously indicated, the site is located in an area of the City that is largely urbanized and devoid of natural habitat and/or sensitive plant and animal species. The MacArthur Square property is improved with an existing shopping center. The site and environs have not been identified or designated as a wildlife corridor in the Natural Resources Element of the General Plan and, furthermore, it does not serve as a wildlife migratory corridor. Demolition of the existing shopping center and redevelopment of the site as proposed would not alter the existing biological character of the area. Project implementation would result in intensifying the development that exists on the project site by demolishing the existing shopping center and replacing it with 384 multiple-family residential dwelling units and 5,677 square feet of commercial floor area. Due to the urbanized nature of the area and lack of natural habitat and native species and the distance of the subject property from any natural habitat, implementation of the proposed project will not interfere with the movement of any native resident species of wildlife or with the migratory patterns of fish or other wildlife species. No significant impacts will occur as a result of project implementation and no mitigation measures are required.

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

Less than Significant Impact. Implementation of the proposed project will result in physical changes to the affected property; however, project implementation will not result in significant impacts to biological resources as a result of redeveloping the MacArthur Square shopping center property with a mixed-use development. As previously indicated, the City's General Plan does not identify the project site as one that supports sensitive habitat and/or important biological resources. As indicated in Section 4.1(b), although several mature trees exist on the project site, none are native trees or a species; however the City has adopted Policy G-1 (Retention or Removal of Trees) in order "... to establish definitive standards for the retention, removal, maintenance, reforestation, tree trimming standards, and supplemental trimming of City trees." Many of the existing mature trees within the project site are proposed to remain and will be integrated into the landscape plan for the proposed project. These existing trees will assist in buffering the proposed buildings from the street and providing a degree of privacy for future residents. While the existing introduced landscaping may be eliminated as a result of project implementation (i.e., construction of the proposed mixed-use development), the landscape concept plan prepared for the proposed residential project will offset the loss of any existing non-native landscape species, including the trees that exist on the project site. Therefore, impacts resulting from the elimination of the existing trees that occupy the site would be less than significant; no mitigation is required.

4.4(f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact. The project site and surrounding area are urbanized and do not support any sensitive habitat and/or species that are protected by an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan. Project implementation will not conflict with local, regional, or state resource preservation and/or conservation policies. Therefore no impacts will occur as a result of project implementation; no mitigation measures are required.

Standard Conditions

SC 4-1 Prior to the issuance of a building permit, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division.



SC 4-2 All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, watering and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

Mitigation Measures

Project implementation will not result in any potentially significant impacts to sensitive biological resources; no mitigation measures are required.

4.5 CULTURAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?				■
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §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?				■

Impact Analysis

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

No Impact. The MacArthur Square shopping center site has been significantly altered as a result of grading and development necessary to accommodate the existing commercial development and ancillary parking. All of the existing structures are contemporary in nature and do not possess historic value or significance. Neither the subject site and related buildings nor the surrounding properties are identified as historic resources on Figure HR1 in the City's Historic Element of the General Plan. Although project implementation includes the construction of 384 multiple-family residential dwelling units and 5,677 square feet of retail/commercial development, no significant adverse changes to any historic resources will occur. Project implementation will result in the demolition of the existing structures occupying the site; however, none of the structures are recognized as having any historic value. Furthermore, extensive grading and site alteration will also be required in order to implement the proposed project; however, it is not anticipated that any historic resources will be either directly or indirectly affected. Therefore, no impacts will occur to historic resources as a result of project implementation and no mitigation measures are required.



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

Less than Significant Impact. In considering the potential cultural significance of the site and surrounding area, it is important to understand that the existing site is intensively developed with eight freestanding buildings that encompass over 58,000 square feet of retail commercial floor area, surface parking and circulation elements. Development of the site occurred in 1974. The project site is located within a quadrant bounded by Campus drive on the northwest and northeast, Jamboree Road on the south and southeast, and Bristol Street on the south and southwest; MacArthur Boulevard bisect the quadrant from north to south between Campus Drive and Bristol Street. This area surrounding the project site is also intensively developed with a mix of retail, commercial, professional office, and industrial land uses, including John Wayne Airport, which is located less than 1,000 feet from the project site, abutting Campus Drive. Therefore, based on the extent of development that has occurred not only on the project site but also in the project area, it is unlikely that significant cultural resources, including sacred lands, exist on the subject property. Nonetheless, pursuant to SB 52, the City sent letters to each of the affected Native American Representatives requesting consultation. The 30-day consultation period ended on November 5, 2015; no comments or requests from any of the Native American representatives were received during the consultation period. In addition, a Sacred Lands File Search request was also sent to the Native American Heritage Commission. The results of that search indicated that neither the site nor the project area is included in that database.

Although the Natural Resources Element of the Newport Beach General acknowledges that several important archaeological/cultural resource sits have been identified within the City, most are located along the coastal and Upper Newport Bay areas of Newport Beach. The subject property and the surrounding area are not located in either of those areas and, furthermore, are highly urbanized and characterized by development that involved extensive grading and significant landform modification in order to accommodate that development. Any archaeological sites near the surface of the ground would have been disturbed and/or destroyed by past grading activities that were necessary to accommodate the existing development. Although extensive grading and excavation will be required in order to prepare the site for the proposed subterranean parking component, it is unlikely that significant impacts to cultural or archaeological resources would be encountered as a result of project implementation due to the nature and extent of past landform alteration occurring on the site. Although potentially significant impacts would not be anticipated, in the unlikely event cultural materials are encountered during site preparation and grading, the City requires that construction be halted or redirected to permit sampling, identification and evaluation of the materials as prescribed in SC 5-1 to ensure that no impacts to cultural resources occur. No mitigation measures are required.

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

Less than Significant Impact. As indicated above, the proposed project site is located within an urbanized area of the City of Newport Beach and it has been previously graded and developed/improved with a shopping center. No important paleontological resources are known to exist in the project area or on the site. Furthermore, any near-surface paleontological resources that may have existed at one time have likely been disturbed and/or destroyed by prior development activities occurring on the project site. Although implementation of the proposed project will necessitate extensive excavation in order to accommodate the subterranean parking proposed for the project, it is unlikely that important paleontological resources would be encountered during the grading and excavation of the site. As a result, no potentially significant impacts are anticipated to occur. Nonetheless, the City requires that construction activities be temporarily halted or redirected to permit a qualified paleontologist to assess the significance of the resources as prescribed in SC 5-2. Therefore, with the implementation of the prescribed standard for paleontological resources, potential impacts would be less than significant.



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

No Impact. As indicated previously, it is unlikely that project implementation will affect any sites or properties that possess known cultural values because the subject property is developed/improved and has been substantially altered. The site is not utilized by any Native Americans for religious or other culturally important rites and no important cultural resource sites have been identified within the City of Newport Beach. Further, no formal cemeteries are located on the site or in the project environs and no human remains are known to exist in the project area. Although project implementation will require extensive grading and excavation to implement the proposed improvements (i.e., mixed-use development with subterranean parking), the discovery of human remains is not anticipated. Therefore, no impacts are anticipated. Nonetheless, in the unlikely event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find would be halted and actions taken pursuant to California Health and Safety Code Section 7050.5, including P.R.C. Section 5097.98, if applicable, as reflect in SC 5-3. The applicant must notify the Orange County Coroner of the finding. In the event that human remains are determined to be Native American human remains, the applicant must consult with the Most Likely Descendent to determine the appropriate treatment for the Native American human remains.

Standard Conditions

SC 5-1 Prior to the issuance of grading permits, the Director of Community Development shall ensure that the following provision is included on the grading plan(s), and the applicant shall be required to comply with this provision.

“If evidence of subsurface archaeological resources is found during construction, excavation and other construction activity shall cease and the applicant shall contact the City of Newport Beach Community Development Director. With direction from the Community Development Director, an archaeologist certified by the County of Orange shall be retained to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If warranted, the archaeologist shall collect the resource and prepare a technical report describing the results of the investigation. The test-level report shall evaluate the site including discussion with the depth, nature, condition, and extent of the resources, final remediation recommendations, and cost estimates.”

SC 5-2 Prior to issuance of grading permits, the Director of Community Development shall ensure the following provision is included on the grading plan(s), and the applicant shall be required to comply with the provision.

“If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the applicant shall contact the City of Newport Beach Community Development Director. With direction from the Community Development Director, a paleontologist certified by the County of Orange shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.”

SC 5-3 In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately and the area of the find shall be protected and the applicant shall immediately notify the Orange County Coroner of the find and comply with the provisions of the California Health and Safety Code Section 7050.5, including P.R.C. Section 5097.98, if applicable. In the event that human remains are determined to be Native American human remains, the applicant shall consult with the Most Likely Descendent to determine the appropriate treatment for the Native American human remains.



Mitigation Measures

Although no significant impacts to cultural and/or paleontological resources are anticipated to occur as a result of the proposed project, implementation of the standard conditions prescribed above by the City of Newport Beach will ensure that project-related adverse cultural and/or paleontological impacts would be avoided.

4.6 GEOLOGY AND SOILS

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			■	
2) Strong seismic ground shaking?		■		
3) Seismic-related ground failure, including liquefaction?			■	
4) Landslides?				■
b. Result in substantial soil erosion or the loss of topsoil?			■	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			■	
d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?		■		
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				■

GEOCON West, Inc. (GEOCON) prepared a geotechnical investigation of the 5.70-acre MacArthur Square property in order to provide an assessment of feasibility of the proposed mixed-use development and identify geotechnical design constraints as well as develop preliminary geotechnical recommendations for grading and construction of the anticipated improvements. The geotechnical investigation included an analysis of seismic hazards and settlement and provided preliminary geotechnical recommendations for development. The “Geotechnical Investigation - Proposed Mixed-Use Multi-Family Development” prepared by GEOCON is included as Appendix B and the findings and recommendations presented in that report are summarized in the following analysis.



Impact Analysis

4.6(a)(1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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.

Less than Significant Impact. The numerous faults in Southern California include active, potentially active, and inactive faults. The criteria for these major groups are based on criteria developed by the California Geological Survey (formerly known as California Division of Mines and Geology [CDMG]) for the Alquist-Priolo Earthquake Fault Zone Program. An “active” fault is one that has had surface displacement within Holocene time (about the last 11,000 years). A “potentially active” fault has demonstrated surface displacement during Quaternary time (approximately the last 1.6 million years), but has had no known Holocene movement. Faults that have not moved in the last 1.6 million years are considered “inactive”.

The site is not within a currently established Alquist-Priolo Earthquake Fault Zone for surface fault rupture hazards.³ No active or potentially active faults with the potential for surface fault rupture are known to pass directly beneath the site. Therefore, the potential for surface rupture due to faulting occurring beneath the site during the design life of the proposed development is considered low. Thus no potentially significant impacts are anticipated and no mitigation measures are required.

4.6(a)(2) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Less than Significant with Mitigation Incorporated. Although the potential for surface rupture is considered low, the site is located in the seismically active Southern California region and, therefore, could be subjected to moderate to strong ground shaking in the event of an earthquake on one of the many active Southern California faults. Table 1 in Appendix B reflects a list of known faults within a 60 mile radius of the site. As indicated in that table, approximately 40 active faults/fault traces are located within 60 miles of the project site. The San Joaquin Hills Fault is the closest fault to the project site, approximately 1.8 miles from the subject property. The closest surface trace of an active fault to the site is the Newport-Inglewood Fault Zone located approximately 6.5 miles to the south-southwest. Other nearby active faults are the Palos Verdes Fault Zone (offshore segment), the Whittier Fault, and the Elsinore Fault located approximately 16 miles southwest, 16½ miles north-northeast, and 17 miles northeast of the site, respectively. The active San Andreas Fault Zone is located approximately 46 miles northeast of the site.

The closest potentially active fault to the site is the Pelican Hill Fault located approximately 2.3 miles to the south-southwest. Other nearby potentially active faults are the El Modeno Fault, Peralta Hills Fault, and the Los Alamitos Fault located approximately 11 miles north, 11 miles north-northeast, and 14½ miles northwest, respectively.

The site is located within the vertical projection of the San Joaquin Hills Blind Thrust Fault, which is a deep thrust fault underlying the San Joaquin Hills at the southern portion of the Orange County coastal plain. The San Joaquin Hills Blind Thrust Fault extends to within 1.2 miles of the surface east of the San Joaquin Hills. Deformation related to an earthquake event originating along this blind thrust fault is limited to compressional folding at depth and does not present a potential surface fault rupture hazard. However, these active features are capable of generating future earthquakes.

³GEOCON West, Inc.; “Geotechnical Investigation - Proposed Mixed Use Multi-Family Development”; June 12, 2014.



The site could be subjected to moderate to severe ground shaking in the event of a major earthquake on any of the faults identified above or other faults in Southern California. Table 6-1 summarizes the deterministic site parameters of the faults with a 30-mile radius of the subject property.

Table 6-1
Faults Within 30 Miles of the Project Site⁴
The Residences at Newport Place

Fault Name	Approx. Distance (miles)	Estimated Maximum Earthquake Event		
		Maximum Earthquake Mag. (Mw)	Peak Site Acceleration (g.)	Est. Site Intensity Mod. Merc.
San Joaquin Hills	1.8	6.6	0.934	XI
Newport-Inglewood (L.A. Basin)	5.2	7.1	0.533	X
Newport-Inglewood (Offshore)	5.9	7.1	0.504	X
Palos Verdes	16.8	7.3	0.276	IX
Whittier	17.0	6.8	0.217	VIII
Puente Hills Blind Thrust	18.3	7.1	0.298	IX
Elsinore (Glen Ivy)	18.5	6.8	0.200	VIII
Chino-Central Avenue (Elsinore)	18.5	6.7	0.245	IX
San Jose	25.8	6.4	0.144	VIII
Coronado Bank	27.7	7.6	0.207	VIII
Elsinore (Temecula)	29.8	6.8	0.118	VII

SOURCE: Geocon West, Inc. (June 12, 2014)

With respect to seismic shaking, the site is considered comparable to the surrounding developed area. However, this hazard is common in Southern California and the effects of ground shaking can be mitigated if the proposed structures are designed and constructed in conformance with current building codes and engineering practices.

The seismic analysis prepared by Geocon West, Inc., included both a deterministic analysis. This approach recognizes the Maximum Earthquake, which is the theoretical maximum event that could occur along a fault. The deterministic method assigns a maximum earthquake to a fault derived from formulas that correlate the length and other characteristics of the fault trace to the theoretical maximum magnitude earthquake. In addition, a probabilistic assessment was also included in the analysis. The probabilistic method considers the probability of exceedance of various levels of ground motion and is calculated by consideration of risk contributions from regional faults.

Based on the deterministic method of analysis, the maximum earthquake resulting in the highest peak horizontal accelerations at the site would be a magnitude 6.6 event on the San Joaquin Hills Blind Thrust. Such an event would be expected to generate peak horizontal accelerations at the site of 0.934g. While listing of peak accelerations is useful for comparison of potential effects of fault activity in a region, other considerations are important in seismic design, including the frequency and duration of motion and the soil conditions underlying the site. The site could be subjected to moderate to severe ground shaking in the event of a major earthquake on any of the faults referenced above or other faults in Southern California. As previously indicated, with respect to seismic shaking, the site is considered comparable to the surrounding developed area.

⁴Extracted from Table 1 (Faults within 60 Miles of the Site – Deterministic Site Parameters); Geocon West, Inc. (June 12, 2014).



The Maximum Considered Earthquake (MCE) Ground Motion is the level of ground motion that has a 2 percent chance of exceedance in 50 years, with a statistical return period of 2,500 years. According to the 2013 California Building Code and ASCE 7-10, the MCE is to be utilized for the design of critical structures such as schools and hospitals. The Design Earthquake (DE) Ground Motion is the level of ground motion that has a 10 percent chance of exceedance in 50 years, with a statistical return period of 475 years. The DE is typically used for the design of non-critical structures. Based on the probabilistic analysis conducted for the proposed project, the MCE and DE are expected to generate ground motions at the site of approximately 0.65g and 0.34g, respectively.

Seismic design criteria for building construction are specified in the California Building Code (CBC). Conformance to the criteria in the above tables for seismic design does not constitute any kind of guarantee or assurance that significant structural damage or ground failure will not occur if a large earthquake occurs. The primary goal of seismic design is to protect life, not to avoid all damage, since such design may be economically prohibitive. Thus, compliance with the CBC and the recommendations prescribed in the Geotechnical Investigation will reduce potential seismically-induced groundshaking impacts to a less than significant level.

4.6(a)(3) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Less than Significant Impact. Liquefaction is a phenomenon in which loose, saturated, relatively cohesionless soil deposits lose shear strength during strong ground motions. Primary factors controlling liquefaction include intensity and duration of ground motion, gradation characteristics of the subsurface soils, *in-situ* stress conditions, and the depth to groundwater. Liquefaction is typified by a loss of shear strength in the liquefied layers due to rapid increases in pore water pressure generated by earthquake accelerations.

The current standard of practice requires liquefaction analysis to a depth of 50 feet below the lowest portion of the proposed structure.⁵ Liquefaction typically occurs in areas where the soils below the water table are composed of poorly consolidated, fine to medium-grained, primarily sandy soil. In addition to the requisite soil conditions, the ground acceleration and duration of the earthquake must also be of a sufficient level to induce liquefaction.

The State of California Seismic Hazard Zone Map for the Tustin Quadrangle⁶ indicates that the site is not located in an area designated as "liquefiable". The Orange County General Plan and the Newport Beach General Plan Update also indicate that site is not located within an area identified as having a potential for liquefaction. As previously indicated, the soils encountered during the field exploration conducted by GEPCPM are generally composed of well consolidated Pleistocene age fine-grained soils. Based on these considerations presented in the geotechnical report, the project site is not susceptible to the adverse effects of liquefaction. Therefore, potential impacts are anticipated to be less than significant; no mitigation measures are required.

4.6(a)(4) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

No Impact. The site topography can generally be described as flat, with only a 4-foot elevation difference over a length of approximately 500 feet, resulting in an average slope of less than one percent extending from Dove Street to Martingale Way. The site is not located within an area identified as having a potential for slope instability⁷. There are no known landslides near the site, nor is the site in the path of any known or potential landslides. Therefore, the potential for slope stability hazards to adversely affect the proposed development is considered low. No impacts associated with landslides are anticipated; no mitigation measures are required.

⁵As outlined in the "Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Liquefaction in California" and "Special Publication 117A, Guidelines for Evaluating and Mitigating Seismic Hazards in California"

⁶California Department of Mines and Geology; 2001.

⁷*Ibid.*



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

Less than Significant Impact. Clearing, excavation, and grading associated with future development and improvements proposed for the site could expose soils to substantial short-term soil erosion or loss of topsoil, since fill material of unknown origin and varying composition currently covers most of the City. Future development would be subject to compliance with the City's standards, as well as NPDES General Construction Permit requirements, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) for erosion control, grading, and soil remediation. Grading Plans prepared for proposed developments must include an approved drainage and erosion control plan to minimize the impacts from erosion and sedimentation during grading. Additionally, development sites that encompass an area of 1.0 acres or greater would be subject to compliance with the NPDES program's General Construction Permit requirements and consequently the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP prepared for the proposed project would identify Best Management Practices (BMPs) for control erosion and pollutant transport. Additionally, the City has incorporated into the proposed General Plan Update Policies and Implementation Measures, which are intended to improve water quality resulting from storm and urban runoff from existing and future development. Less than significant impacts involving soil erosion would occur with implementation of the proposed mixed-use development, following compliance with the NPDES requirements and General Plan Update Policies and Implementation Measures specified in the General Plan Update EIR. Therefore, because the proposed project would be subject to compliance with the City's standards, as well as NPDES General Construction Permit (i.e., SWPPP) requirements (refer to SC 4.9-1) for erosion control, grading, applicable soil remediation, including compliance with the incorporation of measures prescribed in the General Plan Update EIR, project-related impacts are anticipated to be less than significant.

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

Less than Significant Impact. Subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence include those with high silt or clay content. The site is not located within an area of known ground subsidence. No large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or planned at the site or in the general site vicinity. Based on the field investigation conducted on the site for the proposed project as well as literature reviews, there appears to be little or no potential for ground subsidence due to withdrawal of fluids or gases at the site. Furthermore, the susceptibility of the site to the potential adverse effects of liquefaction is also considered low as indicated previously. Finally, the site is located in an area that of the City that is virtually flat and without significant relieve. Thus, the potential for the site to be affected by either on- or off-site landslides is considered low.

4.6(d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?

Less than Significant with Mitigation Incorporated. Laboratory tests were performed in accordance with generally accepted test methods.⁸ Selected samples were tested for direct shear strength, consolidation and expansion characteristics, moisture density relationships, corrosivity, plasticity indices, in-place dry density and moisture content. Lab results indicated that the soils tested had an expansion index of 51, which is considered expansive by the CBC. Therefore, due to the expansion potential of the site soils, the moisture content in the slab and foundation subgrade should be maintained subsequent to grading and as necessary until concrete placement.

⁸American Society for Testing and Materials (ASTM) or other suggested procedures.



4.6(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The subject property and environs are currently served by a sanitary sewer system. Sewer facilities, which are located in the adjacent streets, will continue to serve the proposed mixed-use development. Raw sewage generated on the site by the proposed uses will continue to be collected and conveyed by the existing sanitary sewage collection and conveyance system and not a septic system or other alternative means of collecting and treating raw sewage. As a result, potential impacts associated with a septic system are not anticipated and no mitigation measures are required.

Standard Conditions

- SC 4.6-1 The proposed project shall comply with the requirements prescribed in the California Building Code and all applicable requirements in the City of Newport Beach Building Code.
- SC 4.6-2 All activities associated with the implementation of the proposed project shall comply with Section 15.04 (Building Code) of the Newport Beach Municipal Code and all other applicable development requirements prescribed by the City.

Mitigation Measures

- MM 4.6-1 The proposed project shall implement the recommendations stated in Chapter 7.0 (Conclusions and Recommendations) of the Geotechnical Investigation prepared by GEOCON, including those for: (1) soils and excavation characteristics; (2) minimum resistivity, pH, and water soluble sulfate; (3) grading; (4) shrinkage; (5) foundation design; (6) foundation settlement; (7) lateral design; (8) concrete slabs on-grade; (9) preliminary pavement recommendations; (10) retaining walls and retaining wall drainage; (11) dynamic lateral forces; (12) temporary excavation; and other recommendations.

4.7 GREENHOUSE GAS EMISSIONS

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			■	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			■	

An air quality and greenhouse gas (GHG) analysis was prepared by Giroux & Associates to evaluate the potential air quality impacts of the proposed project. The analysis in the following sections focuses on the existing conditions in the study area, the analysis methodology, thresholds of significance, the potential short- and long-term air quality impacts of the proposed project related to the ambient air quality standards (AAQS) and sensitive receptors, and mitigation as needed. The air quality and GHG analysis is included in Appendix A; the findings and recommendations of that analysis are summarized below.



Impact Analysis

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

Less than Significant Impact. “Greenhouse gases” (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as “global warming.” These greenhouse gases contribute to an increase in the temperature of the earth’s atmosphere by transparency to short wavelength visible sunlight, but near opacity to outgoing terrestrial long wavelength heat radiation in some parts of the infrared spectrum. The principal greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. For purposes of planning and regulation, Section 15364.5 of the California Code of Regulations defines GHGs to include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. 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 half of GHG emissions globally. Industrial and commercial sources are the second largest contributors of GHG emissions with about one-fourth of total emissions. Greenhouse gas emissions will occur as a result of construction activities, including demolition, site preparation, and building construction as well as long-term emissions over the life of the project resulting from the project’s operations.

On December 5, 2008 the SCAQMD Governing Board adopted an Interim quantitative GHG Significance Threshold for industrial projects where the SCAQMD is the lead agency (e.g., stationary source permit projects, rules, plans, etc.) of 10,000 Metric Tons (MT) CO₂ equivalent/year. In September 2010, the Working Group released revisions which recommended a threshold of 3,000 MT CO₂e for mixed-use and all land use type projects. This 3,000 MT/year recommendation has been used as to determine potentially significant impacts. In the absence of an adopted numerical threshold of significance, project related GHG emissions in excess of the guideline level are presumed to trigger a requirement for enhanced GHG reduction at the project level.

GHG emissions identification may be quantitative, qualitative or based on performance standards. The GHG analysis for the proposed project has been prepared to quantify of project-related GHG emissions, make a determination of significance, and specify any appropriate mitigation if impacts are found to be potentially significant. The most common practice for transportation/combustion GHG emissions quantification is to use a computer model such as CalEEMod, as was used in the ensuing analysis. Both short-term (construction) and long-term (operational) emissions have been estimated using the CalEEMod computer model. The results of the analysis are presented below.

Construction Emissions

The proposed project will be constructed in approximately two years as previously reflected in Table 2-1 (refer to Project Description). During project construction, the CalEEMod2013.2.2 computer model predicts that the construction activities will generate the annual CO₂e emissions identified in Table 7-1.



Table 7-1

**Construction-Related GHG Emissions
The Residences at Newport Place**

Year	CO ₂ e (Metric Tons)
Year 2016	463.2
Year 2017	384.2
Total Construction	847.4
Amortized¹	28.2
¹ The SCAQMD emissions policy for GHG generated by construction activities is to amortize emissions over a 30-year lifetime. SOURCE: Giroux & Associates (January 2016)	

As indicated in Table 7-1, the total of 28.2 MT CO₂e is estimated based on the 30-year amortization of the construction emissions. GHG impacts from construction are considered individually less than significant.

Operational Emissions

Project implementation will result in the conversion of the existing retail shopping center to a mixed-use residential development. The GHG analysis undertaken for the proposed project evaluated the net change in GHG emissions resulting from project implementation. Table 7-2 provides a comparison of the total operational and annualized construction emissions for the existing retail shopping center and the proposed project. The table also shows the net difference between the existing and proposed uses.

Table 7-2

**Operational GHG Emissions Comparison
The Residences at Newport Place**

Consumption Source	GHG Emissions (MT Year CO ₂ e)		
	Existing Project	Proposed Project	Difference
Area Sources ¹	0.0	90.1	90.1
Energy Utilization	518.5	1,168.1	649.6
Mobile Source	1920.7	3,633.6	1,712.9
Solid Waste Generation	73.0	82.7	9.7
Water Consumption	40.6	154.2	113.6
Construction	N/A	28.2	28.2
Total	2,552.8	5,156.9	2,604.1
Guideline Threshold	3,000	3,000	3,000
Exceeds Threshold (Yes/No)	No	Yes	No
¹ Assumes use of natural gas hearths SOURCE: Giroux & Associates (January 2016)			



As indicated in Table 7-2, the GHG emissions for the existing and proposed project exceed the guideline screening threshold of 3,000 MTY CO₂e threshold suggested by the SCAQMD. Although the existing on-site uses do not exceed the 3,000 MTY CO₂e threshold, with the credit from the existing uses (2,552.8 MT CO₂e), the net difference between the proposed uses and existing operational uses is 2,604.1 MT CO₂e per year. This net difference is lower than the 3,000 MTY CO₂e screening threshold. Therefore, project related GHG emissions are considered to be less than significant. No mitigation measures are required.

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

Less than Significant Impact. In accordance with AB 32, the California Air Resources Board (CARB) developed the Scoping Plan to outline the state's strategy to achieve 1990 level emissions by year 2020. To estimate the reductions necessary, CARB projected statewide 2020 Business as Usual (BAU) GHG emissions and identified that the state as a whole would be required to reduce GHG emissions by 28.5 percent from year 2020 BAU to achieve the targets of AB 32 (CARB 2008). The City of Newport Beach has not adopted a GHG reduction plan. No other GHG reduction plans are applicable for the proposed project. Statewide strategies to reduce GHG emissions include the LCFS, California Appliance Energy Efficiency regulations, California Building Standards (e.g., CALGreen and the 2008 Building and Energy Efficiency Standards), California RPS, changes in the corporate average fuel economy standards (e.g., Pavley I and Pavley II [Advanced Clean Cars]), and other measures that would ensure the state is on target to achieve the GHG emissions reduction goals of AB 32. Statewide GHG emissions reduction measures that are being implemented over the next 8 years would assist the City in reducing the project's GHG emissions. Furthermore, at buildout the project would result in an increase that would not exceed the screening threshold recommended for GHG emissions.

The 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) was adopted by SCAG on April 4, 2012. The 2012 RTP/SCS is based on local land use projections in the cities and county's general plans. The project is consistent with the General Plan land use designations for the site and therefore consistent with the RTP/SCS. In addition, the project is consistent with regional strategies to reduce passenger vehicle miles traveled. The project is located in the City's Airport Area and is proximate to several major employers within Orange County (e.g., University of California Irvine, Allergan). The proposed project would be built to the maximum allowable density per the City of Newport Beach General Plan. Increasing residential land uses near major employment centers is a key strategy to reducing regional vehicle miles traveled (VMT). Therefore, the project would be consistent with regional goals to reduce trips and VMT.

Standard Conditions

No standard conditions are required.

Mitigation Measures

No significant impacts will occur and no mitigation measures are required.



4.8 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			■	
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?				■

A Phase I Environmental Site Assessment was prepared by Leymaster Environmental Consulting, LLC (Leymaster) to identify existing or potential recognized environmental conditions (REC) that may exist on the site, which may have the potential to expose future residents to potentially hazardous conditions. The Phase I ESA is dated July 25, 2012. In addition, a Phase II ESA was also prepared by Leymaster to assess the potential for hazards and/or hazardous materials impacts of the proposed project. The analysis presented in this section is based on the findings of recommendations of the “Phase I Environmental Site Assessment” and the “Phase II Investigation Report – MacArthur Square, Newport Beach, California,” (April 22, 2013) prepared by Leymaster Environmental Consulting, LLC. These documents are included in Appendix C.



Impact Analysis

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

Less than Significant with Mitigation Incorporated. The existing structures, which may contain asbestos-containing materials (ACM) and lead-based paint (LBP), will be demolished in order to implement the proposed project. Without proper remediation, it is possible that ACM could be released into the environment. According to the Environmental Protection Agency (EPA), ACM that is intact and in good condition can, in general, be managed safely in-place under an Operations and Maintenance (O&M) program until removal is dictated by renovation, demolition, or deteriorating material conditions. In addition to ACM, it is also possible that LBP may also exist within the existing structures. Similar to ACM, the release of LBP into the environmental could pose a potential health risk in the project environs. Therefore, appropriate measures have been prescribed to ensure that potential health risks associated with the release of ACM and/or LBP are reduced to a less than significant level (refer to MM 4.8-1 and MM 4.8-2).

4.8(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 with Mitigation Incorporated. Because the existing structures were built during a period when asbestos-containing materials (ACM) were commonly used in flooring, insulation, roofing, and/or many other buildings materials, it is likely that materials used in the construction of the existing buildings contain asbestos, including in floor tiles, “popcorn” ceilings, and insulation normally involved with heating, ventilation and air conditioning units and roofing materials. Existing structures, which may contain ACM and LBP, will be demolished in order to implement the proposed project. As indicated above, without proper remediation, it is possible that ACM could be released into the environment; however, according to the Environmental Protection Agency (EPA), ACM that is intact and in good condition can, in general, be managed safely in-place under an Operations and Maintenance (O&M) program until removal is dictated by renovation, demolition, or deteriorating material conditions. In addition to ACM, it is also possible that LBP may also exist within the structures on the project site. Similar to ACM, the release of LBP into the environmental could pose a potential health risk in the project environs. Therefore, prior to any disturbance of the structures and construction materials within the project site, a comprehensive ACM and LBP survey shall be conducted and appropriate measures prescribed to ensure that no release of either ACM or LBP occurs, including during remediation and transport and disposal of those materials. Remediation shall comply with all applicable regulatory requirements. Air emissions of asbestos fibers and leaded dust would be reduced to below a level of significance through compliance with existing federal, state, and local regulatory requirements and implementation of the mitigation measures prescribed below.

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

No Impact. The project site is located in the Airport Area of the City of Newport Beach. Land uses in the vicinity of the project site include retail/commercial, professional office, and industrial. No schools are located within one-quarter mile of the site. No impact will occur as a result of project implementation.



4.8(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 Phase I ESA prepared by Leymaster included a records search of the standard environmental record sources. A complete listing of the sources is included in the Phase I ESA (refer to Appendix C). Based on the records search, the subject property is listed in the following databases:

- Resource Conservation and Recovery Information System – Small Quantity Generator (RCRIS-SQG)

Former tenant Bacons Airport Photo Inc., was listed; no violations or notices to comply were noted; no other information was provided.

- Facility Index System (FINDS)

Former tenant Bacons Airport Photo Inc., was included in this database; no other information was provided.

- HAZNET

Former tenant Bacons Airport Photo Inc., was listed in this database for the disposal of 0.95 ton of photochemicals/photoprocessing via an off-site recycler and for the disposal of meal sludge ranging from 0.50 to 0.85 ton. The disposal method for this waste was via off-site recycler. In addition, former tenant Adams Printing was listed in this database for the disposal of photochemicals/photoprocessing waste ranging from 0.02 to 0.25 ton, 0.04 ton of off-specification, aged or surplus organics, 0.02 ton of liquids with halogenated organic compounds $\geq 1,000$ mg/l., and 0.13 ton of an aqueous solution with metals. Disposal methods were either recyclers or transfer stations. No violations or notices to comply were noted.

Sites listed within one-half mile of the property for NPR and CERCLIS and within one-eighth mile for all other data bases are listed in Table 8-1.



Table 8-1

**NPL and CERCLIS Site Listings
 The Residences at Newport Place**

Business	Address
Resource Conservation and Recovery Information System - Small Quantity Generator (RCRIS-SQG)	
MacArthur Square Cleaners	1701 Corinthian Way
Cosmos Sport Cars	4001 Birch Street
Physician Care Medical	4030 Birch Street, No. 107
Elder Industries Inc.	2101 Dove Street
Leaking Underground Storage Tank (LUST)	
Beacon Bay Auto Wash	4200 Birch Street
Elder Industries Inc.	2101 Dove Street
Underground Storage Tank (UST)	
Beacon Bay Auto Wash	4200 Birch Street
Elder Industries Inc.	2101 Dove Street
Avis Rent-A-Car	4201 Birch Street
Aboveground Storage Tank (AST)	
Not Reported	2101 Dove Street
California Facility Inventory Database Underground Storage Tank (CA FID UST)	
Beacon Bay Auto Wash	4200 Birch Street
Historical Underground Storage Tank (HIST UST)	
Newport Place Auto Wash	4200 Birch Street
Statewide Environmental Evaluation and Planning System (SWEEPS)	
Beacon Bay Auto Wash	4200 Birch Street
RCRA-NonGen	
Roadway Construction Company	4101 Westerly Place
HIST CORESE	
Beacon Bay Auto Wash	4200 Birch Street
Elder Industries Inc.	2101 Dove Street
Avis Rent-A-Car	4201 Birch Street
DRYCLEANERS	
Green Hanger Cleaners	450 Scott Drive
SOURCE: Leymaster Environmental Consulting, LLC (July 25, 2012)	



In addition to the NPL/CERCLIS database listings, additional record sources include: California Department of Toxic Substances Control (DTSC), South Coast Air Quality Management District (SCAQMD), Orange County Fire Authority (OCFA), Orange County Sanitation District (OCSD), Regional Water Quality Control Board (RWQCB), and the Orange County Health Care Agency (OCHCA). With the exception of the SCAQMD database, no files or records at those agencies were associated with the subject property. Although two facilities were listed in the SCAQMD database, no violations or notices to comply were noted.

Based on a site reconnaissance of the project site, there was no evidence of the use of hazardous materials or wastes being used or stored on the project site. Furthermore, there were no obvious indications of hazardous material or petroleum product releases, such as stained areas or stressed vegetation observed during the site reconnaissance. There were no unidentified containers or drums noted and no obvious indications of hazardous waste generation, storage or disposal on the property.

Older transformers and other electrical equipment could contain polychlorinated biphenyls (PCBs) at a level that subjects them to regulation by the U.S. Environmental Protection Agency (USEPA). Although there is a pad-mounted transformer located between the property and the north adjacent property, there was no indication of staining, leaks or fire damage either on or around the base of the transformer unit. With the exception of potential LBP and ACM previously discussed (refer to 4.8 (a) and 4.8(b), no other potential hazardous conditions, including radon, radiological hazards, ASTs and/or USTs were noted on the site.

Although the Phase I ESA concluded that there is no evidence of hazardous materials and/or potential health hazards on the site, a Phase II ESA was conducted in order to determine whether former dry cleaning operations on the property represent a human health risk and as a screening tool to evaluate possible impacts to the subsurface from either on- or off-site sources. A soil-vapor investigation was conducted to analyze the potential for the existence of volatile organic concentrations in the soil beneath the site. Based on the analytical results of the sub-slab samples, it was determined that all perchloroethylene (PCE) concentrations detected were below the sub-slab California Human Health Screening Levels (CHHSLs) for commercial land use. The former dry cleaning operations have not significantly impacted the subsurface and there is no human health risk for commercial uses based on the results of the analysis.

The analytical results of detectable VOC concentrations for the vapor probe also concluded that PCE concentrations are below the CHHSLs of 0.603 µg/l for commercial land uses. There is no corresponding CHHSL for samples collected at depths greater than five feet below ground surface (bgs). It is possible that PCE concentrations detected at 15 feet bgs are off-gassing from the groundwater, which is approximately 20 feet bgs. However, there is no indication that current and/or former operations at the property are the source of these impacts. Although no further investigation is recommended, the Phase II ESA recommended that measures may be required to mitigate any potential risk associated with the PCE concentrations in the soil vapor, including installation of a vapor barrier, construction of an underground parking structure, and no residential units on the first floor. The proposed project includes the construction of a subterranean parking structure, which is consistent with this recommendation. Therefore, potential impacts would be less than significant. No mitigation measures are required.

4.8(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?

Less than Significant Impact. The project site is located approximately 1,000 feet southeast of John Wayne Airport (JWA), and is within the 60-65 dBA CNEL noise contour of the airport. Although the project site is not located within either a Clear Zone or a Runway Protection Zone delineated for JWA, it is located within the traffic pattern zones of both of the airport's runways (Safety Compatibility Zones for Runway 1R/19L). The project site is not located within the crash hazard zones of the airport and would not expose either residents or workers in the retail commercial component to a potential safety hazard. Furthermore, the applicant has



submitted the required information to the Federal Aviation Administration for review. The FAA conducted an aeronautical study that concluded the proposed 83-foot high residential structure does not exceed obstruction standards based on a 50-foot base height at the project site and would not be a hazard to air navigation provided the applicant e-file FAA Form 7460-2 as required in SC 4.10-1⁹ in Section 4.10 (Land Use and Planning). No significant impacts are anticipated and no mitigation measures are required.

4.8(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. Although the proposed project is located approximately 1,000 feet from JWA, no private airstrip or private use runways exist within the project vicinity. Project implementation would not expose future residents of the proposed project to aviation activities associated with such a facility. Therefore, no impacts will occur.

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

Less than Significant Impact. It is estimated that the proposed project would increase traffic volumes by 210 trips per day over the existing number of vehicular trips generated by the existing retail center. Although this increase could impede the rate of evacuation, in the event of an accident or natural disaster in the City, the Newport Beach General Plan EIR concluded compliance with the General Plan policies would reduce impacts associated with emergency response and evacuation in the City to a less than significant level. Development permitted by the General Plan was considered, including reuse of the project site as proposed. Even though the project site was not evaluated as currently proposed, it was evaluated as a developed site (i.e., MacArthur Square retail center). As such, potential impacts from development, including existing and proposed, associated with emergency response and evacuation were anticipated and adequately evaluated in the Newport Beach General Plan and General Plan EIR. As a result, implementation of the proposed mixed-use development is consistent with the analysis presented in the GPEIR, and would not result in greater impacts than previously identified.

Furthermore, the City would continue to implement its Emergency Management Plan (EMP), which guides the City's response to extraordinary emergency situations. Moreover, General Plan Policies S 9.1, S 9.2, and S 9.3 would serve to ensure that the City's Emergency Management Plan is regularly updated, provides for efficient and orderly citywide evacuation, and also ensures that emergency services personnel are familiar with the relevant response plans applicable to the City. Given that future development of the site would undergo project-specific review, and be subject to the City's EMP and General Plan policies, impacts involving emergency response and evacuation would be less than significant.

4.8(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 subject property is not located either within or adjacent to a designated wildland fire hazard area and would not, therefore, be exposed to the potential for wildland fire. As discussed in Section 4.12 (Public Services), the Newport Beach Fire Department provides fire protection and would respond to fire and/or emergency situations occurring in the project area, including the subject site. No significant wildland fire impacts would occur and no mitigation measures are required for wildland fire hazards.

⁹Federal Aviation Administration, "Determination of No Hazard to Air Navigation," (Aeronautical Study No. 2014-AWP-7280-OE); Issue date November 25, 2014.



Standard Conditions

Refer to SC 10-1 in Section 4.10 (Land Use and Planning).

Mitigation Measures

- MM 4.8-1 Prior to the issuance of the demolition permit, an asbestos survey shall be conducted at each of the onsite building structures. The asbestos survey must be overseen by a California-Certified Asbestos Consultant. The results of this survey should provide a description of the asbestos-containing materials, their locations, estimated quantity, and recommendations for removal, containment, and off-site transportation and disposal.

- MM 4.8-2 Prior to issuance of the demolition permit, all onsite building structures shall be assessed for the possible presence of lead-based paint. This study must be conducted by trained and/or licensed professionals. The results of this study should provide a description of the lead-based paint locations, estimated quantity, and recommendations for removal, containment, and off-site transportation and disposal.

4.9 HYDROLOGY AND WATER QUALITY

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?			■	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			■	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of 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 which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			■	
f. Otherwise substantially degrade water quality?			■	
g. Place housing within a 100-year flood hazard as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				■
h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				■



<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				■
j. Inundation by seiche, tsunami, or mudflow?				■

A Preliminary Water Quality Management Plan (WQMP) was prepared for the proposed project by KHR Associates. The WQMP addresses the requirements of the local National Pollutant Discharge Elimination System (NPDES) Stormwater Program requiring the preparation of such a plan. The WQMP also reflects up-to-date conditions on the site consistent with the current Orange County Drainage Area Management Plan (DAMP) and the intent of the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange and the incorporated Cities of Orange County within the Santa Ana Region. The analysis that follows summarizes the hydrological and water quality information presented in the Preliminary WQMP, which is included as Appendix D.

Impact Analysis

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

Less than Significant Impact. Residential and urban development is often a significant source of storm water pollution. Development and redevelopment activities have two primary effects on water quality; they are sources of erosion and sedimentation during the construction phase and they have long-term effects on runoff once the development is complete. Residential and urban development can affect water quality in three ways, including:

- Impervious surfaces associated with development increase the rate and volume of storm water runoff, which increase downstream erosion potential;
- Urban activities generate dry-weather (“nuisance”) flows, which may contain pollutants and/or may change the ephemeral nature of streams and the degradation of certain habitats; and
- Impervious surfaces increase the concentration of pollutants during wet weather flows.

The potential for negative water quality effects is generally correlated to the density of development and the amount of impervious area associated with the development. Residential development has the potential to generate sediments such as nutrients and organic substances (including fertilizers), pesticides (from landscape application), trash and debris (including household hazardous waste), oxygen demand, oil and grease (from driveways and roads), and bacteria and viruses.

The subject property is within a drainage area that ultimately discharges water into Newport Bay via San Diego Creek. In addition, the Upper Newport Bay Ecological Reserve is identified as an Environmentally Sensitive and Special Biological Areas. The applicable 303(d) impairments listed in the Drainage Area Master Plan (DAMP) include DDT, toxaphene, fecal coliform, nutrients, selenium, chlordane, copper, metals, PCBs, sediment toxicity, and sediment.



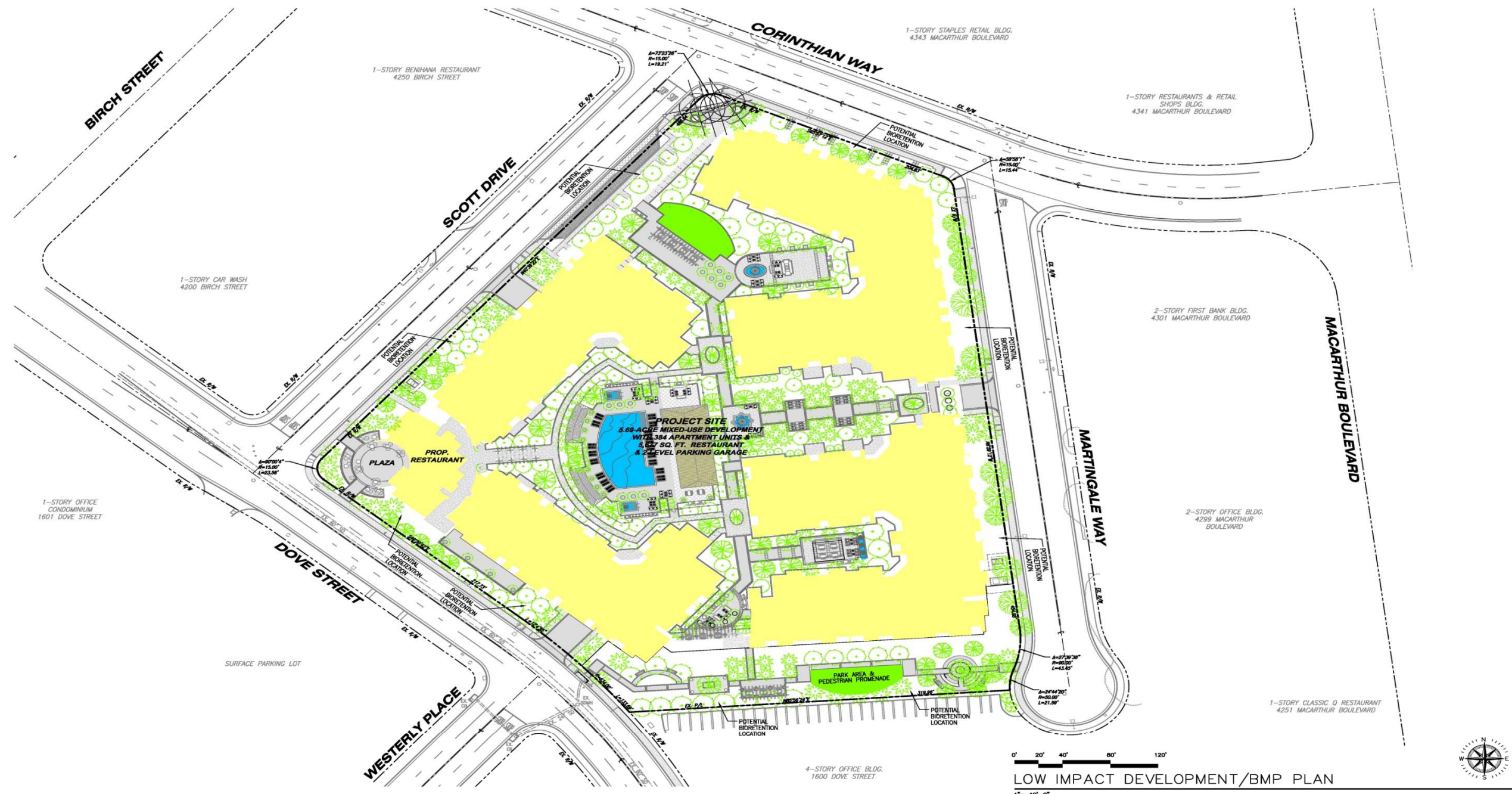
In general, construction of the proposed project has the potential to produce pollutants such as nutrients, heavy metals, pesticides and herbicides, toxic chemicals related to construction and cleaning, waste materials including wash water, paints, wood, paper, concrete, food containers and sanitary wastes, fuel, and lubricants. The pollutants of concern anticipated to occur as a result of project implementation include suspended-solid/sediment, nutrients, pathogens (i.e., bacteria/virus), pesticides, oil and grease, and trash and debris. Without proper/adequate treatment, the addition of these pollutants into the environment could adversely affect both surface and groundwater. Generally, standard safety precautions for handling and storing construction materials can adequately reduce the potential pollution of stormwater by these materials.

Existing water quality regulations require that Priority Projects must implement best management practices (BMPs) that infiltrate, harvest and use, and/or evapotranspire to address storm runoff; however, if such BMPs cannot be feasibly implemented for full design capture volume (DCV) for the 85th percentile, 24-hour storm event, a biotreatment system may be implemented. Based on the WQMP, infiltration BMPs are not feasible for the proposed project based on the impermeability of the soils as documented in the geotechnical investigation conducted for the subject property. Furthermore, harvest and use is not considered feasible for the proposed project due to the irrigation demand being insufficient to meet the minimum harvest demand threshold.

Low Impact Development (LID) BMPs are also required, in addition to site design measures and source controls to reduce pollutants in storm water discharges. LID BMPs are engineered facilities that are designed to retain or biotreat runoff on the project site. BMPs that will be implemented include biotreatment BMPs

Biotreatment BMPs reduce storm water volume to the maximum extent practicable (MEP), treat storm water using a suite of treatment mechanisms characteristic of biologically active systems, and discharge water to the downstream storm drain system or directly to receiving waters. The primary BMPs proposed for the project include proprietary Bioretention Units (Modular Wetlands or equivalent), which were selected based on their ability to treat the project's pollutants of concern to a medium or high effectiveness, in accordance with the Model WQMP requirements. Table 4.9-2 summarizes the treatment effectiveness of bioretention systems with underdrains and proprietary vegetated bioretention systems. A proprietary biotreatment system selected for implementation (Modular Wetlands units) is one that utilizes multi-stage treatment processes, including screening media filtration, settling, and biofiltration.

The Preliminary Water Quality Management Plan (WQMP) prepared for the proposed project includes a variety of BMPs, including non-structural and structural features to minimize potential pollutants entering the storm runoff generated by the proposed project (refer to Exhibit 9-1 – Low Impact Development/BMP Plan).



DATE	DESCRIPTION
08/20/14	PRELIMINARY
09/25/14	REVISED
02/11/15	REVISED
07/21/15	REVISED
08/20/15	REVISED

NEWPORT PLACE RESIDENTIAL, LLC
The Residences at Newport Place
NEWPORT BEACH CALIFORNIA



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CONSULTING ENGINEERS/SURVEYORS/PLANNERS
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PROJECT NO. 2012-002
DATE 08/20/14
SHEET C-3
DATE 02/11/15
DESIGNER TJA/AM

ARCHITECTS, INC.
12400
BENTLEY VALLEY ROAD
SAN DIEGO, CALIFORNIA 92121
TEL: (619) 594-1000
FAX: (619) 594-1000

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Exhibit 9-1
Low Impact Development/BMP Plan



Non-Structural BMPs

As indicated in Table 9-1 BMP Nos. N5, N6, N7, N8, N9, N10, N13 and N16 are not included with the non-structural category because the proposed project does not include the facilities referenced in those BMPs. Each of the categories of the non-structural BMPs that are applicable to the proposed project and that will be implemented are described in greater detail in the Preliminary WQMP, which is included as Appendix D.

Table 9-1

**Routine Non-Structural BMPs
 The Residences at Newport Place**

BMP No.	Name	Incl.	N/A
N1	Education for Property Owners, Tenants and Occupants	X	
N2	Activity Restrictions	X	
N3	Common Area Landscape Management	X	
N4	BMP Maintenance	X	
N5	Title 22 CCR Compliance (how development will comply)		X
N6	Local Industrial Permit Compliance		X
N7	Spill Contingency		X
M8	Underground Storage Tank Compliance		X
N9	Hazardous Materials Disclosure Compliance		X
N10	Uniform Fire Code Implementation		X
N11	Common Area Litter Control	X	
N12	Employee Training	X	
N13	Housekeeping of Loading Docks		X
N14	Common Area Catch Basin Inspection	X	
N15	Street Sweeping Private Streets and Parking Lots	X	
N16	Retail Gasoline Outlets		X
SOURCE: KHR Associates. (Revised July 12, 2015)			

Structural BMPs

In addition to the non-structural BMPs identified above, the applicant will also be required to install structural BMPs through the construction and development phases of the proposed project. The routine structural BMPs, which are included in the Conceptual WQMP and identified in Table 9-2, include a variety of mandated elements, including trash and waste storage, efficient irrigation systems and landscaping, and slope protection. As previously indicated, the nature and extent of each of the BMPs included in the proposed project are thoroughly described in the Preliminary WQMP (refer to Appendix D).



Table 9-2

**Routine Structural BMPs
 The Residences at Newport Place**

BMP No.	Name	Incl.	N/A
S1	Provide storm drain system stenciling and signage	X	
S2	Design and construct outdoor material storage areas to reduce pollution introduction		X
S3	Design and construct trash and waste storage areas to reduce pollution introduction	X	
S4	Use efficient irrigation systems and landscape design, water conservation, smart controllers, and source control	X	
S5	Protect slopes and channels and provide energy dissipation		X
	Incorporate requirements applicable to individual priority project categories (from SDRWQCB NPDES Permit)		X
S6	Dock areas		X
S7	Maintenance bays		X
S8	Vehicle was areas		X
S9	Outdoor processing areas		X
S10	Equipment was areas		X
S11	Fueling areas	X	
S12	Hillside landscaping		X
S13	Waste water control for food preparation	X	
S14	Community car was racks		X
SOURCE: KHR Associates (Revised July 12, 2015)			

With the implementation of the BMPs both during and following construction, potentially significant water quality impacts would be avoided and project-related impacts would be less than significant.

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

Less than Significant Impact. As indicated in the preliminary technical investigation conducted for the proposed project, groundwater was encountered at a depth of 30 feet below the existing ground surface. Historic high groundwater level is reported to be at a depth of approximately 10 feet below the existing ground surface. The percolation test performed on-site indicated that the subsurface soils are considered impermeable and not conducive for infiltration of stormwater.¹⁰ The subject property does not contribute significantly to the basin groundwater resources due to the small size of the project area and because the site is currently developed with a significant area dedicated to impervious surfaces. Although project implementation will change the existing runoff conditions, it would not result in a significant increase in the amount of impervious surfaces on the site. It is anticipated that there will be change in impervious coverage; however, the minor change in impervious surface would not significantly affect groundwater supplies in the region. Therefore, potential impacts to the groundwater supplies are less than significant.

¹⁰Geocon West, Inc.; "Geotechnical Investigation Proposed Mixed Use Development" dated June 12, 2014.



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

Existing Hydrology

Less than Significant Impact. The 5.70-acre property is developed and is mostly covered (86 percent) by impervious surfaces, including buildings streets and related hardscape. Existing drainage at the site consists of sheet flow to ribbon gutters, discharging to the adjacent streets. The easterly area of the property sheet flows to Martingale Drive. The northerly area of the property sheet flows to Scott Drive. The westerly and southerly areas of the property sheet flow to Dove Street. The gutter that collects the site runoff starts at the cul-de-sac within Martingale Way and then drains around and adjacent to the site until it is collected by a curb opening catch basin on Dove Street near the southwest corner of the project site. The runoff drains in a southerly direction from the site and ultimately connects to the San Diego Creek prior to discharging into Upper Newport Bay.

Post Development Hydrology

Less than Significant Impact. Redevelopment of the site as proposed would result in an eight percent reduction in impervious surfaces (compared to 86 percent at the present time). Following completion of the proposed project, approximately 78 percent of the site would be covered by impervious surfaces, which would result in a potential decrease in surface runoff. Within the project site, stormwater is collected within the private storm drain system by roof drains, area drains, or drop inlets. Based on the Preliminary WQMP, the proposed project was designed with one drainage management area (DMA). Stormwater and other runoff will be directed to bioretention planters with underdrains to treat the DCV. The bioretention facilities are located within the landscaped areas around the perimeter of the property. A storm drain network will collect treated and high flows from the bioretention facilities prior to discharge at the back of a public catch basin located near the southwest corner of the property within Dove Street. The public main eventually discharges into San Diego Creek just prior to its termination into Upper Newport Bay. Implementation of the on-site drainage facilities and features prescribed in the WQMP, post-development drainage impacts are anticipated to be less than significant.

4.9(d) Substantially alter the existing drainage pattern of the site or area, including through 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. As indicated above, project implementation will result in only minor alteration of the project site in order to accommodate the proposed mixed-use development and will include a minor change in the amount of impervious coverage, which would neither result in significant alterations to the existing drainage patterns nor the rate and amount of surface runoff as indicated in Section 4.9(c). As a result, redevelopment of the project site as proposed, with the implementation of the BMPs and storm drain system proposed by the applicant, will result in less than significant impacts to the drainage pattern and the volume of runoff. No mitigation measures are required.

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

Less than Significant Impact. As indicated above, Within the project site, stormwater is proposed to be collected within the private storm drain system by roof drains, area drains, or drop inlets. For this preliminary report, the proposed project was divided into one drainage management area (DMA). Stormwater and other runoff will be directed to bioretention planters with underdrains to treat the DCV. The bioretention facilities are located within the landscaped areas around the perimeter of the property. A storm drain network will collect



treated and high flows from the bioretention facilities prior to discharge at the back of a public catch basin located near the southwest corner of the property within Dove Street. The public main eventually discharges into San Diego Creek just prior to its termination into Upper Newport Bay. Project implementation will not result in potentially significant impacts to the existing storm drain system. No mitigation measures are required.

4.9(f) *Otherwise substantially degrade water quality?*

Less than Significant Impact. Although redevelopment of the property as proposed will not result in any unique or unusual water quality impacts, site preparation, grading and construction could result in some erosion potential and the potential for a discharge of silt and other pollutants associated with the proposed development into the surface waters. However, as indicated in Section 4.9(a) it will be necessary to implement a Storm Water Pollution Prevention Plan, Water Quality Management Plan and related Best Management Practices, to ensure that water quality impacts are minimized. Implementation of the BMPs prescribed in the SWPPP (refer to SC 4.9-1) will avoid potentially significant water quality impacts. As a result, project-related construction impacts to water quality will be less than significant. In addition, structural and non-structural BMPs included in the WQMP (refer to Tables 4.9-1 and 4.9-2) will ensure that potential long-term, post-development water quality impacts are also avoided or reduced to a less than significant level.

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

No Impact. No portion of the project site or environs is located within a 100-year flood zone as identified on the Flood Insurance Rate Map (FIRM) for the City of Newport Beach. Per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06059C0286J (revised December 3, 2009), the project site is located within Flood Zone X (unshaded), which is defined as areas determined to be of minimal flood hazard and outside the 500-year flood or protected by levee from a 100-year flood.¹¹ The proposed project includes the redevelopment of existing MacArthur Square shopping center with 384 multiple-family residential dwelling units and 5,677 square feet of retail/commercial development. Although implementation of the proposed project will result in construction of additional residential development, no portion of the development will be located within a 100-year flood hazard area. Therefore, no impacts are anticipated as a result of project implementation; no mitigation measures are required.

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

No Impact. As indicated above, no portion of the site is located within the limits of a 100-year flood zone as designated FEMA. Further, no significant increases in impervious surfaces or structures that could potentially impede or redirect flood flows will occur in a FEMA-designated 100-year flood zone as a result of project implementation. Therefore, no impacts are anticipated and no mitigation measures are required.

4.9(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. According to the Orange County Safety Element, the site is located within the inundation boundary of the Prado Dam. However, this dam, as well as others in California, are continually monitored by various governmental agencies (such as the State of California Division of Safety of Dams and the U.S. Army Corps of Engineers) to guard against the threat of dam failure. Current design, construction practices, and ongoing programs of review, modification, or total reconstruction of existing dams are intended to ensure that all dams are capable of withstanding the maximum considered earthquake (MCE) for the site. Therefore, the potential

¹¹Federal Emergency Management Agency (FEMA); 2009 and Newport Beach General Plan; 2006.



for inundation at the site as a result of an earthquake-induced dam failure is considered low. No impacts associated with the potential failure of a dam are anticipated; no mitigation measures are required.

4.9(j) Inundation by seiche, tsunami, or mudflow?

No Impact. Coastal flood hazards, such as tsunamis and rogue waves, would inundate primarily the low-lying areas of the City’s coastline as reflected on Figure S1 (Coastal Hazards) in the Safety Element of the Newport Beach General Plan. However, the site is located approximately five (5) miles from the Pacific Ocean According to the Safety Element, the site is not within a tsunami inundation hazard zone and is not susceptible to potential tsunamis and/or wave run-up. Therefore, tsunamis are not anticipated to adversely impact the site.

Seiches are large waves generated in enclosed bodies of water in response to ground shaking. Although seiches in large, enclosed bodies of water such as the reservoirs in the City and, to an extent, Newport Harbor and Newport Bay, would inundate immediate areas surrounding the body of water, no major water-retaining structures are located immediately up gradient from the project site as indicated in Figure S3 (Flood Hazards) in the Safety Element. Therefore, potential flooding from a seismically-induced seiche is considered unlikely. No impact is anticipated and no mitigation measures are required.

Standard Conditions

SC 4.9-1 Prior to the issuance of a grading permit, the applicant shall obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The applicant must also file a notice of intent (NOI) with the SWRCB. The applicant shall be required to prepare a stormwater pollution prevention plan (SWPPP) in compliance with the General Construction Permit. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; BMPs, and an inspection and monitoring program. Implementation of the SWPPP shall begin with the commencement of construction and continue through the completion of the proposed project. After construction is completed, the applicant shall be required to submit a notice of termination to the SWRCB.

Mitigation Measures

No significant hydrology or water quality impacts will occur as a result of project implementation; no mitigation measures are required.

4.10 LAND USE AND PLANNING

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			■	



<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				■

Impact Analysis

4.10(a) Physically divide an established community?

Less than Significant Impact. The City of Newport Beach is nearly built-out. The proposed Newport Place mixed-use project consists of the redevelopment of an existing retail center and constructing up to 384 residential dwelling units and up to 5,677 square feet of integrated commercial use on a 5.70-acre site. Existing public street patterns in the area will not be significantly modified and public sidewalks that abut the project site will remain. The development plan includes an open space area that will include a public pedestrian walkway that will link Dove Street and Martingale Way, consistent with Land Uses Element Policy LU 6.5.20 and Figure LU23. Implementation of the proposed project would not divide an established business community as it is consistent with the MU-H2 (Mixed-Use – Horizontal 2) land use designation of the General Plan (refer to Exhibit 10-1) because it provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. Consistency with relevant adopted General Plan policies will ensure that future residential development proposed pursuant to the Housing Element Update will not conflict with established development and/or create a physical division within an established (residential) neighborhood or community.

The Newport Beach Housing Element Update encourages future residential development to occur within identified subareas of the General Plan, including the Airport Subarea where the project site is located. It is anticipated that future residential development permitted under the Housing Element Update would generally consist of infill and redevelopment in areas designated for such development as reflected in the adopted Land Use Element of the Newport Beach General Plan. Therefore, future residential development pursuant to the Housing Element Update would not physically divide an established community. Development permitted by the Housing Element Update was considered and evaluated in the General Plan Update EIR and in the analysis prepared for the Housing Element Update, since additional residential development was anticipated to occur as a result of buildout of the General Plan. Because the proposed project is consistent with the policies of the General Plan and the existing land use designation and Planned Community development standards, with the exception of the waiver request for development setbacks, building height, park dedication requirement. Those deviations from the development standards were determined to be less than significant as discussed in Section 4.1 (Aesthetics), 4.8 (Hazards and Hazardous Materials), and 4.15 (Recreation).

4.10(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. With the exception of the proposed development setbacks, building height and park dedication requirements, the project is consistent with the adopted plans, policies and programs adopted by the City of Newport Beach that affect the project site. No significant conflicts with those plans will occur.

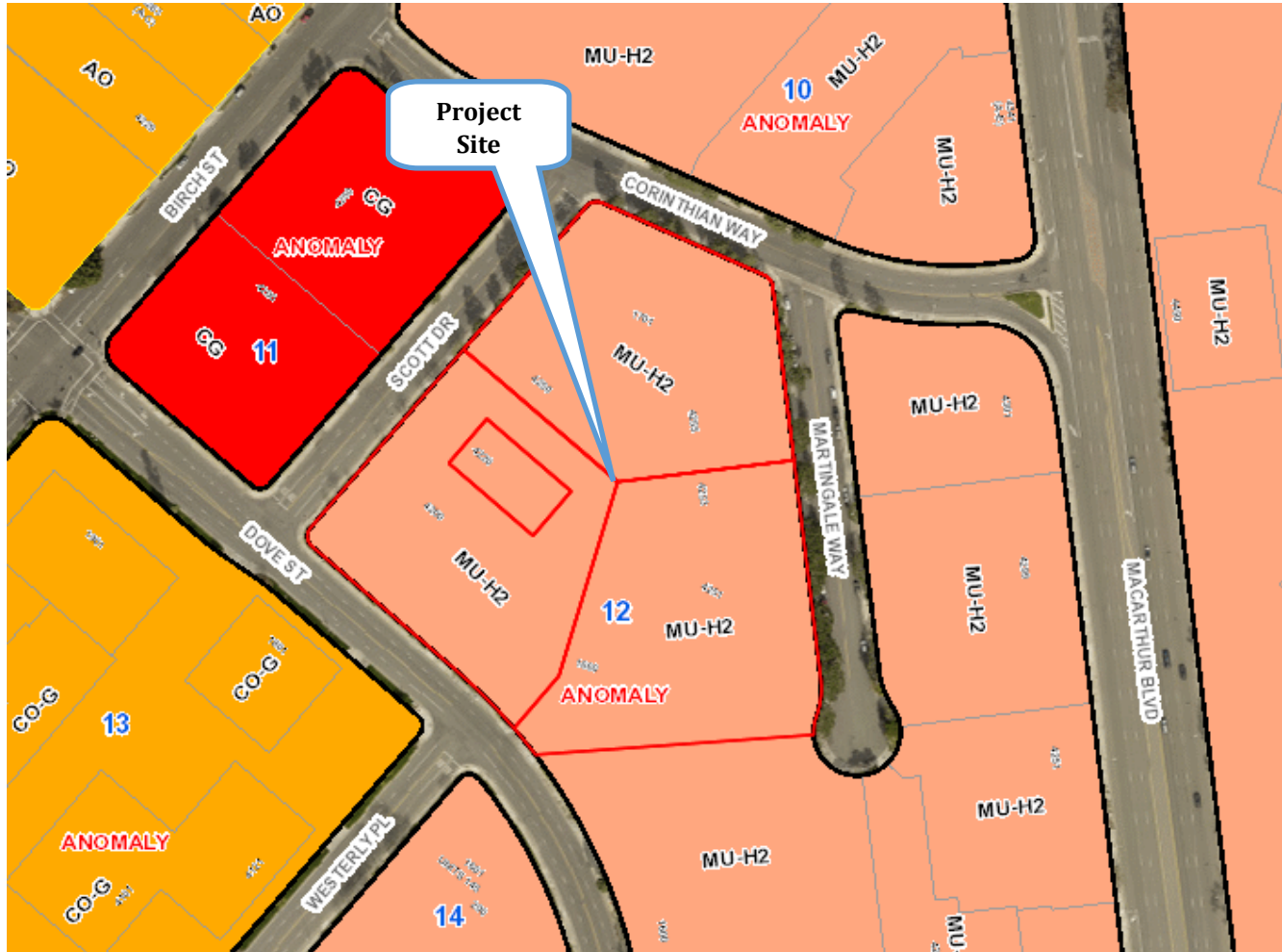


Exhibit 10-1
General Plan Land Use



Newport Beach Land Use Element

The subject property is designated “MU-H2” on the Land Use Map of the Newport Beach General Plan. The MU-H2 land use designation, which applies to properties located in the Airport Area, allows for the development of up to 2,200 residential dwelling units as replacement for existing office, retail, and/or industrial uses at a maximum density of 50 dwelling units per adjusted gross acre. The proposed project includes a total of 384 multiple-family dwelling units and 5,677 square feet of retail commercial floor area. The density of the residential component is 50 dwelling units per acre and is consistent with the land uses and maximum density permitted by the MU-H2 land use designation. Project implementation will not necessitate the approval of either a Zone Change or General Plan Amendment in order to accommodate the proposed Residences at Newport Place Project. With the exception of the park dedication requirement, the proposed mixed-use development is consistent with the applicable long-range goals, policies and programs adopted by the City of Newport Beach as assessed in Table 10-1.

Table 10-1

**Land Use Element Consistency Analysis
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Policy No.	Policy	Consistency Assessment
2.1	Accommodate uses that support the needs of Newport Beach’s residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.	The proposed Newport Place mixed-use project consists of the redevelopment of an existing retail center and constructing up to 384 residential dwelling units and 5,677 square feet of integrated commercial use on a 5.70-acre site. Consistent with this policy, the proposed project provides for a mixed-use development, including residential and commercial uses that support the housing needs of the community and City’s residents.
2.2	Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside the community of retail, goods and services, and employment.	<p>The proposed project will replace the existing underutilized commercial/retail uses with a mixed-use residential development and an open space area that includes a public pedestrian walkway that would be available for public use during daylight hours. In addition, pedestrian connectivity between the proposed residential development and surrounding commercial and professional developments would also be provided via sidewalks and paths created by the proposed project. The introduction and subsequent integration of a multi-family residential development into a well-established neighborhood of primarily commercial, retail, and office uses would provide a greater balance between housing, employment, and retail opportunities within the Airport Area of the Newport Beach.</p> <p>Potential employment opportunities for future residents of the proposed project that may arise in the surrounding area would be within walking/bicycle riding distance of the proposed homes. In addition, those who are currently employed in the area would be afforded a rental housing opportunity within walking/bicycle riding distance of their place of employment. Lastly, the proposed neighborhood-serving retail floor area would serve not only the proposed project’s residents but also nearby businesses and employment centers.</p>
2.3	Provide opportunities for the development of residential uses that respond to the community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City’s Housing Element.	Approval of the proposed project would allow for the development of 384 rental units that are characterized by a variety of sizes, floor plans and amenities. Of the 384 residential units, 86 units would be designated as affordable and intended to address the City’s regional housing requirements for such housing..



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2.8	Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).	The project, as proposed, includes 384 residential dwelling units, including 86 dwelling units in the affordable units, and 5,677 square feet of retail commercial floor area, which will replace the existing MacArthur Square retail shopping center. The project site is located in an area of the City that is adequately served by adequate infrastructure, including sewer, water, storm drainage, utilities, and public services, including police and fire.
3.3	Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors: John Wayne Airport Area: re-use of underperforming industrial and office properties and development of cohesive residential <i>neighborhoods in proximity to jobs and services</i> .	The proposed project would redevelop the existing underutilized and underperforming commercial shopping center to include 384 residential units and 5,677 square feet of neighborhood-serving retail space as well as public and private recreational and open space areas. This would introduce a mixed-use/residential development to the existing light industrial, office, commercial, and retail services. The project site is configured to promote a pedestrian-friendly environment with a new walkway to allow pedestrian connectivity between adjacent uses. The overall design of the proposed project provides a strong sense of connectivity, livability, and community within a job-rich environment.
3.8	Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planning Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.	The proposed project would not require a determination of consistency by the ALUC as the proposed project would not require an amendment of the General Plan, Zoning Code, or the Newport Place planned community standards. Additionally, the proposed project introduces vertical building elements up to 87 feet in height above ground level, substantially less than the 200-foot height limit that would require review by the ALUC.
5.6.1	Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	The proposed project is characterized by varying architectural styles, while creating a focal point within the Newport Place Planned Community without deterring from the overall character and integrity of the existing nearby developments. The proposed project has been designed to include several features that complement the project area, including pedestrian connections to the nearby land uses, and an open space area that is available for public use during daylight hours with access and pedestrian connection.
5.6.2	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.	The proposed project would redevelop the existing underutilized and underperforming commercial shopping center to introduce a new use within the project area comprised of a mixed-use development inclusive of residential and neighborhood-serving retail uses within close proximity of existing employment and other commercial and retail services. As previously indicated, the proposed project is designed with varying architectural styles in order to create the intended character of the development while still preserving the land use and architectural integrity existing within the Newport Place Planned Community. The proposed building would feature vertical elements (i.e., up to 83 feet in height). The building would also be set back 18 and 40 feet from the property lines, resulting in dynamic vertical and horizontal articulation to promote visual interest and provide a scale that is compatible with surrounding uses.
5.6.3	Require that outdoor lighting be located and designed to prevent spillover onto adjacent properties or significantly increase the overall ambient illumination of their location.	The change in use of the proposed project site from commercial to residential should result in less overall nighttime light emission, especially when viewing the site at ground level. Lighting associated with the proposed project would be directed to the interior of the proposed project so



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		as not to create significant impacts to adjacent land uses and roadways. All exterior lighting, including any lighted signage for the limited retail space, would be designed, arranged, directed or shielded to prevent excess illumination and light spillover onto adjacent land uses and roadways as required by the City's Municipal Code (Section 20.30.070). In addition, the proposed project would also comply with the California Building Energy Efficient Standards for Residential and Nonresidential Buildings, Title 24, Part 6, of the California Code of Regulations, which outlines the mandatory provisions for lighting control devices and luminaries.
6.15.1	Provide for the development of distinct business park, commercial, and airport-serving districts and residential neighborhoods that are integrated to ensure a quality environment and compatible land uses.	Refer to the discussion of LU 3.3, LU 5.6.1, and LU 5.6.2.
6.15.3	Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.	A "Notice of Proposed Construction or Alteration" has been submitted to the Federal Aviation Administration (FAA) to obtain clearance of the proposed project's building height. The project site is not located within the 65 dBA CNEL aircraft operation noise contour of John Wayne Airport (JWA). Rather, the site is located entirely within the 60 dBA CNEL noise contour of the airport, allowing the proposed project to be developed in accordance with Land Use Policy 6.15.3. The FAA conducted an aeronautical study that concluded the proposed 83-foot high residential structure does not exceed obstruction standards based on a 58-foot base height at the project site and would not be a hazard to air navigation provided the applicant e-file FAA Form 7460-2 as required in SC 4.10-1. Furthermore, a "Determination of No Hazard to Air Navigation" was issued November 25, 2014.



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6.15.5	Accommodate the development of a maximum of 2,200 multi-family residential units, including work force housing, and mixed-use buildings that integrate residential with ground level office or retail uses, along with supporting retail, grocery stores, and parklands. Residential units may be developed only as the replacement of underlying permitted nonresidential uses. When a development phase includes a mix of residential and nonresidential uses or replaces existing industrial uses, the number of peak hour trips generated by cumulative development of the site shall not exceed the number of trips that would result from development of the underlying permitted nonresidential uses. However, a maximum of 550 units may be developed as infill on surface parking lots or areas not used as occupiable buildings on properties within the Conceptual Development Plan Area depicted on Figure LU22 provided that the parking is replaced on site.	<p>The proposed project includes the development of The proposed project would redevelop the site to a mixed-use development that would include 384 residential units and a maximum of 5,677 square feet of neighborhood-serving retail uses. Under the proposed project, and 284 residential units would be developed as replacement units and 100 density bonus units in accordance with Chapter 20.32 (Density Bonus) of the Newport Beach Municipal Code. The residential units developed within the proposed project would contribute to the residential units envisioned and approved for the Airport Area. The only other approved project within the Airport Area at the time of this application would be the Uptown Newport project which was approved for 632 replacement units, 290 additive units, and with a density bonus of 322 units for a total of 1,244 residential units.</p> <p>As determined by the City's traffic engineer, the number of peak hour trips generated by the redevelopment of the project site would not exceed the number of trips attributable to the existing permitted non-residential uses. The City's General Plan has provided a conversion of the existing land uses in the Airport Area to residential uses on a traffic neutral basis. The City applies conversion factors to determine consistency with the trip neutral requirement of this policy. The existing project site is currently developed with 58,277 square feet of commercial square footage. When applying the City's conversion methodology to the existing site square footage, a total of 307 residential units would be allowed to be developed as replacement units. However, the maximum number of units (exclusive of the density bonus units permissible under the City's Municipal Code) allowed due to the maximum density of 50 units per acre would be 284 units (exclusive of additional units allowable under the bonus density provision). Due to this limit on the residential units, the remaining balance of 5,677 square feet has been retained for retail use in order to comply with the "traffic neutral" policy.</p>
6.15.6	Allow development of mixed-use residential villages, each containing a minimum of 10 acres and centered on a neighborhood park and other amenities (as conceptually illustrated in Figure LU23).	The adoption of the Newport Place Planned Community Amendment Number PD2011-005 permitted the development of residential uses that include a minimum of 30 percent of the units affordable to lower-income households. Developments that meet this criterion are eligible for a waiver of the minimum 10-acre site area requirement. This amendment and waiver are required pursuant to Housing Element Programs 3.2.2 and 3.2.3. The project meets this criterion. Of the 384 dwelling units proposed, 86 will be allocated for low-income households.
6.15-7	Require that residential units be developed at a minimum density of 30 units and maximum of 50 units per net acre averaged over the total area of each residential village. Net acreage shall be exclusive of existing and new rights-of-way, public pedestrian ways, and neighborhood parks. Within these densities, provide for the development of a mix of building types ranging from townhomes to high-rises to accommodate a variety of household types and incomes and to promote a diversity of building masses and scales.	<p>The number of residential units planned to be developed as part of this proposed project is based upon replacement units allocated to the site based on conversion of existing commercial uses to residential uses and density bonus units allowed pursuant to Government Code Section 65915-65918 ("State Density Bonus Law") and City of Newport Beach Municipal Code Chapter 20.32 (the "Density Bonus Code").</p> <p>On The Residences at Newport Place site, 384 units would replace the existing commercial uses which are to be demolished. Of that total, 284 units are replacement units ("Base Units"), and 100 additional units will be developed as density bonus units pursuant to the State Bonus Density law and the Density Bonus Code. The Owner seeks to achieve a 35 percent (35%) density bonus. The project is consistent with the minimum 30% requirement for low-income</p>



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		households per the Newport Place Planned Community in-lieu of the 10-acre minimum project size development.
6.15.8	Require a residential density of 45 to 50 units per net acre, averaged over the first phase for each residential village. This shall be applied to 100 percent of properties in the first phase development area whether developed exclusively for residential or integrating service commercial horizontally on the site or vertically within a mixed-use building. On individual sites, housing development may exceed or be below this density to encourage a mix of housing types, provided that the acreage density for the area encompassed by the first phase is achieved.	The proposed project will be developed within one phase and has a density of 50 dwelling units/acre.
6.15.9	Subsequent phases of residential development shall abut the first phase or shall face the first phase across a street. The minimum density of residential development (including residential mixed-use development) shall be 30 units per net acre and shall not exceed the maximum of 50 units per net acre averaged over the development phase.	Development phasing of the proposed project is scheduled to occur in a single phase. No subsequent phase is proposed.
6.15.10	Require the development of a regulatory plan for each residential village, which shall contain a minimum of 10 acres, to coordinate the location of new parks, streets, and pedestrian ways; set forth a strategy to accommodate neighborhood-serving commercial uses and other amenities; establish pedestrian and vehicular connections with adjoining land uses; and ensure compatibility with office, industrial, and other nonresidential uses.	A regulatory plan would not be required because the development is located within the Newport Place Planned Community, where mixed-use residential development is allowed within a Residential Overlay designation in conjunction with affordable housing.
6.15.12	A Development Agreement shall be required for all projects that include infill residential units. The Development Agreement shall define the improvements and public benefits to be provided by the developer in exchange for the City's commitment for the number, density, and location of the housing units.	The proposed project is only comprised of replacement units and density bonus units and does not include additive infill residential units. As a result, the proposed project applicant would not be required to enter into any Development Agreement.
6.15.13	To provide a focus and identity for the entire neighborhood and to serve the daily recreational and commercial needs of the community within easy walking distance of homes, require dedication and improvement of at least 8 percent of the gross land area (exclusive of existing right-of-way) of the first phase development in each neighborhood, or ½ acre, whichever is greater, as a neighborhood park. This requirement may be waived by the City where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area. In every case, the neighborhood park shall be at least 8 percent of the total Residential Village Area or one acre in area, whichever is greater, and shall satisfy some or all of the requirements of the Park Dedication Ordinance, as prescribed by the Recreation Element of the General Plan.	A waiver of this policy is being requested as the subject is 5.70 acres in size, which is too small to feasibly accommodate the desired amenities that would be qualified as a neighborhood park. Also, the subject property is not located in an optimum location to serve the needs of local residents. Nonetheless, an open space area has been included that will include a pedestrian walkway as part of the proposed project, which would be available for public use during daylight hours. The applicant proposes to pay a parkland in-lieu fee to the City equal to the required park dedication of 0.5 acre. The in-lieu fee would be used for the acquisition and improvement of other properties as parklands to serve the Airport Area.
6.15.14	Require that each neighborhood park is clearly public in character and is accessible to all residents of the neighborhood. Each park shall be surrounded by public streets on at least two sides (preferably with on-street parking to serve the park), and shall be linked to residential uses in its respective neighborhood by streets or pedestrian ways.	The applicant is requesting a waiver of the park dedication requirement and is proposing an area of open space in the southern portion of the project site between Dove Street and Martingale Way. The proposed open space area, which would be a minimum of 40 feet wide, is accessible from Dove Street and Martingale Way, and would provide connectivity between two public streets by a public walkway. There is



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		currently on-street parking provided on Martingale Way that would be available to accommodate residents of the proposed project as well as the general public during daylight hours. For safety and security reasons, it is proposed that the open space area be closed after dark. In consideration of the waiver, the applicant proposes to pay a parkland in-lieu fee equal to the required park dedication of 0.5 acre.
6.15.15	Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise.	The proposed project shall comply with this policy. The proposed project's open space area would be posted with a notification to users regarding the proximity to John Wayne Airport and the occurrence of frequent aircraft overflight and noise associated with aviation operations at JWA.
5.15.16	Require developers of multi-family residential developments on parcels 8 acres or larger to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City's Park Dedication Ordinance and in accordance with the Parks and Recreation Element of the General Plan. On-site recreational amenities may also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City's Park Dedication Fee Ordinance. The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space shall not exceed 30 percent of the parkland dedication requirements.	<p>As previously indicated, the applicant is requesting a waiver of the park dedication requirement. In its place, an open space area in the southern portion of the property is proposed to serve both residents and public use (during daylight hours). The applicant proposes to pay a parkland in-lieu fee equal to the required park dedication of 0.5 acre.</p> <p>Onsite recreational amenities, including courtyards of various size, shape, and function; a large swimming pool and two large spas; exercise and fitness facilities; and active and passive open space areas. Additional private open space and recreational amenities developed within the proposed project would be provided, which include a rooftop terrace, recreational spaces, seating areas, barbeque facilities, a clubhouse; community rooms and other common spaces.</p>
6.15.17	Create a pattern of streets and pedestrian ways that breaks up large blocks, improves connections between neighborhoods and community amenities, and is scaled to the predominantly residential character of the neighborhoods.	The proposed project will be developed within the existing street pattern. Pedestrian linkage will be provided along with an open space area with a minimum width of 40 feet that would extend between Dove Street and Martingale Way and include a public walkway accessible during daylight hours. The project site currently has 6-foot sidewalks and 4-foot parkways surrounding the site which could remain as part of the proposed project that will serve as connections to the surrounding areas and provide the connectivity between land uses in the project area.
6.15.18	Retain the curb-to-curb dimension of existing streets, but widen sidewalks to provide park strips and generous sidewalks by means of dedications or easements. Except where traffic loads preclude fewer lanes, add parallel parking to calm traffic, buffer pedestrians, and provide short-term parking for visitors and shop customers.	The proposed project would incorporate existing public sidewalks and parkways, as well as introduce new sidewalks to provide streetscapes that promote convenient and safe driving and pedestrian activity. The streets surrounding the proposed project will be landscaped to enhance the architecture of the buildings and would include elements such as public plazas, building lobbies, and front stoops to private residences. Although no new parallel parking would be incorporated as part of the project, parallel parking is currently offered on Martingale Way.
6.15.19	Require dedication and improvement of new streets as shown on Figure LU23. The illustrated alignments are tentative and may change as long as the routes provide the intended connectivity. If traffic conditions allow, connect new and existing streets across MacArthur Boulevard with signalized intersections, crosswalks, and pedestrian refuges in the median.	As shown in Figure LU23 (Airport Area Residential Villages Illustrative Concept Diagram), a pedestrian connection is included along the southern limits through the open space extending from Dove Street to Martingale Way; however, no new streets are shown on LU23 and none would be incorporated as part of the proposed project. There is vehicular access surrounding the site with the exception of



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		the pedestrian walkway that would be introduced to promote connectivity between Dove Street and Martingale Way.
6.15.21	Consider revised parking requirements that reflect the mix of uses in the neighborhoods and overall Airport Area, as well as the availability of on-street parking.	Parking for the residential units will be provided in accordance with Section 20.32.040 (Density Bonus Projects) of the City of Newport Beach Municipal Code. Parking for the proposed neighborhood-serving retail space will be provided in accordance with Section 20.40 of the Newport Beach Municipal Code. Adequate parking will be provided for guests, patrons of the retail businesses, visitors and residents.
6.15.22	Require that high-rise structures be surrounded with low- and mid-rise structures fronting public streets and pedestrian ways or other means to promote a more pedestrian scale.	The proposed project proposes mid-rise buildings (up to 83 feet in height) that would front along the existing public streets and pedestrian ways. The distance between the existing roadways and adjacent uses and the proposed buildings would range from 18 to 54 feet. Additionally, some of the existing mature trees within the project site would be incorporated into the landscape design for the proposed project to buffer the building from the street and provide a more gradual contrast in the scale of the proposed and existing buildings.
6.15.23	Require that development achieves a high level of environmental sustainability that reduces pollution and consumption of energy, water, and natural resources. This may be accomplished through the mix and density of uses, building location and design, transportation modes, and other techniques. Among the strategies that should be considered are the integration of residential with jobs-generating uses, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, and architectural elements that reduce heat gain and loss.	The proposed project would be designed to comply with the current Building and Energy Efficiency Standards and Green Building Standards Code (CALGreen). In addition, the proposed project would implement a number of environmentally sustainable practices, including but not limited to: water-efficient landscaping; water quality best management practices to treat surface runoff from the project site; and low impact development practices. The proposed project would introduce residential development in close proximity to existing employment uses within Newport Place and the Airport Area within the City of Newport Beach. The proposed project would provide housing near these employment opportunities and would promote the use of alternative transportation, including the Orange County Transit Authority bus routes provided near the project site along Birch Street. The proposed project includes a mix of uses incorporating multiple-family residential uses and neighborhood-serving retail uses within an area that is comprised of mostly office uses, which would encourage walking or biking from the proposed residential to the nearby commercial and office uses in the project environs. The proposed project includes pedestrian sidewalks and a walkway along the southerly limits of the property that is intended to provide connectivity of the proposed project to the surrounding area.

Zoning

The project site is currently zoned Planned Community and is subject to the Newport Place Planned Community (PC-11) regulations (refer to Exhibit 10-2). PC-11 (Newport Place Planned Community) allows for residential development, with a minimum of 30 dwelling units/acre (du/ac) and a maximum of 50 du/ac, consistent with the MU-H2 land use designation. The site is designated General Commercial Site 6, which allows retail commercial, office, and professional and business uses. Because the site is designated as MU-H2 on the Land Use Element of the Newport Beach General Plan, residential development is also permitted pursuant to Part III (Residential Overlay) of PC-11.



Exhibit 10-2
Existing Zoning



There is no minimum residential site area required in Part III (Residential Overlay) of PC-11. Because the proposed project includes residential development that is intended to support the City's need for lower-income households, it is exempt from the 10-acre minimum size specified in General Plan Land Use Element Policy LU 6.15.6. In order to meet the site size exemption criterion of 10 acres, the applicant is proposing a minimum of 30 percent of the units with the proposed residential development component as affordable to lower-income households. The low income units will be subject to a 30-year affordable covenant.

The proposed project has an overall density of 50 dwelling units per net acre, which is consistent with the density prescribed in PC-11, which allows a minimum of 30 du/ac and a maximum of 50 du/ac. In addition, because the proposed project includes an affordable housing component, up to 100 density bonus units are also proposed, based on the maximum 35 percent allowance in accordance with Section II, Part III of PC-11. Table 10-2 provides a summary of the project.

Table 10-2

**PC-11 Consistency
The Residences at Newport Place**

PC-11 Requirement	Proposed Project
Replacement (Base) Base	284
Density Bonus (35%)	100
Total	384
Affordable Units (30%)	86
Market Rate Units	298
Non-Residential Use	5,677 sq. ft.
SOURCE: City of Newport Beach	

In accordance with Section IV (Permitted Residential Uses) of PC-11, the applicant is proposing only multiple-unit residential, which is subject to a Site Development Review process pursuant to Section 20.52.080 of the Newport Beach Municipal Code. The proposed multiple-family residential development complies with the Residential Overlay development standards prescribed in PC-11 with the exception of the building height and setback deviations. And because of the requested deviations, a Planned Development Permit is being considered instead of Site Development Review as it allows for the adjustment of standards and has more appropriate findings and justifications for individual waiver requests.

Although the proposed project would exceed the 55-foot maximum building height prescribed in the Newport Place Planned Community District Regulations, the development regulations allow for an increase in building height "... with the approval of a planned development permit and subject to required findings specified in Section 20.30.060.C.3 of the Newport Beach Zoning Code but shall not penetrate Federal Aviation Regulation (FAR) Part 77, Obstruction—Imaginary Surfaces, for John Wayne Airport unless approved by the Airport Land Use Commission (ALUC), shall be in compliance with FAR Part 77, and comply with the requirements of Section 20.30.060.E of the Newport Beach Zoning Code (Airport Environs Land Use Plan for John Wayne Airport and the Airport Land Use Commission Review Requirements)." The applicant has submitted the required information to the Federal Aviation Administration for review. The aeronautical review conducted by the FAA concluded that the 83-foot high structure does not exceed obstruction standards based on a 50-foot base height on the project site and would not be a hazard to air navigation provided the applicant e-file FAA Form 7460-2 as required in SC 10-1.¹²

¹²Federal Aviation Administration, "Determination of No Hazard to Air Navigation," (Aeronautical Study No. 2014-AWP-7280-OE); Issue date November 25, 2014.



Newport Beach Housing Element

In accordance with State Housing Element law, the Southern California Association of Governments (SCAG) has prepared a Regional Housing Needs Assessment (RHNA) to identify the housing need for each jurisdiction within the SCAG region. The assessment was prepared for the 2014–2021 period. The RHNA allocates Newport Beach's share of housing units required to satisfy housing needs resulting from projected growth in the region. To accommodate projected growth in the region, SCAG estimates the City needs to target its housing unit production to accommodate five new housing units in the 2014 to 2021 planning period, including one in the very low income, one in the low income, one in the one moderate income, and two in the above moderate income. State law requires SCAG to distribute new units on the basis of income to avoid further impact to localities with relatively high proportions of low-income households.

In the Newport Beach Housing Element, the City has identified sufficient sites to accommodate the City's the 2014-2021 RHNA allocation, including the Airport Subarea where the proposed project is located. The City determined that the identified sites could create approximately 4,612 new housing units in the community, (up to 3,237 units excluding the Banning Ranch area), significantly exceeding the combined RHNA future housing need of five dwellings allocated to the City of Newport Beach. The Airport Area encompasses the properties abutting and east of John Wayne Airport (JWA) and is in close proximity to the Irvine Business Complex and University of California, Irvine. Existing uses include research and development, office, high technology, industrial and commercial uses. Development in the Airport Area is restricted due to the noise impacts of JWA. Much of the southwestern portion of the area is located in the JWA Airport Environs Land Use Plan (AELUP) 65 dBA CNEL, which is unsuitable for residential and other "noise-sensitive" uses. Additionally, building heights are restricted for aviation safety.

The housing capacity for the John Wayne Airport planning area was determined by the maximum permissible new automobile trips that could be generated for the statistical area in which it is located, in compliance with City Charter Section 423 and Measure S. Land Use Element Policy LU 6.15.5 (refer to Table 4.10-1) allocates a maximum of 2,200 housing units in areas designated as Mixed-Use Horizontal 2 (MU-H2) on the General Plan land use diagram. The MU-H2 designation provides for the horizontal intermixing of uses, including the development of free-standing multi-family residential units. Housing and mixed-use areas are not located within areas exposed to noise levels of 65 dBA CNEL and higher. All of the units may be developed as replacement of existing uses, while a maximum of 550 of the total may be developed as infill on existing surface parking lots with the latter replaced in parking structures.

Land Use Element Policy LU 6.15.7 stipulates that residential units be developed at a maximum density of 50 units per acre and minimum density of 30 units per acre. The Housing Element determined that the MU-H2 district contains approximately 207 acres, which, if fully redeveloped, would yield 6,210 to 10,350 units and would considerably exceed the limits imposed by Policy LU 6.15.5 (2,200 dwelling units). Although conversion of the entire area designated for housing is unlikely due to the existence of viable office, industrial, and retail uses, the Housing Element identified site that could realistically be expected to be redeveloped as residential by analyzing each site. In addition, sites were also identified by the owners of a number of properties who expressed interest in redeveloping these sites for housing. Based on these analyses and input, the subject property was included as a potential site for residential redevelopment. Furthermore, based on the residential capacities calculated within the Sites Analysis and Inventory undertaken by the City, approximately 2,061 new residential units could realistically be developed in the Airport Area as new and replacement housing at the minimum required density of 30 units per acre.

In 2013, the City of Newport Beach approved the Uptown Newport Project located southeast of the project site on Jamboree Road. The Uptown Newport Project was approved with a total of 1,244 units, which consisted of 922 base units and 322 density bonus units. With the potential addition of 284 base units from the proposed project within the Airport Subarea, the total number of dwelling units would be 1,206, or approximately 55 percent of the total 2,200 dwelling units allocated for that subarea. As a result, the proposed project would not



exceed either the density or the dwelling unit maximum of 2,200 dwelling units (excluding density bonus units) for the Airport Subarea as identified in the Newport Beach Housing Element.

John Wayne Airport/Airport Environs Land Use Plan

In 1975, the Airport Land Use Commission (ALUC) of Orange County adopted an Airport Environs Land Use Plan (AELUP, amended April 17, 2008) that included John Wayne Airport (JWA), Fullerton Municipal Airport, and the Joint Forces Training Base Los Alamitos. The AELUP is a land use compatibility plan that is intended to protect the public from adverse effects of aircraft noise, to ensure the people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable space. The AELUP identifies standards for development in the airport's planning area based on noise contours, accident potential zones, and building heights. ALUC is an agency authorized under state law to assist local agencies in ensuring compatible land uses in the vicinity of airports. Primary areas of concern for the ALUC are noise, safety hazards, and airport operational integrity. The ALUC is not the implementing agency in the manner of local governments, nor does it issue permits for a project such as those required by local governments. However, pursuant to California Public Utilities Code Section 21676, local governments are required to submit all general plan amendments and zone changes that occur in the ALUC planning areas for consistency review by ALUC.

Potential residential development at the subject property has been considered by the ALUC as part of the City of Newport Beach General Plan Update in 2006 and Newport Place Planned Community Amendment to include the residential development overlay in 2012. In both cases, the ALUC found the amendments to be consistent with the AELUP. The project as proposed is, therefore, consistent with the General Plan Land Use designation and Newport Place Planned Community.

The project site is approximately 1,000 feet southeast of JWA and is in the AELUP for JWA. As shown in Figure S5 of the City's General Plan Safety Element, JWA Clear Zone/Runway Protection Zones and Accident Potential Zones, the project site is not located within either a Clear Zone or a Runway Protection Zone delineated for JWA. However, it is located within the traffic pattern zones of the airport's Runway 1R/19L. Additionally, the entire project site falls within the 60 dBA CNEL aircraft operation noise contours for JWA. Furthermore, the overall project site is in the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces Zone and the FAR Part 77 Notification Area of JWA, as identified in the AELUP for JWA. As previously indicated in Section 4.8(e), the FAA conducted an aeronautical study that concluded the proposed 83-foot high residential structure does not exceed obstruction standards based on a 58-foot base height at the project site and would not be a hazard to air navigation provided the applicant e-file FAA Form 7460-2 as required in SC 10-1.¹³ No significant impacts are anticipated and no mitigation measures are required.

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

No Impact. The Natural Resources Element of the Newport Beach General Plan identifies the City's open space and conservation areas. However, because the area of the City in which the subject property is located is extensively developed and urbanized, natural open space and habitat are limited in the immediate project environs. The subject property encompasses 5.70 acres that are currently developed as the MacArthur Square shopping center. The site has been entirely altered in order to accommodate the commercial structures and other amenities that exist on the site. As a result, no natural features and/or habitat that would support sensitive species exist on the site. In particular, neither the site nor the surrounding areas is located within a Natural Community Conservation Plan or Habitat Conservation Plan area. Therefore, project implementation will not adversely affect such a plan, sensitive habitat and/or resources. No significant impacts are anticipated as a result of project implementation.

¹³Federal Aviation Administration, "Determination of No Hazard to Air Navigation," (Aeronautical Study No. 2014-AWP-7280-OE); Issue date November 25, 2014.



Standard Conditions

SC 10-1 The applicant shall e-file Form 7460-2, Notice of Actual Construction or Alteration, any time the project is abandoned or within 5 days after the construction reaches its greatest height.

Mitigation Measures

No significant conflicts with adopted long-range goals and/or policies of the City of Newport Beach will occur. Therefore, no significant impacts will occur and no mitigation measures are required.

4.11 MINERAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				■

Impact Analysis

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

No Impact. The area in which the site is located is largely extensively urbanized and developed with a mix of retail/commercial and professional office development. Neither the Newport Beach General Plan nor the State of California 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.

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

No Impact. The Newport Beach General Plan does not identify the project environs as having potential value as a locally important mineral resource site. Project implementation (i.e., redevelopment of the MacArthur Square shopping center to a mixed-use residential development) as proposed will not result in the loss of any locally important mineral resource site and, therefore, no significant impacts will occur.

Standard Conditions

No standard conditions are required.

Mitigation Measures

No impacts to mineral resources will occur as a result of project implementation and no mitigation measures are required.



4.12 NOISE

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			■	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			■	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			■	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		■		
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			■	
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?				■

A Noise Assessment was prepared by Giroux & Associates to evaluate the potential project-related noise impacts. The findings and recommendations presented in that report are summarized in this section of the initial study. The Noise Impact Analysis is included as Appendix E.

Impact Analysis

4.12(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. John Wayne Airport (JWA) is approximately 1,000 feet northwest of the project site. Owned and operated by Orange County, JWA serves both general aviation and scheduled commercial passenger airline and cargo operations. JWA experienced a total of 349,936 aircraft operations (arrivals and departures) in 2005 and of those, 246,920 were general aviation operations, 87,130 were air carrier operations, 15,729, were air taxi (commuter) operations, and 157 were military operations.¹⁴

The California Public Resources Code, Section 21096, requires that when preparing an Environmental Impact Report for any project located within an airport influence area as defined by an Airport Land Use Compatibility Plan, the lead agency shall utilize the California Airport Land Use Planning Handbook as a technical resource with respect to airport noise and safety compatibility issues. Furthermore, a lead agency must consider whether a project will result in potential safety hazards and noise impacts for persons using the airport and those residing or working in the project area before adopting a negative declaration.

¹⁴Newport Beach Noise Element; 2006.



The basis for compatibility zone delineation for airports is the CNEL contours created with the Federal Aviation Administration (FAA) Integrated Noise Model for private and public airports. Noise from aircrafts at the John Wayne Airport is produced from takeoffs, flyovers/overflights, approaches, and landings. Each of these events results in noise exposure to noise-sensitive receptors within close proximity to the airport. Based on the most recent, publicly available, annual noise contour map (2010) prepared by John Wayne Airport, the project site is in an area exposed to noise levels due to airport operations between 60 and 65 dBA CNEL. Noise-sensitive land uses in locations where the aircraft exterior noise level does not exceed 65 dBA CNEL are compatible as long as interior habitable rooms remain below 45 dBA CNEL.

Other noise sources in the project vicinity include vehicular traffic along the adjacent roadways serving the project site and HVAC associated with existing light industrial and commercial uses in the project area. However, the noise levels do not exceed 65 based on monitoring conducted in the project area. Ambient noise levels in the project area based on short-term monitoring range from 54 to 64 dB (Leq). Furthermore, based on Figure N5 in the Newport Beach Noise Element, the project site is located outside the future (buildout) 65 dBA CNEL noise contours of the nearby arterial roadways, including MacArthur Boulevard, Jamboree Road, and Campus Drive. Therefore, although future residents would be subject to single-event, high noise levels associated with aircraft operations at John Wayne Airport, they would not be exposed to exterior noise levels exceeding 65 dBA CNEL. Furthermore, The Newport General Plan Policy 2.1 requires that new development of proposed noise-sensitive uses in areas of 60 dBA and greater, demonstrate that they meet interior and exterior noise standards of 45 dBA CNEL and 65 dBA CNEL, respectively. Thus, the project applicant will be required to submit an acoustical report showing that those noise levels would be achieved prior to the issuance of a building permit. As a result, potential impacts will be less than significant; no mitigation measures are required.

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

Less than Significant Impact. Typical background vibration levels in residential areas are usually 50 VdB or lower, below the threshold of human perception. Perceptible vibration levels inside residences are typically attributed to the operation of heating and air conditioning systems, door slams or street traffic. Construction activities and street traffic are some of the most common external sources of vibration that can be perceptible inside residences.

Construction activities generate ground-borne vibration when heavy equipment travels over unpaved surfaces or when it is engaged in soil movement. The effects of ground-borne vibration include discernible movement of building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. Vibration related problems generally occur due to resonances in the structural components of a building because structures amplify groundborne vibration. Within the “soft” sedimentary surfaces of much of Southern California, ground vibration is quickly damped out. Groundborne vibration is almost never annoying to people who are outdoors (FTA 2006).

Groundborne vibrations from construction activities rarely reach levels that can damage structures. Because vibration is typically not an issue, very few jurisdictions have adopted vibration significance thresholds. Vibration thresholds have been adopted for major public works construction projects, but these relate mostly to structural protection (cracking foundations or stucco) rather than to human annoyance.

Vibration is most commonly expressed in terms of the root mean square (RMS) velocity of a vibrating object. RMS velocities are expressed in units of vibration decibels. The range of vibration decibels (VdB) is as follows:



- 65 VdB - threshold of human perception
- 72 VdB - annoyance due to frequent events
- 80 VdB - annoyance due to infrequent events
- 94-98 VdB - minor cosmetic damage

Estimates of vibration levels induced by the construction equipment at various distances are presented in Table 12-1.

Table 12-1

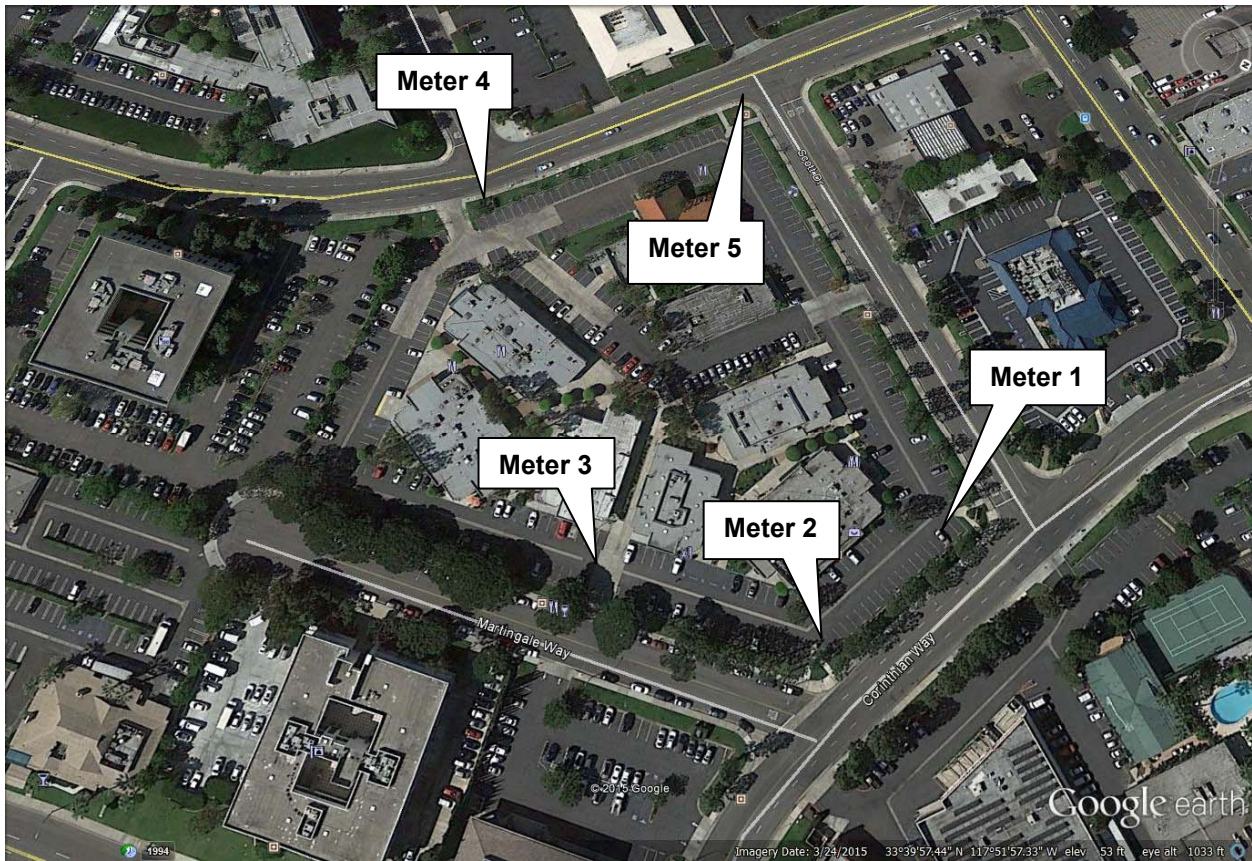
**Approximate Vibration Levels
 The Residences at Newport Place**

Equipment	Approximate Vibration Levels (Vdb) ¹		
	25 Feet	50 Feet	100 Feet
Pile Driver	93	87	81
Large Bulldozer	87	81	75
Loaded truck	86	80	74
Jackhammer	79	73	67
Small Bulldozer	58	52	46
¹ FTA Transit Noise & Vibration Assessment, Chapter 12, Construction, 2006 SOURCE: Giroux & Associates (December 2015)			

With the exception of pile driving which is not anticipated for use on this project, the on-site construction equipment that will create the maximum potential vibration is a large bulldozer. The stated vibration source level in the FTA Handbook for such equipment is 81 VdB at 50 feet from the source. The nearest sensitive use is approximately 350 feet from the project site. By 350 feet the vibration level dissipates to 64 VdB which is generally below the threshold of human perception. Additionally, vibration from street traffic on MacArthur Boulevard will likely mask any residual construction vibration contribution. Therefore construction activity vibration impacts are judged as less than significant.

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

Less than Significant Impact. Existing noise levels on the proposed project site derive mainly from vehicular sources on the adjacent arterial roadways and aircraft noise from John Wayne Airport. Short term on-site noise measurements were conducted on Thursday, November 19, 2015 from 1:45 p.m. – 3:05 p.m. Measurement locations are shown in Exhibit 12-1 and the measured noise levels are summarized in Table 12-2.



**Exhibit 12-1
Noise Monitoring Locations**



Table 12-2

**Measured Noise Levels
The Residences at Newport Place**

Meter No.	A-Weighted Decibels						
	Leq	Lax	Limn	L10	L33	L50	L90
Meter 1	54	70	47	61	55	54	50
Meter 2	56	71	43	58	52	50	47
Meter 3	58	70	46	62	51	49	47
Meter 4	63	75	46	66	60	56	49
Meter 5	60	70	50	64	58	56	52

SOURCE: Giroux & Associates (December 2015)

Monitoring experience shows that 24-hour weighted CNELs can be reasonably well estimated from mid-afternoon noise readings. CNEL's are approximately equal to mid-afternoon Leq plus 2 (Caltrans Technical Noise Supplement, 2009). This would equate to on-site CNELs of 56-65 dB. This range of noise levels would not provide a noise constraint for the proposed residential use and would fall within the City's recommended compatibility guidelines.

Traffic noise was heaviest along Dove Street (Meter 4) with aircraft full power take-offs adding to the total noise signature. The project frontages along Corinthian and Martingale (Meters 1, 2 and 3) were the least noisy. Car wash and car detailing activities were faintly audible along the Scott Drive frontage (Meter 5), but not at levels that measurably increase baseline noise readings.

Long-term noise concerns from the project development include mobile source emissions on project area roadways. However, the proposed project is expected to generate 3,065 daily trips as compared to existing on-site uses which currently generate 2,857 daily trips.¹⁵ Therefore, project implementation will result in 208 more than existing such that project related vehicular impacts are judged to be less than significant.

On-Site Noise

Project use will entail passive activities, primarily indoors. The primary noise sources for off-site uses that would be of possible concern would be any changes in the parking lot activity noise. However, as discussed, parking lot activity will decrease with fewer trips subsequent to project development. The existing surface parking lot will be replaced by subterranean parking which will also generate less off-site noise. Therefore, parking noise is expected to be less than significant. Additionally, any new HVAC equipment installed for the proposed uses would be required to meet noise standards as outlined in the City of Newport Beach Municipal Code. This would be validated during the permitting stage. It is not anticipated that mechanical equipment for the project would exceed applicable noise standards. Regardless, any HVAC equipment site must meet the City's noise standard at the nearest off-site sensitive use.

The proposed project would include a restaurant near the Dove/Scott property corner. A large restaurant has historically operated for many years near that corner. There are no noise-sensitive uses in close proximity to that location. Any possible noise issues related to such uses would be along the restaurant/residential interface within the proposed project itself. Restaurants are typically operated under a conditional use permit (CUP). The CUP for the proposed use would specify hours of operation, location of possible noise generation and types of permitted activities to minimize noise spill-over into the residential portion of the project. A number of mixed-use developments exist in the area where possible noise conflicts between on-site restaurants and residences

¹⁵Based on CEQA trip generation reflected in Table 16-1 in Section 4.16 (Transportation/Traffic).



are minimized by project design and operating conditions. Such issues are design issues and not CEQA-based impacts on the environment.

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

Less than Significant with Mitigation Incorporated. Temporary construction noise impacts will vary markedly because the noise strength of construction equipment ranges widely as a function of the equipment used and its activity level. Short-term construction noise impacts tend to occur in discrete phases dominated initially by demolition of existing structures and large earth-moving sources, then by foundation work, and finally for finish construction.

Demolition and Construction

Heavy equipment noise can exceed 90 dB(A) and averages about 85 dB(A) at 50 feet from the source when the equipment is operating at typical loads. Most heavy equipment operates with varying load cycles over any extended period of time. The upper end of the noise generation range (refer to Figure 2 in Appendix E) represents short-term effects, while the longer term averages are most representative of the lower end of the indicated noise curves.

Construction noise exposure can be further worsened when several pieces of equipment operate in close proximity. Because of the logarithmic nature of decibel addition, two equally loud pieces of equipment will be +3 dB louder than either one individually. Three simultaneous sources are +5 dB louder than any single source. Thus, while average operational equipment noise levels are perhaps 5 dB less than at peak power, simultaneous equipment operation can still yield an apparent noise strength equal to any individual source at peak noise output. Whereas the average heavy equipment reference noise level is 85 dB(A), short-term levels from either peak power or from several pieces operating in close proximity can be as high as 90 dB(A). Because equipment operations at peak power at one single location do not generally occur and the project site is too small to accommodate a large heavy equipment fleet, a reference noise level of 85 dB(A) is most appropriate.

There are no sensitive uses adjacent to the project site. The back end of the Radisson Hotel is across Corinthian Way, but is approximately 350 feet from the closest project site perimeter. Exterior to interior noise mitigation in modern construction is generally 25-30 dB with closed windows and doors.

Point sources of noise emissions are atmospherically attenuated by a factor of 6 dB per doubling of distance. Distance attenuation alone would reduce the exterior noise exposure at the Radisson Hotel to 68 dB. Intervening structures would reduce this level even further. With closed windows and doors the recommended residential interior noise level of 45 dB CNEL is easily achieved. Regardless, as long as construction occurs only during daytime hours there is minimal issue with sleep disturbance.

Project-related construction activities would be limited to daytime hours and would comply with the construction hours specified in Section 10.28.040, Construction Activity – Noise Regulations, of the City’s Municipal Code. Based on the City’s Noise Ordinance, construction is permissible between the hours of 7:00 a.m. and 6:30 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on Saturdays. Construction is not permitted on any national holiday or on Sunday. These hours are included as conditions on any project construction permits and these limits will serve to minimize any adverse construction noise impact potential. The maximum noise levels and increases over existing conditions would be temporary and sporadic. As construction equipment moves around the site, the levels are reduced at a rate of 6 dBA per doubling distance from the source. The adjacent office and retail uses that would be mostly impacted during construction are not designated noise-sensitive uses, but construction activity would potentially cause annoyance and interfere with office activities in areas facing the construction area. Noise disturbances may occur for prolonged periods of time.



Demolition Debris Crushing and Disposal

Following demolition of the existing structures, the demolition refuse will be crushed on-site and hauled off-site for disposal. As previously indicated, construction activities, including demolition, are exempt from property line noise performance standards if they occur during allowed daytime hours. However, on-site debris crushing operations are often considered a chronic noise source because the equipment operates semi-continuously at one fixed location. If the planned crushing activity were required to comply with the City's noise ordinance standard, the allowable daytime noise level at the boundary of two properties in Noise Zone II is 65 dB Leq and 85 dB Lmax.

Noise measurements made at an operating crusher of the type likely to be used at the project site indicated a variable pattern of noise levels ranging from 90 dB Leq at 50 feet from the unit at the noisiest location to 80 dB Leq at 50 feet from the quietest. Under normal spherical spreading losses, without any structural interference, the 65 dB Leq contour would extend to a distance of 250 feet in the quietest direction, to over 800 feet in the noisiest direction. Judicious placement of the crusher may be enough to meet the ordinance standard in the quieter direction without any need for additional mitigation. If the crushing activity is determined to require noise ordinance compliance, some noise reduction measures would be needed in the noisiest direction.

The noise attenuation benefit of a semi-solid barrier is typically -10 dB. If the noisiest crusher orientation were directed toward any remaining structures before they were demolished, the property line noise level could be met. If the crushing activity were presumed to be regulated by the Municipal Code, mitigation would be required to reduce noise levels to meet City exterior noise level requirement. The following measures would need to be implemented:

- The crusher should be located near the center of the site
- The screen end of the crusher should be oriented away from nearby restaurant and hotel uses
- A partial wall of structures should be retained as long as practical to interrupt the line-of-sight to surrounding off-site uses.

Debris hauling will require around 300 loads of crushed material over a 60-day time span. At an average of 5 loads per day (10 trips per day), hauling will involve 1-2 trucks per hour. The noise level from 1-2 trucks per hour is in the low 50 dB range at 50 feet from the centerline. Measured noise levels near Dove Street were 60 dB or more. Noise level changes associated with debris hauling will be imperceptible.

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

Less than Significant Impact. The project site is located within the Airport Environmental Land Use Plan area of John Wayne Santa Ana Airport (JWA), which serves both general aviation and scheduled commercial passenger airline and cargo operations. JWA has a long history of noise issues. Extensive data from its noise monitoring system and from other studies relating to aircraft operations and noise levels enables precise modeling and noise level predictions. Radar tracings and sophisticated use of noise monitoring stations has produced very accurate depictions of flight tracks. The noise levels of all commercial aircraft operations and many general aviation operations are recorded at 10 permanent noise monitoring stations (NMS) around the Airport. In accordance with State of California Airport Noise standards, a detailed report is compiled every three months and each year an annual CNEL contour is calculated. The aircraft operational data, noise measurements and contours for SNA are considered to be very accurate.



As of the 2014, a report prepared by Mestre Greve Associates prepared for the City of Newport Beach¹⁶ calculated the project site to fall within the 60 dB CNEL noise contour but outside the 65 dB CNEL contour. Based on the City's Land Use Noise Compatibility Matrix (Table 1 in the Noise Element), residential development is "normally compatible" within 60-65 dBA CNEL noise range. Residential noise compatibility threshold CNEL values are weighted daily averages. Though airplane noise is more a single-event driven nuisance, it is nonetheless characterized by planning agencies with CNEL values. There are no single event noise based noise/land use compatibility criteria that have been adopted by the Federal Government or the State of California.

The Newport Beach General Plan Policy N 2.1 requires that new development of proposed noise-sensitive uses in areas of 60 dBA and greater, demonstrate that they meet interior and exterior noise levels. Implementation of the applicable policies, which require the preparation of an acoustical report that identifies specific measures to ensure that interior noise levels in the residential dwelling units would not exceed 45 dBA CNEL.

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

No Impact. As indicated in the preceding analysis, the project site is located approximately 1,000 feet from the boundary of John Wayne Airport and is within the 60 dBA CNEL noise contour of that aviation facility. However, no private airstrip is located in the immediate vicinity of the project site. As a result, project implementation would not expose people to excessive noise levels associated with a private airstrip. No impact will occur; no mitigation measures are required.

Standard Conditions

SC 12-1 Construction activities shall comply with Section 10.28.040 (Construction Activity-Noise Regulations) of the Newport Beach Municipal Code, which restricts construction to 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. Construction is not permitted on Sunday and national holidays.

SC 12-2 Prior to the issuance of building permits, the applicant shall submit a detailed acoustical study prepared by a qualified acoustical consultant, based on architectural plans, and submitted to the Community Development Department to demonstrate that all residential units would meet the 45 dBA CNEL interior noise standard for habitable rooms (i.e., bedrooms, living rooms, dens, and kitchens) and 65 dBA CNEL exterior noise standard for all patios, balconies, and common outdoor living areas (i.e., swimming pool/spa and courtyard areas with exterior noise traffic and aircraft overflights). The measures described in the study shall be incorporated into the architectural plans for the project and implemented with the building construction.

SC 12-3 Any person who intends to sell or lease residential properties within an "airport influence area" shall disclose that fact to the person buying or leasing the properties, pursuant to Assembly Bill 2776.

Mitigation Measures

In order to ensure that noise levels associated with demolition and construction and the debris crushing activities meet the City's exterior noise level requirements, the following mitigation measures shall be implemented as determined necessary.

¹⁶Draft Environmental Impact Report No. 617 "John Wayne Airport Settlement Agreement Amendment," April 2014.



- MM 12-1 Stockpiling and staging activities shall be located as far as practicable from surrounding office and restaurant.
- MM 12-2 All mobile equipment shall have properly operating and maintained mufflers.
- MM 12-3 The rock crusher shall be located in the center of the project site with the screen end of the crusher oriented away from the Radisson Hotel and La Salsa restaurant.
- MM 12-4 A partial wall of structures should be retained as long as practical to interrupt the line-of-sight to surrounding off-site uses

4.13 POPULATION AND HOUSING

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			■	
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?				■

Impact Analysis

4.13(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. Generally, growth-inducing projects possess such characteristics as being located in isolated, undeveloped or under-developed areas, necessitating the extension of major infrastructure (e.g., sewer and water facilities, roadways, etc.) or those that could encourage the “premature” or unplanned growth in an area not planned for development (i.e., “leapfrog” development). The subject property is located in the Airport Area of the City of Newport Beach that is intensively developed with retail, commercial, professional office and industrial development. In addition, John Wayne Airport is located approximately 1,000 feet northwest from the project site. Implementation of the proposed project will not result in encroachment into designated open space allocated in the existing long-range plans adopted by the City. As such, it is important to note that the proposed redevelopment of the MacArthur Square shopping center to a mixed-use development pursuant to the adopted General Plan land use designation (MU H2) and allowed by the Newport Place Planned Community. The proposed multiple-family residential and retail commercial uses will not remove any obstacle to population growth since the project environs is urbanized and designated for development at the density proposed. As indicated above, all essential infrastructures, including sewer and water facilities, storm drainage facilities, electricity and natural gas, and related utilities currently exist, or can be extended to the site without creating the need for unplanned infrastructure expansions. Utility extensions would occur consistent with the City’s and utility districts’ adopted facility plans (i.e. Master Plan of Drainage, Sewer Master Plan, Domestic Water Master Plan, Non-Domestic Water Master Plan, and Master Plan of Streets & Highways). All of the public



services and facilities have adequate capacity to accommodate the proposed expansion; and, project implementation will not result in significant or unanticipated increases in demands on the infrastructure. Therefore, no significant growth-inducing impacts are anticipated.

As indicated previously, the proposed project is consistent with the adopted long-range plan for the Airport Subarea in the Newport Beach General Plan and the proposed project is generally consistent with the policies that relate to balanced development, compatibility between land uses, etc. The proposed mixed-use development that includes multiple-family residential and retail commercial floor area is permitted by the existing land use designations prescribed by the City. The applicant is requesting the approval of several discretionary actions (e.g., Planned Development Permit, Lot Merger, and Affordable Housing Implementation Plan) in order to accommodate the proposed project. However, none of the actions necessary to permit the project as proposed would represent a significant or radical change to the adopted land use and related regulatory controls governing development of the subject property. The Newport Place Planned Community (PC-11) District Regulations establish use and development standards for the proposed mixed-use development. As previously indicated, the intensity of development proposed by the applicant is within the parameters established by the Newport Beach General Plan. No significant growth-inducing impacts would occur as a result of project implementation.

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

No Impact. Project implementation includes the redevelopment of an existing shopping center, which will be replaced by a mixed-use residential development. Implementation of the proposed project would not result in the elimination of any existing residential dwelling unit that would necessitate the construction of replacement housing. Therefore, no significant impacts will occur and no mitigation measures are required.

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

No Impact. Project implementation will not result in the elimination of any existing residential dwelling units and, therefore, would not displace any residents in the City of Newport Beach. The proposed project includes 384 multiple-family residential dwelling units, of which 86 affordable dwelling units would be added to the City's affordable housing inventory. No significant impacts will occur and no mitigation measures are required.

Standard Conditions

No standard conditions are required.

Mitigation Measures

No existing dwelling units will be eliminated and no residents will be displaced as a result of project implementation. Therefore, no significant impacts to population and housing; no mitigation measures are required.



4.14 PUBLIC SERVICES

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
1) Fire protection?			■	
2) Police protection?			■	
3) Schools?			■	
4) Parks?			■	
5) Other public facilities?			■	

Impact Analysis

4.14(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:*

4.14(a)(1) Fire protection?

Less than Significant Impact. The Newport Beach Fire Department (NBFD) is responsible for providing fire, medical, and environmental emergency response in the City of Newport Beach. In addition to fire suppression, NBFD also provides fire prevention and hazard reduction services. The Fire Prevention Division works in conjunction with the City’s Community Development and Public Works departments to ensure that all new construction and remodels are built in compliance with local and state building and fire codes, including the provision of adequate emergency access and onsite fire protection measures.

The NBFD currently employs 140 full-time employees, including 114 fire fighters. The fire department operates four divisions: fire operations, emergency medical services (EMS), training and community education, and fire administration. The department divides its staff into three shifts, with approximately 38 personnel each shift, for an overall total of 114 fire suppression and EMS personnel working at the eight fire stations. Each station has one engine company. Three stations have paramedic ambulances, and two have ladder trucks. Ten paramedics serve per shift.¹⁷

The NBFD’s eight fire stations are strategically located throughout the City to provide prompt assistance to area residents. Station No. 7 at 20401 Acacia Street is the closest to the proposed project and would be the first station to respond to an emergency at the project site. This is a state of the art 11,350 square foot facility and provides fire prevention and protection, hazardous emergency response, rescue and medics services. The

¹⁷Kevin Kitch, Newport Beach Fire Department; January 2016.



station houses an engine. It was also designed as a training facility and includes a 48-person training room and related improvements. Fire Station 3 and 6 would also respond to any first alarm fire. For larger fires, Stations 2, 4, and 8 would be added to the response. NBFDD's response time goals, adopted from National Fire Protection Association (NFPA) Standard 1710, are summarized in Table 14-1.

Table 14-1
Newport Beach Fire Department Response Time Goals
The Residences at Newport Place

	Fire Suppression Incident		Emergency Medical Incident	
	First Arriving Engine Company	Initial Full-Alarm Assignment	Basic Life Support	Advanced Life Support
Turnout Time	80 Seconds	80 Seconds	60 Seconds	60 Seconds
Travel Time ¹	240 Seconds 4 Minutes	480 Seconds 8 Minutes	240 Seconds 4 Minutes	480 Seconds 8 Minutes ²
Total Response Time	5 Min. 20 Sec.	9 Min. 20 Sec.	5 Minutes	9 Minutes

¹All travel time goals are maximums (i.e., 240 seconds m means 240 seconds or less)
²Provided a first responder with basic life support capability arrives within 240 seconds.

SOURCE: Kevin Kitch, Newport Beach Fire Department, January 2016

Redevelopment of the proposed project, which includes the construction of 384 multiple-family residential dwelling units and 5,667 square feet of retail commercial floor area, would necessitate the closure and demolition of the existing MacArthur Square retail shopping center. Although it is anticipated that the demolition of the existing retail commercial development may result in some reduction in demand for fire protection and emergency medical services, the reduction in such demands is expected to be smaller than the increase in demands for services resulting from development of 384 multiple-family residential units in the proposed project. As a result, the proposed project would have a net impact on demands for NBFDD services. The proposed development would be constructed in accordance with current fire codes, and would replace the older existing structures that were constructed in 1974, which have fewer fire protection features than do buildings of more modern construction. As indicated above, the nearest fire station is Station No. 7, which is located approximately one mile from the project site. The project will be subject to review by the NBFDD and shall comply with the requirements for emergency access, fire flow, hydrant spacing and other conditions imposed by the NBFDD. It is anticipated that response time would not exceed the response time goals for both fire suppression and emergency medical incidents. Upon compliance with and implementation of regulatory requirements and standard conditions prescribed below, the potential impacts to fire protection service and facilities would be less than significant. No mitigation measures are required.

4.14(a)(2) Police protection?

Less than Significant Impact. The Newport Beach Police Department (NBPD) provides police service within the City, including the project site. NBPD services include crime prevention and investigation, community awareness programs, and traffic control. Police headquarters are at 870 Santa Barbara Drive. According to the Newport Beach General Plan Update EIR, the NBPD employs 240 personnel, including a chief, 2 deputy chiefs, 8 lieutenants, 25 sergeants, 110 sworn officers, 81 civilian personnel, and 13 seasonal and part-time personnel. The NBPD has four divisions, including patrol/traffic, support services, detectives, and chief of police.



With a population of 87,249 residents,¹⁸ the ratio of officers to residents is currently 1.61 officers per 1,000 residents. On average, 2,000 emergency calls are received each month, with an average answer time of five seconds. Approximately 74,000 calls are dispatched annually, and the average police response time to emergency calls is just under three minutes.¹⁹

Implementation of the proposed project is anticipated to result in an increase in the demand for police protection services. The addition of approximately 845 residents would not significantly impact response times because the project site would be adequately served by existing police protection facilities. Additionally, the proposed mixed-use residential development would replace the existing retail shopping center that may generate greater demand for police protection services at the present time. Based on the incremental increase in population, the proposed project would not significantly alter the City's ratio of officers to residents. As noted in the General Plan Update EIR, the General Plan "... contains policies to ensure that adequate law enforcement is provided as the City experiences future development. For example, Policy LU 2.8 ensures that only land uses that can be adequately supported by the City's Public Services should be accommodated. Compliance with this policy would ensure that adequate service ratios are maintained."²⁰ Due to the Project's location approximately one mile from an existing Police station in Newport Center, the Project would be adequately served by existing police protection facilities and no new or expanded facilities are warranted. Based on the foregoing information, the proposed project would not result in substantial adverse physical environmental impacts and would not hinder the City's police protection performance objectives. Implementation of the proposed project would not result in nor require the expansion or construction of any new police protection facilities and as such, a less-than-significant impact would occur.

4.14(a)(3) Schools?

Less than Significant Impact. The project site is within the boundaries of the Santa Ana Unified School District (SAUSD), which covers nearly 24 square miles and currently has approximately 56,000 students in grades K-12, with a total capacity of 55,844 students. The 2014-15 enrollment was 52,635 students. Table 14-2 summarizes the District's enrollments since 2008-09. At the present time, there is a net remaining capacity of 209 K-12 students within the Sana Ana Unified School District based on the current enrollment.

¹⁸California Department of Finance (DOF); Table 2: E-City/ County Population Estimates; January 1, 2015.

¹⁹Keith Krallman, Newport Beach Police Department; January 2016.

²⁰Newport Beach General Plan Update Final EIR; 2006: (p 4.11-16).



Table 14-2

**SAUSD Enrollment Projections and Enrollments
 The Residences at Newport Place**

Projection Year	Internal Projection	Consultant's Projection	Actual CBEDS Enrollment
2014-15	53,641	N/A	52,635 ¹
	1.91% difference		
2013-14	53,400	N/A	53,380
	0.04% difference		
2012-13	53,611	N/A	53,505
	0.20% difference		
2011-12	54,014	N/A	53,499
	0.96% difference		
2010-11	53,317	53,398	53,975
	-1.22% difference	-1.07% difference	
2009-10	54,813	55,025	54,014
	1.48% difference	1.87% difference	
2008-09	54,210	54,314	54,637
	-0.78% difference	-0.59% difference	
¹ Preliminary California Basic Educational Data System. SOURCE: SAUSD Facilities Master Plan (2015)			

The five-year enrollments for the 2012-13 through the 2017-18 school years for elementary, middle and high schools are presented in Table 14-3. As indicated in the table, the total enrollment within the district is forecast to decline.

Table 14-3

**5-Year Enrollment Projections - SAUSD
 The Residences at Newport Place**

Grade Level	2013-14	2014-15	2015-16	2016-17	2017-18
K-5	26,518	25,898	25,039	24,047	23,185
6-8	11,926	11,786	11,704	11,765	11,810
9-12	14,681	14,550	14,501	14,508	14,532
Total	53,214	52,234	51,244	50,320	49,527
SOURCE: SAUSD Facilities Master Plan (2015)					

The project site is located in an area known as the Irvine/Newport Development Area (INDA), which is bounded by the John Wayne Airport to the northwest, the former Tustin Marine Corps Air Station to the northeast, the San Diego Creek channel to the southeast, and the State Route 73 freeway to the southwest (refer to Exhibit 14-1). The INDA, which encompasses the portions of the cities of Irvine and Newport Beach, was originally developed as a commercial and industrial center, has experienced market forces and development pressures encouraging a rapid transition into a more urban mixed-use center. In 2004, the number of building permits for



residential units increased dramatically in the INDA. This area of the SAUSD has experienced rapid development in the last ten years, and is planned to continue to develop over the next ten to fifteen years.

Residential development projects totaling 5,618 units are planned to be developed in the INDA in the next 10 years. An additional 520 units were previously submitted to the City of Irvine, but have since withdrawn or expired as a result of the economic depression. This residentially designated land has the potential to become future residential projects again as the market returns, and should be considered in the enrollment projection for the INDA build-out. When added together, these total 6,138 planned units planned within SAUSD. When added to the existing 4,755 units, the INDA would contain a total 10,893 residential units within SAUSD boundaries. In addition to INDA units within SAUSD, there are 1,679 additional planned units immediately outside SAUSD boundaries. If a school were to be developed in the INDA, it would have the potential to draw students from the residential development just outside the SAUSD boundaries in the vicinity of the school site.

As indicated in Exhibit 14-1, the SAUSD has identified the project site (i.e., Site No. 3 – Dove Street) as one that would be redeveloped as residential with 384 dwelling units. Based on the student generation rates developed by the SAUSD, the proposed project could potentially generate 43 K-12 students, as reflected in Table 14-4.

Table 14-4

**Potential Student Generation
 The Residences at Newport Place**

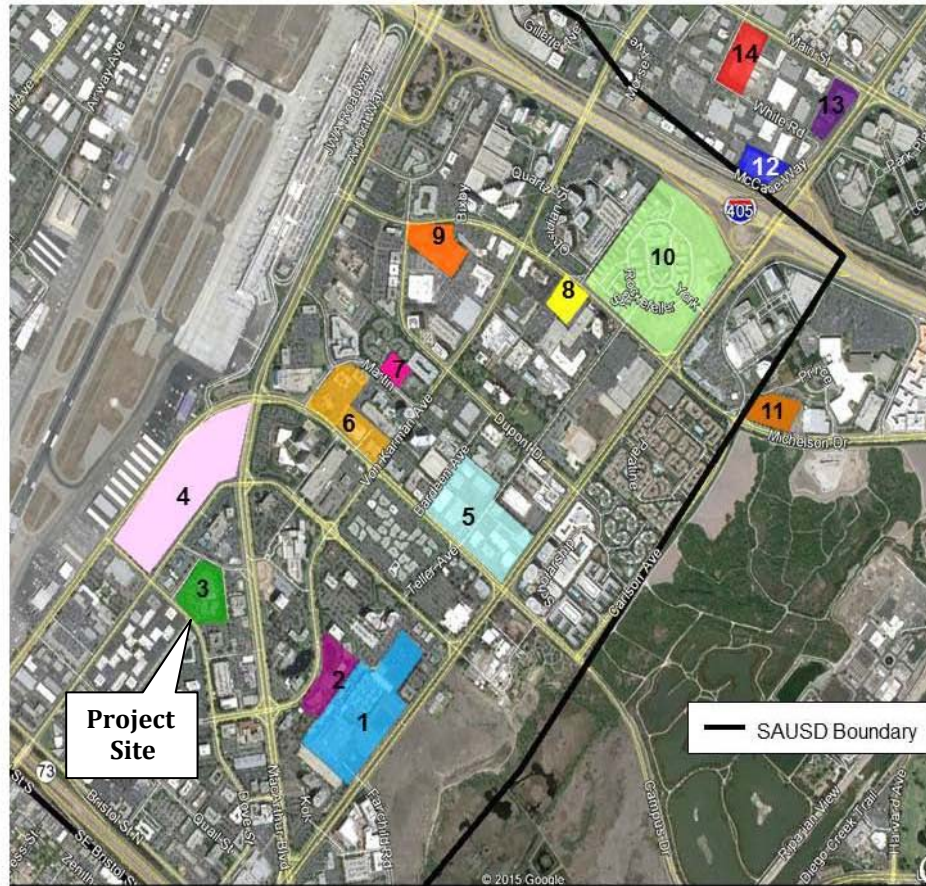
School Level	Student Generation Rate	Number of Dwelling Units	Potential Student Generation
Elementary School	0.0620	384	24
Intermediate School	0.0229	384	9
High School	0.0251	384	10
Total	0.1100	384	43
SOURCE: Sana Ana Unified School District (January 2016)			

The project site is located within the attendance areas of Monroe Elementary School, McFadden Intermediate School and Century High School. As shown in Table 14-5, while Monroe Elementary School and Century High School do have excess capacity at the present time, McFadden Intermediate School is currently over capacity.

Table 14-5

**Available SAUSD Capacity at Affected Schools
 The Residences at Newport Place**

School	Current Enrollment	Current Permanent Capacity	Available Seats	Potential Student Generation	Available Capacity (Yes/No)
Monroe Elementary School	440	535	95	24	Yes
McFadden Intermediate School ¹	1,328	1,010	-318	9	No
Century High School	1,881	2,030	149	10	Yes
¹ Does not include portable classrooms. SOURCE: Santa Ana Unified School District (January 2016)					



Within SAUSD					Just Outside SAUSD		
PROJECT	UNITS		PROJECT	UNITS	PROJECT	UNITS	
1 Uptown Newport	1,244	6 Colton	876	11 The Village	520		
2 Koll	260	7 Milani	287	12 McCabe*	314		
3 Dove Street	384	8 Olen*	208	13 Main & Jamboree	388		
4 Saunders	329	9 Colton*	312	14 Metropolis	457		
5 Elements	1,600	10 Central Park West	638				
					Total Units	10,117	

* = Project withdrawn during recession; Potential future residential development

Updated March 2015

Exhibit 14.1
Irvine/Newport Development Area



The SAUSD Facilities Master Plan/2015 concluded that the increase in residential units and evolution to a mixed-use environment warrants the need for future school facilities in the INDA. The District employs a “neighborhood school” policy that promotes community ownership, limits busing, and encourages walking and other forms of transportation to and from school sites. To house students generated from the residential units, the SAUSD envisions a K-8 or K-12 school in the INDA with a capacity of approximately 600-1,200 students. SAUSD initiated a District Charter “incubator” for the INDA area. The school, which is located in Santa Ana, currently service grades 4 through 6. SAUSD staff has initiated planning efforts and explored funding and facilities options to house INDA students; however, a definitive schedule for securing a permanent in the INDA area has not been identified. The SAUSD Facilities Master Plan identified potential funding mechanisms that could fund new construction in the INDA, which include the federal government (tax credits) and the State (pending a bond measure in 2016), establishment of a school facilities improvement district or community facilities district, and increasing the developer fees specific to INDA.

On January 22, 2014, the State Allocation Board authorized an inflationary increase in Level 1 statutory school fees to \$0.54 per square foot for commercial and \$3.36 per square foot for residential development. The SAUSD prepared a Fee Justification Studies in order to take action to implement the new fees. The Board of Education approved the new statutory fees effective May 5, 2014. As a result, the applicant would be required to pay the developer fee pursuant to SB 50 in order to offset the incremental impacts to school facilities in the SAUSD. In previous years, the majority of developer fee revenue paid relocatable classroom leases. In 2013, the SAUSD entered into an agreement to purchase its inventory of leased portables. Once the final payments for the relocatable purchase have been paid off, developer fee revenue may be used for other high-priority facility projects. When developer fee funding becomes available, facility improvement projects with a nexus to the development will be identified. Payment of the Level 1 developer fee would mitigate the potential increase in school-age children generated by the proposed project (refer to SC 14-3). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation for Project-related impacts to school services, where projects are subject to compliance with CEQA. As a result, potential impacts to school facilities would be less than significant; no mitigation measures are required.

4.14(a)(4) Parks?

Less than Significant Impact. The City of Newport Beach is responsible for providing public parks and public/recreational facilities in the City, which has an adopted standard of 5 acres per 1,000 persons for provision of parkland. As indicated above, the 2010 U.S. Census estimated the population of Newport Beach to be 85,186 residents.²¹ Using the City’s parkland standard, this population requires 425.9 acres of parkland. Presently, there are approximately 286 acres of park and recreation space in the City, which includes traditional park facilities as well as active beach recreation. Therefore, the City is experiencing a deficit of approximately 139.9 acres of parkland based on the 2010 U.S. Census population.

The parkland deficit in Newport Beach is not distributed equally throughout all areas of the City; some areas remain park rich, while others are in need of additional facilities. In order to facilitate the distribution of new parklands, the City has been divided into 12 service areas. The proposed project is located in Service Area 4 (Santa Ana Heights), which is bounded by Campus Drive on the north and west, the Upper Newport Ecological Reserve on the south, and Jamboree Road and the City of Irvine on the east. Recreation amenities within and adjacent to Service Area 4 include Mesa Birch Park (0.7 ace Mini Park) and Bayview Park, a community park that encompasses 2 acres. In addition to these City public parks, there 1,200 acres of open space facilities outside the City, including Upper Newport Bay Regional Park (County of Orange), and the UCI Arboretum and San Joaquin Freshwater Marsh in Irvine. Two existing regional bike trails also exist near Service Area 4. A north-south trail extends along the San Diego Creek and an east-west trail extends along Campus Drive. According to the City’s General Plan, Service Area 4 has considerable recreation opportunities due to the

²¹The California Department of Finance (DOF) estimated population of Newport Beach to be 87,249 on January 1, 2015 (Table 2 E-5 City/County Population and Housing Estimates, 1/1/2015).



presence of multiple parks, including Upper Newport Bay Regional Park. With the exception of a shortfall in active playfields, Service Area 4 is considered to have a surplus of parkland.

The proposed project has been designed to include an open space area along the southern limits of the project site between Dove Street and Martingale Way. Although final dimensions and setback of the proposed open space have not been determined, the applicant is requesting the flexibility to allow the open space area to be a minimum of 40 feet wide, measured from the property line (it could be greater once a final design for the area has been completed). The intention of the open space area is to provide pedestrian connectivity between Dove Street and Martingale Way, which will include public access and use during daylight hours. The open space will also provide a landscaped "buffer" between the existing office building and surface parking lot to the south of the project and the proposed multiple-family residential development.

As required by Policy 6.15.13 in the Newport Beach General Plan, the proposed project would include an approximately 0.5-acre park to be dedicated to the City. However, the applicant is requesting a waiver of the park dedication requirement because the open space as proposed would not meet the description of a neighborhood park defined in the Newport Beach General Plan and would be unsuitably located to serve the needs of the neighborhood. As previously indicated, in consideration for the waiver being approved, the project would be conditioned to pay an in-lieu fee equal to the required park dedication of 0.5 acre that would be based on the current parkland value for the City of Newport Beach. With the proposed open space and payment of the parkland in-lieu fee equal to the required park dedication of 0.5 acre (refer to SC 14-4), project implementation will not result in potentially significant impacts to parks. No mitigation measures are required.

4.14(a)(5) Other public facilities?

Less than Significant Impact. The Newport Beach Public Library (NBPL) provides library services to the proposed project site with four branch libraries and a concierge service building where patrons can drop off and pick up books on hold and search the library catalog. Services at branches include Wifi, printing, interlibrary loans, home-bound service, computer training classes, and book clubs for children, teens, and adults. The Central Library and Mariners Branch are closest to the project site and are most likely to serve future residents of The Residences at Newport Place. The 15,000 square-foot Mariner's Branch, which was built in 2006, is currently at maximum capacity. A 17,000-square-foot expansion of the existing 54,000 square-foot Central Library was completed in 2013 as part of the Civic Center Project, which is anticipated to have facilities adequate for its service area. The City of Newport Beach Municipal Code addresses improvements to library facilities through the imposition of an excise tax (Newport Beach Property Development Tax), which funds municipal facilities required to serve new developments, including fire stations, libraries, and parks.

Buildout of the proposed project would result in the development of 384 multiple-family residential dwelling units that would potentially house approximately 845 residents, based on an average of 2.2 persons per household in the reflected in the Newport Beach Housing Element. This population increase would occur within the service area of the Newport Beach Public Library system. The implementation of the proposed project would create an additional demand for library services at the Central Library and Mariners Branch, the two closest locations and would also be subject to the City of Newport Beach property development tax pursuant to Municipal Code Chapter 3.12 to help fund public facilities, including libraries. Payment of this fee, as prescribed in SC 14-2 would offset the incremental increase in population associated with the proposed project. As a result potential impacts would be less than significant; no mitigation measures are required.

Standard Conditions

SC 14-1 The project shall comply with the following codes and regulatory requirement:

- National Fire Protection Association 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.



- California Building Code (California Code of Regulations, Title 24, Part 2)
- California Fire Code (CFC; California Code of Regulations, Title 24, Part 9). Several City conditions of approval for the proposed project – listed above in Section 5.12.1 – are based on CFC requirements.
- City of Newport Beach Municipal Code: Title 9, Fire Code

SC 14-2 Prior to issuance of building permits, the applicant shall pay the applicable property development tax as required pursuant to City of Newport Beach Municipal Code Chapter 3.12 (Property Development Tax).

SC 14.3 Prior to issuance of building permits, the applicant shall pay the applicable Level 1 Statutory School Fee in effect at the time of development.

SC 14.4 Prior to issuance of building permits, the applicant shall pay applicable park in-lieu fee equal to the required park dedication of 0.5 acre, based on the current parkland value for the City of Newport Beach.

Mitigation Measures

No significant impacts to public services are anticipated as a result of project implementation. No mitigation measures are required.

4.15 RECREATION

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			■	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			■	

Impact Analysis

4.15(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?*

Less than Significant Impact. The City of Newport Beach is responsible for providing and maintaining parks in the City. Parks within the Newport Beach contain a variety of recreational facilities, with areas available for organized sports including soccer fields, baseball diamonds, tennis courts, volleyball courts, and basketball courts. Recreational opportunities exist for children in many of the play areas in the City’s parks. Biking and walking trails are also popular recreational amenities. Swimming pools are available to the public at aquatic



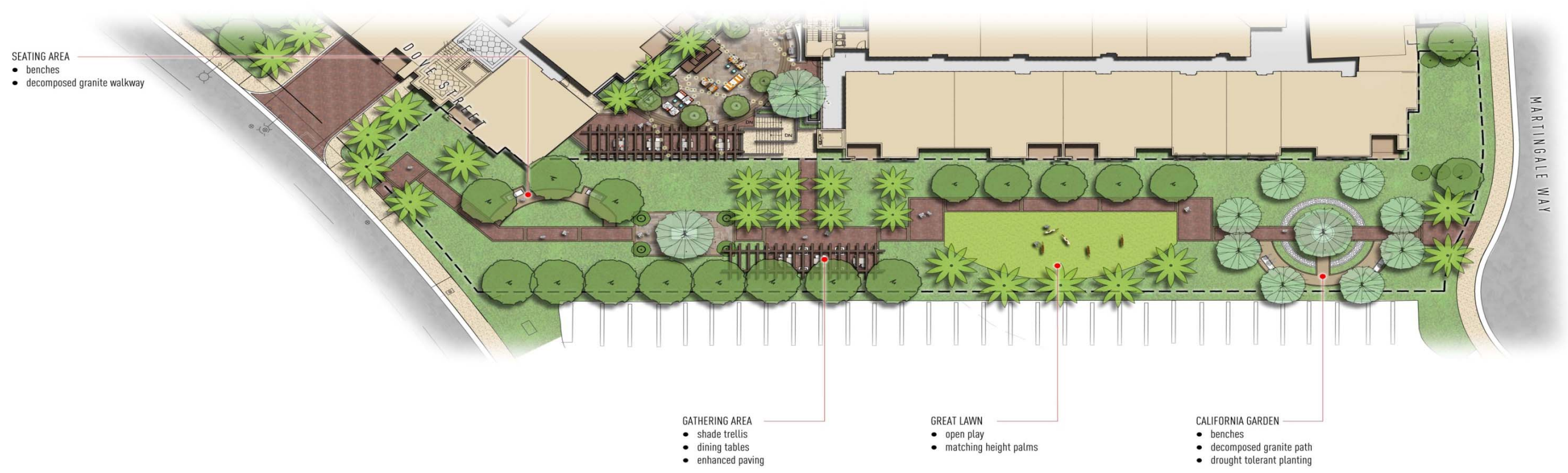
facilities at the Marian Bergeson Aquatic Center and Newport Harbor High School through joint use agreements with the Newport-Mesa Unified School District. Additional recreational resources in the City include three community centers, several multipurpose recreation centers, a senior center, and two gymnasium facilities. In 2006 when the General Plan Update occurred, it was determined that 415.6 acres of parklands were needed within the City to accommodate the population at that time, based on the standard of five acres per 1,000 population. However, at that time, a total of 286.4 acres of parks and 90.4 acres of active beach recreation existed within Newport Beach, resulting in a deficit of 38.8 acres of combined park and beach acreage citywide. Seven of the twelve service areas are experiencing a deficit in this combined recreation acreage.

The City is divided into 12 park “service areas.” The subject property is located within Service Area 4 – Santa Ana Heights/Airport Commercial. Currently, two parks (Bay View Park and Upper Newport Bay Park) exist within Service Area 4, encompassing 6.8 acres of parkland. Although seven of the 12 service areas were deficient in parkland based on the City’s parkland standard, Service Area 4 had a surplus of parkland. The two-acre Bayview Park and the proximity of the Upper Bay recreation area provide substantial recreational opportunities for the service area. There is also a planned pocket park and the City is planning a joint use community center project with the YMCA. Although there is a surplus of parking, a shortfall in active playfields exists in Service Area 4 and the population within this service area is expected to increase under the General Plan. As indicated in the Recreation Element of the Newport Beach General Plan, future development is subject to special provisions that require the provision of on-site recreational amenities, and dedication of land or payment of in-lieu fees in order to ensure that adequate park and recreational facilities exist to serve residents in the community.

The proposed project consists of 384 residential dwelling units and could introduce an additional 845 residents to the City based on an average of 2.2 people per household in the City of Newport Beach.²² The increase in population in the area could result in an increased parkland demand of 4.26 acres based on the City’s requirement of 5 acres per 1,000 population. The Airport Area currently does not have any existing parkland due to the fact that there are currently no residential developments in this area other than the approved 2-acre neighborhood parks to be built in conjunction with the Uptown Newport project in the near future. Additionally, future residents within the Airport Area could also use existing facilities within the proposed project’s Service Area - Santa Ana Heights, recreational facilities located within the Eastbluff Service Area, and the Big Canyon Service Area. These areas are identified as having substantial surpluses in park areas. As required by Policy 6.15.13 in the Newport Beach General Plan, the proposed project would include an approximate 0.5 acre park to be dedicated to the City. However, the applicant is requesting a waiver of the park dedication requirement because the open space as proposed (refer to Exhibit 15-1) would not meet the description of a neighborhood park defined in the Newport Beach General Plan and would be unsuitably located to serve the needs of the neighborhood. As previously indicated, in consideration for the waiver being approved, the project would be conditioned to pay an in-lieu fee equal to the required park dedication of 0.5 acre that would be based on the current park land value for the City of Newport Beach.

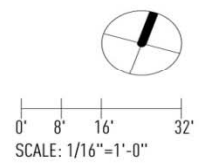
In place of the required park dedication, the applicant is proposing an open space area along the southern limits of the site between Dove Street and Martingale Way. Although final dimensions and setback of the proposed open space have not been determined, the applicant is requesting the flexibility to allow the open space area to be a minimum of 40 feet wide, measured from the property line (it could be greater once a final design for the area has been completed). The intention of the open space area is to provide pedestrian connectivity between Dove Street and Martingale Way, which will include public access and use during daylight hours. The open space will also provide a landscaped “buffer” between the existing office building and surface parking lot to the south of the project and the proposed multiple-family residential development.

²²Newport Beach Housing Element; Adopted September 24, 2013; Resolution No. 2013-69.



PARK ENLARGEMENT

NEWPORT PLACE RESIDENTIAL, LLC
The Residences at Newport Place
 NEWPORT BEACH CALIFORNIA



NO. 1	DATE	DESCRIPTION
1	01/15/16	ISSUED FOR PERMITTING
2	01/15/16	ISSUED FOR PERMITTING
3	01/15/16	ISSUED FOR PERMITTING
4	01/15/16	ISSUED FOR PERMITTING
5	01/15/16	ISSUED FOR PERMITTING
6	01/15/16	ISSUED FOR PERMITTING
7	01/15/16	ISSUED FOR PERMITTING
8	01/15/16	ISSUED FOR PERMITTING
9	01/15/16	ISSUED FOR PERMITTING
10	01/15/16	ISSUED FOR PERMITTING



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2012-052	07/2015	ARCHITECTS, INC.
L.3	22/1/16	

**Exhibit 15-1
 Proposed Open Space**



4.15(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 has been designed to include several recreational amenities for use by both residents and guests. Private amenities (i.e., for residents and guests only) include, but are not limited to, a swimming pool with separate spas; a business center; a recreation and fitness center; courtyard gardens with water features; children’s play areas; a dog park; barbeque and seating areas; and other features intended to accommodate leisure activities of future residents, including a “sky deck,” for private gatherings. Public amenities include a 40-foot (minimum) open space area and pedestrian walkway. The open space area will be accessible to the public during daylight hours. In order to promote pedestrian connectivity, the proposed pedestrian walkway will physically link Dove Street to Martingale Way, and provide a convenient route for residents and nearby office workers to walk to adjacent restaurants, stores, and other retail businesses in the general area. In addition, a large public seating area is also included within the retail space area of the project site.

Implementation of these facilities has been thoroughly evaluated in the analysis contained in related sections. Based on that analysis, the construction of the recreation facilities, including the open space area and walkway and private recreation amenities within the project, would not result in potentially significant impacts; no mitigation measures are required.

Standard Conditions

Refer to SC 14-4 in Section 4.14 (Public Services – Parks).

Mitigation Measures

No significant impacts will occur and no mitigation measures are required.

4.16 TRANSPORTATION/TRAFFIC

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit??			■	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			■	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			■	
d. Substantially increase hazards due to a design feature			■	



<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e. Result in inadequate emergency access?			■	
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			■	

Kimley-Horn and Associates, Inc. prepared an analysis of potential project trip generation and construction traffic. The report, entitled “Evaluation of Project Trip Generation and Construction Traffic,” provides an assessment of the project trip generation based on the City’s Traffic Phasing Ordinance (TPO) in order to determine/evaluate the reduction in project-related traffic compared to the existing traffic generation of the MacArthur Square shopping center. The information presented in the report is summarized in this section and the report is included as Appendix F.

Impact Analysis

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

Less than Significant Impact. The trip generation estimates based on the CEQA guidelines are summarized in Table 16-1 which shows that the proposed project would result in a net increase of 208 daily trips, with 118 additional trips in the morning peak hour, and 66 additional trips in the evening peak hour. Project trip generation was estimated based on the actual conditions at the time the project application was submitted (i.e., “baseline” conditions) to determine if a traffic impact analysis would be required. At the time the application was submitted, 13,956 square feet of restaurant space in the MacArthur Square development was vacant. Therefore the trips associated with the former restaurant space are not taken as trip credit in the CEQA trip generation estimates.



Table 16-1

Baseline Conditions (CEQA) Trip Generation Comparison
 The Residences at Newport Place

Land Use	ITE Code	Unit	Trip Generation Rates ¹						
			Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Trip Generation Rates¹									
Specialty Retail Center	826	KSF	44.32	--	--	--	1.19	1.52	2.71
Quality Restaurant	931	KSF	89.95	0.66	0.15	0.81	5.02	2.47	7.49
Medical-Dental Office Building	720	KSF	36.13	1.89	0.50	2.39	1.00	2.57	3.57
High-Turnover (Sit-Down) Restaurant	932	KSF	127.5	5.95	4.86	10.81	5.91	3.94	9.85
Apartment	220	DU	6.65	0.1	0.41	0.51	0.40	0.22	0.62
Existing Land Uses									
	Quantity	Unit	Daily	Trip Generation Estimates					
				AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Specialty Retail	22.967	KSF	1,018	--	--	--	27	35	62
Quality Restaurant	10.174	KSF	915	7	1	8	51	25	76
Medical-Dental Office Building	5.467	KSF	198	10	3	13	5	14	19
High-Turnover (Sit-Down) Restaurant	5.713	KSF	726	34	28	62	34	23	57
Total Existing Trips			2,857	51	32	83	117	97	214
Proposed Land Use									
Apartment	384	DU	2,554	39	157	196	155	83	238
Quality Restaurant	5.677	KSF	511	4	1	5	28	14	42
Total Proposed Project Trips			3,065	43	158	201	182	97	280
Net Difference (Proposed less Existing)			208	-8	126	118	66	0	66
¹ Institute of Transportation Engineers (ITE) <i>Trip Generation Manual</i> , 9 th Edition KSF - thousand square feet DU - Dwelling unit SOURCE: Kimley-Horn and Associates, Inc. City of Newport Beach									

Although an assessment of operational traffic impacts is not required based on the City's Traffic Phasing Ordinance (refer to Section 4.16(b)), potential short-term construction traffic impacts were assessed as required by CEQA due to the amount of grading and demolition that is expected to result in the export of both demolition materials and soil material from the site. The following discussion has been prepared to address the anticipated construction traffic associated with heavy vehicles and construction workers during the construction phases of the proposed project. Construction activities would include demolition, site clearing, grading and excavation, and construction of structures and site features. Large construction equipment such as bulldozers, loaders, scrapers, and pavers would be required during various construction phases. Large equipment is generally brought to the site at the start of the construction phase and kept on site until its term of



use ends. A staging area would be designated on-site to store construction equipment and supplies during construction.

Throughout construction, the size of the work crew reporting to the site each day would vary depending on the construction phase and the construction activities taking place at the time. Parking for construction workers would be provided on-site during all phases of construction as on-street parking would not be allowed. If needed during the peak construction periods, off-site parking will be provided, and workers will be carpooled or be shuttled to the worksite, if adjacent off-site parking is not obtained. The following information and details regarding construction activities and quantities has been provided by the Applicant. The construction activities would consist of four construction phases:

- Demolition of the existing buildings on the site,
- Excavation and grading,
- Foundation construction, and
- Above-ground construction.

The demolition phase will include demolition and removal of the buildings, foundations and footings, and the asphalt parking lot and light fixtures. Demolition will result in approximately 8,400 tons of demolition debris, which will be crushed on site, and then hauled off-site. It is estimated that approximately 5,600 cubic yards of construction debris and concrete will need to be removed from the site. Assuming a capacity of 18 cubic yards per truckload, demolition activities will require removal of approximately 311 truckloads of demolition debris. Assuming a two-month period for the demolition phase (approximately 21 workdays per month), this would equate to an average of 7 - 8 inbound and 7 - 8 outbound trucks per day for demolition debris. All trucks will be staged on-site; no staging will occur in the public right-of-way.

The excavation and grading phase will involve a combination of cut and fill activity over a 2- to 3-month period, with an estimated 35,708 cubic yards of export. Assuming a capacity of 18 cubic yards per truckload, grading activities will require removal of approximately 1,984 truckloads of export. This would equate to an average of 31 to 47 incoming and outgoing truck trips per day. All trucks will be staged on-site; no staging will occur in the public right-of-way.

The foundation and above-ground construction phase is estimated to take approximately 16 months, including four months for the foundation construction and 12 months for the above-ground construction. It is estimated that there will be an average of 15 truck deliveries of construction materials per week during the foundation and building construction phases. All trucks will be staged on-site; no staging will occur in the public right-of-way. The size of the construction crew will vary, depending on the construction phase, and is estimated to consist of the following:

- Demolition – 12 workers
- Excavation and grading – 12 workers
- Foundation construction – 25 workers
- Above-ground construction – 60 workers

Based on the operations presented above, construction truck traffic and construction crew traffic are estimated and are summarized in Table 16-2.



Table 16-2

**Summary of Construction Traffic
 The Residences at Newport Place**

Construction Phase	Duration	Construction-Related Vehicles	No. of Daily Trips		
			Inbound	Outbound	Total
Demolition	2 Months	Debris Haul Trucks	7 – 8	7 – 8	14 – 16
		Construction Workers	12	12	24
Excavation and Grading	2 – 3 Months	Export Haul Trucks	31 – 47	31 – 47	31 – 47
		Construction Workers	12	12	24
Foundation Construction	4 Months	Material Delivery Trucks	2 – 3	2 – 3	4 – 6
		Construction Workers	25	25	50
Above-Ground Construction	12 Months	Material Delivery Trucks	2 – 3	2 – 3	4 – 6
		Construction Workers	60	60	120

SOURCE: Kimley-Horn and Associates, Inc.
 Newport Place Residential

In each case, the heavy haul vehicles and delivery trucks would arrive and depart the site throughout the construction day. Construction workers would arrive in the morning, and depart in the evening. Trucks would use the existing regional and local truck route network to approach the site, getting as close as possible on the truck route to the destination site before turning off the designated truck route.

Temporary delays in traffic may occasionally occur due to heavy vehicles traveling at lower speeds on local streets. Such delays would be occasional, and of short duration, with the majority of them outside the peak hours. The proposed project will require the preparation of a construction traffic management plan (refer to SC 16-1) to include: requiring an encroachment permit for work in the public right-of-way, limiting heavy truck activity during peak hours, using flag men to manage short-term traffic control, requiring a formal traffic control plan for extended street and lane closures, limiting time and duration of closures, and/or requiring a minimum number of lanes to be opened for travel during peak hours.

In order to ensure that the delays associated with the short-term, construction-related traffic are minimized, the construction management traffic plan shall also need to identify planned travel patterns for haul vehicles, and obtain a haul route permit from the City. All construction traffic will be required to use arterial roadways to get to and from the site. No residential streets can be used. Approach and departure routes for construction vehicles are assumed to be via MacArthur Boulevard. Depending on the origin/destination (the nearest landfill, or the deposit site identified for cut material), trucks will either arrive and depart on MacArthur Boulevard via the I-405 Freeway, to the north of the site; or on MacArthur Boulevard and Jamboree Road via the SR-73 Freeway, to the south of the site.

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

Less than Significant Impact. The Orange County Congestion Management Program (CMP) requires that a traffic impact analysis (TIA) be conducted for any project generating 2,400 or more daily trips, or 1,600 or more daily trips for projects that directly access the CMP Highway System (CMPHS). Per the CMP guidelines, this number is based on the desire to analyze any impacts that will be three percent or more of the existing CMP highway system facilities' capacity. As reflected in Table 16-1, the proposed project will generate a net increase of 208 daily vehicular trips, which is below the 2,400 trips per day threshold for the preparation of a TIA. The proposed Project does not have direct project access to the CMP Highway System; therefore the threshold



applied for this analysis will be 2,400 daily trips. As noted in Section 5.0, the proposed Project is expected to generate approximately 49 daily trips and thus does not meet the criteria required for a CMP traffic analysis. Therefore, it is concluded that the proposed Project will not have any significant traffic impacts on the Congestion Management Program Highway System.

Although a CMP analysis is not required, a trip generation analysis was conducted in accordance with the Newport Beach Traffic Phasing Ordinance (TPO). The TPO allows for trip credit to be applied to all existing uses on the site, even if currently vacant, based on the last known land use, if any, that could be resumed with no discretionary approval. Therefore, the trip generation credits for the TPO condition are based on the square footage of all existing buildings on the site, including the vacant restaurant space. As noted earlier, the CEQA analysis does not allow trip credits for vacant uses. The trip generation estimates based on the TPO Ordinance are summarized in Table 16-3, which shows that the proposed project would result in a net reduction of 1,047 (-1,047) daily trips, with an increase of 105 (+105) trips in the morning peak hour, and a reduction of 39 (-39) trips in the evening peak hour. Based on the trip generation analysis, the proposed project is consistent with LU 6.15-5.

Based on the City's Traffic Phasing Ordinance (TPO) requirements, a Traffic Study would not be required of any project that generates no more than 300 average daily trips. Based on the trip generation estimates using both the CEQA and the TPO standards, the proposed project would generate less than 300 average daily trips, and therefore, a Traffic Impact Analysis is not required for the proposed project. Furthermore, based on the limited number of additional vehicular trips that would be generated by the project, impacts to roadways and intersections would be less than significant. No mitigation measures are required.



Table 16-3

**TPO Trip Generation Comparison
 The Residences at Newport Place**

Land Use	ITE Code	Unit	Trip Generation Rates ¹						
			Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Trip Generation Rates¹									
Specialty Retail Center	826	KSF	44.32	--	--	--	1.19	1.52	2.71
Quality Restaurant	931	KSF	89.95	0.66	0.15	0.81	5.02	2.47	7.49
Medical-Dental Office Building	720	KSF	36.13	1.89	0.50	2.39	1.00	2.57	3.57
High-Turnover (Site-Down) Restaurant	932	KSF	127.5	5.95	4.86	10.81	5.91	3.94	9.85
Apartment	220	DU	6.65	0.1	0.41	0.51	0.40	0.22	0.62
Existing Land Uses									
	Quantity	Unit	Daily	Trip Generation Estimates					
				AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Specialty Retail	22.967	KSF	1,018	--	--	--	27	35	62
Quality Restaurant	24.130	KSF	2,170	16	4	20	121	60	181
Medical-Dental Office Building	5.467	KSF	198	10	3	13	5	14	19
High-Turnover (Sit-Down) Restaurant	5.713	KSF	726	34	28	62	34	23	57
Total Existing Trips			4,112	50	35	95	187	132	319
Proposed Land Use									
Apartment	384	DU	2,554	28	157	195	154	84	238
Quality Restaurant	5.677	KSF	511	4	1	5	28	14	42
Total Proposed Project Trips			3,065	42	158	200	182	98	280
Net Difference (Proposed less Existing)			-1,047	-18	12	105	-5	-34	-39
¹ Institute of Transportation Engineers (ITE) <i>Trip Generation Manual</i> , 9 th Edition KSF - thousand square feet DU - Dwelling unit SOURCE: Kimley-Horn and Associates, Inc.									



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

Less than Significant Impact. The project site is located within the 60-65 CNEL noise contour of John Wayne Airport (JWA) and is also within the Traffic Pattern Zone for the airport. Potential aviation-related noise impacts are discussed in Section 4.12 (Noise). Also discussed in the analysis of Hazards and Hazardous Materials in Section 4.8(e), although the project site is located within the FAA Part 77 Notification Area of John Wayne Airport, the FAA has determined that the proposed structure does not pose a hazard to navigation.²³ Therefore, project implementation will not result in a change to air traffic patterns at the airport and will not result in any substantial safety risks or hazards to aviation activities occurring at JWA. No significant impacts would occur and no mitigation measures are required.

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

Less than Significant Impact. The project site is located in an area of the City of Newport Beach that is urbanized and developed with a mix of light industrial, retail/commercial, and professional office land uses. John Way Airport is also located in the project environs. The circulation network surrounding the project site is well developed and accommodates vehicular traffic in the area. Implementation of the proposed project would not result in inadequate design features or incompatible uses because it would be evaluated to determine the appropriate land use permit for authorizing its use and the conditions for their establishment and operation. All improvements on-site would consist of private driveways and drive aisles that similarly would have no impact on abutting roadways. The location of driveway access points on-site would comply with City roadway standards and the proposed driveways would provide for adequate sight distance as required by the Public Works Department. Accordingly, there are no circulation hazards or incompatible uses in the project area that would adversely affect either site circulation or vehicular travel in the project area. The implementation of the proposed project, therefore, would not result in significant impacts involving inadequate design features or incompatible uses.

4.16(e) Result in inadequate emergency access?

Less than Significant Impact. The Circulation Element of the Newport Beach General Plan includes several policies intended to achieve the long range goal of providing a safety and efficient roadway system (General Plan Goal 2.2). Policies address adequate emergency access, street standards, driveway access, and traffic control. In addition, as indicated in the Final EIR prepared for the Newport Beach General Plan 2006 Update, proposed development projects would be required to comply with the City's development review process including, review for compliance with the applicable circulation, safety and access standards prescribed by the City. The proposed development would be required to comply with all applicable fire code and ordinance requirements for construction and access to the site. The project provides adequate emergency access by complying with various conditions of approval from the City Fire Department, including the provision of an exclusive off-street staging area for emergency vehicles along the northern part of Scott Drive. No significant impacts would occur and no mitigation measures are required.

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

Less than Significant Impact. The Circulation Element of the Newport Beach General Plan contains several goals and policies related to public transit, bicycle and pedestrian facilities. Public transit bus service in the area is provided by the Orange County Transportation Authority (OCTA). Bus routes currently operated by OCTA through the study area include Route 59 (between Anaheim and Irvine), Route 76 (between Huntington Beach

²³Federal Aviation Administration, "Determination of No Hazard to Air Navigation," (Aeronautical Study No. 2014-AWP-7280-OE); Issue date November 25, 2014.



and Newport Beach), Route 178 (between Huntington Beach and Irvine), Route 212 (between John Wayne Airport and San Juan Capistrano), Route 213 (between the Park-and-Ride in Brea and UCI), and Route 472, which provide Metrolink feeder route service for the Tustin Metrolink Station on Jamboree Road. Bicycle and pedestrian paths also exist within the project area, including Jamboree Road (a Class I off-road paved bikeway), which is currently designated on the Newport Beach Bike Map as “Bike Sidewalk.” Other bicycle facilities in the project area include Class 2 bicycle lane (on-road striped lane) on Campus Drive, and on MacArthur Boulevard from Campus Drive to Jamboree Road. All of the streets in the project vicinity have sidewalks to accommodate pedestrians.

The proposed project has been designed to include public sidewalks and a pedestrian connectivity along the southern edge of the property, between Dove Street and Martingale Way for public access and use during daylight hours. This connectivity is consistent with the pedestrian walkway identified on the Figure LU 23 of the Newport Beach General Plan. Access to public transit and bicycle and pedestrian facilities are located in the project area to accommodate future residents of the project. No significant impacts to public transit, bicycle or pedestrian facilities will occur; no mitigation measures are required.

Standard Conditions

SC 16-1 Prior to issuance of building permits, the applicant shall submit a construction traffic management plan for approval by the Public Works Department, which shall include a discussion of project phasing, construction staging area(s), parking, traffic control, and traffic routes as follows

- The plan shall identify the proposed construction staging area(s), construction crew parking area(s), estimated number and types of vehicles that will occur during that phase, the proposed arrival/departure routes and operational safeguards (e.g. flagmen, barricades, shuttle services, etc.) and hourly restrictions, if necessary, to avoid traffic conflicts during peak traffic periods, displacement of on-street parking and to ensure safety.
- The plan shall provide for an off-site parking lot for construction crews which shall be shuttled to and from the project site at the beginning and end of each day until such time that the project site can accommodate off-street construction vehicle parking, in the event that on-site parking for the construction crews could not be provided. In the interim, construction crews shall be prohibited from parking in the nearby public streets or on private properties.
- The plan shall identify all construction traffic routes, which shall avoid residential streets, unless there is no alternative, and the plan shall not include any streets where some form of construction is underway within or adjacent to the street that would impact the efficacy of the proposed route.
- Dirt and demolition debris hauling shall not be scheduled during weekday peak hour traffic periods and during the summer season (Memorial Day holiday weekend through and including the Labor Day holiday weekend).
- The plan shall be implemented throughout the construction phases.

Mitigation Measures

Implementation of the construction traffic management plan during the construction phase will ensure that short-term impacts would not be significant. No significant long-term, operational impacts will occur and no mitigation measures are required.



4.17 UTILITIES AND SERVICE SYSTEMS

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			■	

Impact Analysis

4.17(a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Less than Significant Impact. The Orange County Sanitation District (OCSD) owns and operates Treatment Plant No. 1 in Fountain Valley, which treats wastewater at advanced primary and secondary treatment levels. Plant No. 1 has a maximum capacity for advanced primary and secondary treatment of 204 million gallons per day (mgd) and currently treats an average of 95 mgd. About 66 mgd of effluent from Plant No. 1 are sent to the groundwater replenishment system (GWRS) facility in Fountain Valley, which has a capacity of 70 mgd. After treatment at the GWRS, this water is used to supplement the Main Orange County Groundwater Basin to control saltwater intrusion and to recharge the basin. An additional 3.3 mgd of effluent from Plant No. 1 are sent to the Orange County Water District (OCWD) for tertiary treatment in a separate facility; this water is used by OCWD customers for irrigation. The balance of the effluent from Plant No. 1, approximately 25.7 mgd, is sent to Reclamation Plant No. 2 in the City of Huntington Beach and is subsequently discharged through the ocean outfall system. OCSD Treatment Plant No. 2 also receives wastewater from several major sewers, in addition to Plant No. 1, and has an average treatment flow rate of 112 mgd and a maximum treatment capacity of 168 mgd.

The proposed Project would be served by the existing sewer mains that currently serve the existing retail shopping center. These sewer mains are located in Scott Drive, Dove Street, and Martingale Way. The wastewater generated by the project would be typical of other domestically generated wastewater; no industrial waste-related treatment would be required.



Table 17-1

**Sewage Generation Comparison
 The Residences at Newport Place**

Land Use	Sewage Generation Rate	Quantity	Estimated Sewage Generation
Existing Land Use			
Commercial	200 gpd/1,000 sq. ft.	58,277 sq. ft.	11,656 gpd
Proposed Land Use			
Residential	213 gpd/DU	384 DUs	81,792 gpd
Commercial	200 gpd/1,000 sq. ft.	5,677 sq. ft.	1,136 gpd
Total Proposed			82,928 gpd
Increase			71,272 gpd
SOURCE: Newport Beach General Plan Update Final EIR (April 2006)			

As indicated in Table 17-1, the proposed project would generate 82,928 gpd of raw sewage, compared to the existing retail shopping center, based on sewage generation factors utilized by the City of Newport Beach. For purposes of determining the potential effect of the additional sewage generated by the project on the OCSD treatment facilities, the amount of raw sewage is estimated to be 42,841 gpd based the OCSD factor of 7,516 gallons/acre for high density residential development proposed on the 5.70-acre site.²⁴ In addition, the commercial floor area would also generate a small amount. The total amount based on the OCSD sewage generation rates would be approximately 40 percent less than the amount based on the City’s sewage generation rates. The City has indicated that there is sufficient capacity to meet the demands of the proposed project.²⁵ As indicated above, the OCSD has adequate capacity at its existing treatment facilities to accommodate the proposed project. Additionally, based on initial calculations of wastewater generation, it is anticipated that the existing sewer laterals currently serving the proposed project site can be reused without increase in size or number of points of connection. Nonetheless, hydraulic calculations for wastewater peak demands shall be required to submit for verification by the City (refer to SC 17-1). Potential impacts are less than significant; no mitigation measures are required.

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

Less than Significant Impact. As indicated above, there is adequate treatment capacity at the OCSD Treatment Plants to accommodate future developments. No deficiencies exist within the OCSD facilities serving the City of Newport Beach and capacity would be available to serve buildout of the City based on the General Plan Update. In addition to sewer collection and treatment, the City’s Urban Water Management Plan includes a Water Supply Plan, which is set to implement and maintain delivery of water to the City’s customers, despite the status of supply availabilities. Water facilities are located throughout the project area and currently serve the project site. The incremental increase in raw sewage generated by the project can be accommodated without the construction of a new treatment facility or expansion of existing facilities. Furthermore, the proposed project would be subject to both applicable General Plan Policies in the General Plan EIR, including water conservation in new development (e.g., water-efficient landscaping), the incorporation of water conservation devices, etc. to reduce the demand for domestic water. The project would also be required to comply with the current waste discharge requirements. The applicant will also be required to coordinate the redevelopment of the site with

²⁴The OCSD sewage generation rate for commercial development is gpd/acre; however, the small commercial component represents only a small portion of the 5.70-acre site.

²⁵City of Newport Beach Municipal Operations Department, Utilities Division; letter dated March 24, 2014.



the Utilities Department to ensure that adequate capacity exists in both the water and wastewater systems to serve the project by preparing the sewer and water demand analyses (refer to SC 17-1). Based on compliance with the City's Municipal Code and review and approval by the City and OCSD, project implementation would not require the construction of new water and/or wastewater treatment facilities and, furthermore, would not require the expansion of existing facilities. No additional mitigation measures are required.

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

Less than Significant Impact. Within the project site, stormwater is collected within the private storm drain system by roof drains, area drains, or drop inlets. The proposed project is designed to be a single drainage management area (DMA). Stormwater and other runoff will be directed to bioretention planters with underdrains to treat the design capture volume (DCV). As reflected in the Preliminary WQMP and described in Section 4.9 (Hydrology and Water Quality), bioretention facilities are located within the landscaped areas around the perimeter of the property. A storm drain network will collect treated and high flows from the bioretention facilities prior to discharge at the back of a public catch basin located near the southwest corner of the property within Dove Street. The public main eventually discharges into San Diego Creek just prior to its termination into Upper Newport Bay. The project has been designed to minimize storm runoff generated by proposed project. Redevelopment of the site as proposed will result in an eight percent reduction in impervious surfaces, resulting in a potential decrease in surface runoff as discussed in Section 4.9(c) in the analysis of hydrology and water quality. Furthermore, there is adequate storm drain capacity in the existing drainage facilities to accommodate post-development storm runoff. No significant impacts will occur and no mitigation measures are required.

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

Less than Significant Impact. Domestic water in the City of Newport Beach is provided by the City of Newport Beach, the Irvine Ranch Water District (IRWD), and Mesa Consolidated Water District. The area in which the project site is located is served by the City of Newport Beach. The City provides water to a population of approximately 67,000 throughout its 35.77 square mile service area. Domestic water is received from two main sources: the Lower Santa Ana River Groundwater basin, which is managed by the Orange County Water District (OCWD) and imported water from the Municipal Water District of Orange County (MWDOC). Groundwater is pumped from four active wells located throughout the City, and imported water is treated at the Diemer Filtration Plant and is delivered to the City through six imported water connections. Approximately 60 percent of the domestic water demand in the City is by residential development.

As required by the State of California, the City of Newport Beach prepared an Urban Water Management Plan (UWMP) in 2010. Based on UWMP, the total water demand for retail customers served by the City was estimated to be approximately 16,640 acre-feet annually, including 10,052 acre-feet of local groundwater and 432 acre-feet of recycled water. In the five years preceding the preparation of the UWMP, the City's water demand decreased by about five (5) percent while population had increased by 1.5 percent, illustrating that the City's proactive efforts in promoting water use efficiency had been effective. With its diligence in the promotion of water conservation as well as financial incentives to customers to retrofit their homes and businesses with water efficient devices and appliances, the City, through the UWMP, has projected a flattening demand trend in the next 25 years despite a projected 11 percent population growth. Table 17-2 summarizes the historic and future water demand by user sector. As reflected in the table, a 4 percent increase in water demand between 2010 and 2035 is anticipated for the City's service area while population is projected to increase by 11 percent over the same period. Nonetheless, residential demand is projected to increase by less than 3 percent over the 30-year period between 2005 and 2035.



Table 17-2

Past, Current and Projected Waster Demand by Water Use Sector
 The Residences at Newport Place

Fiscal Year Ending	Water Demand by Water Use Sectors (AFY)					Total Demand
	Single Family	Multi-Family	Commercial/Industrial	Institutional	Landscape	
2005	7,482	2,597	3,300	734	3,719	17,831
2010	7,297	2,308	2,960	370	3,710	16,645
2015	7,258	2,300	2,947	378	4,140	17,023
2020	7,411	2,348	3,009	386	4,268	17,422
2025	7,565	2,397	3,072	394	4,346	17,774
2030	7,718	2,446	3,134	402	4,424	18,124
2035	7,872	2,494	3,196	410	4,502	18,474

SOURCE: 2010 Urban Water Management Plan (City of Newport Beach)

Table 17-3 reflects the projected normal water supply available to the City of Newport Beach and the corresponding domestic water demand between 2015 and 2035. As indicated in the table, the City project anticipates meeting the normal year water demand without water from MWD0C.

Table 17-3

Projected Normal Year Water Demand and Supply
 The Residences at Newport Place

	Fiscal Year Ending (AFY)				
	2015	2020	2025	2030	2035
Total Demand	17,023	17,422	17,774	18,124	18,474
BPP GW	10,025	10,492	10,710	10,927	11,144
Recycled Water	450	500	500	500	500
Imported	6,298	6,430	6,564	6,697	6,830
Total Supply¹	17,023	17,422	17,774	18,124	18,474

¹Total supply does not include water from MWD0C since the projected supplies meet project demands for Newport Beach.

AFY – Acre Feet per Year

SOURCE: Newport Beach Urban Water Management Plan (May 2011)

The City also projected water supply and demand for the single dry year as well as the multiple dry year scenarios. The City has documented that it is 100 percent reliable for single dry year demands from 2015 through 2035 with a demand increase of 4.6%, based on a FY 2006-07 single dry year. In addition, the City is capable of providing its customers all their demands with significant reserves in multiple dry years from 2015 through 2035 with a demand increase of 4.6%, also using FY 2006-07 as the multiple dry years. This is true even if the demand projections were to be increased by a large margin.²⁶

²⁶Newport Beach Urban Water Management Plan; Malcolm Pernie, Inc.; May 2011



In addition to the 2010 UWMP findings, OCWD has completed the expansion of its Groundwater Replenishment System (GWRS) from 75 to 100 million gallons per day, which increases the reliability of the Orange County Basin. The 2013/14 Basin Production Percentage (BPP) was set at 70 percent by the OCWD Board of Directors and the overall BPP achieved according to the 2013/14 Engineer’s Report on Groundwater Conditions, Water Supply and Basin Utilization in the OCWD, was 75.2 percent. This was greater than the 70 percent due to several water quality projects that were given a Basin Equity Assessment exemption to pump above the BPP. At the OCWD Board Meeting of April 15, 2015, the BPP was set at 70 percent for 2015/16. While imported water supply availability has been reduced primarily due to Delta and climate change conditions, MWDOC estimates that a new Delta conveyance will be fully operational by 2022 that will return supply reliability to where it was in 2005, prior to supply restrictions imposed due to environmental concerns.²⁷

The domestic water demand has been estimated for the proposed project. As indicated in Table 17-4, project implementation will result in the a demand for approximately 65,750 gpd of domestic water compared to the existing water demand of 4,896 gpd by the existing retail shopping center, resulting in a net increase in domestic water of 60,861 gpd. However, as previously indicated in Table 17-2 and Table 17-3, the City projects that an adequate supply of domestic water would be available through 2035, even without water from MWDOC, for a normal year demand.

Table 17-4

**Domestic Water Demand Comparison
 The Residences at Newport Place**

Land Use	Water Demand Rate	Quantity	Estimated Water Demand
Existing Land Use			
Commercial	84 gpd/1,000 sq. ft.	58, 277 sq. ft.	4,896 gpd
Proposed Land Use			
Residential	170 gpd/DU	384 DUs	65,280 gpd
Commercial	84 gpd/1,000 sq. ft.	5,677 sq. ft.	477 gpd
Total Proposed			65,757 gpd
Increase			60,861 gpd
SOURCE: Final EIR for the General Plan Update 2006			

Based on initial calculations of water use , it is anticipated that the existing water laterals currently serving the proposed project site have adequate capacity and can be reused without increase in size or number of points of connection. However, as required by the City of Newport Beach Utilities Department, the applicant will be required to prepare and submit a detailed water supply analysis to the City for review and approval. The water analysis must include hydraulic calculations for the water peak demands in order to compare those demands to the Water Master Plan.

The State of California enacted SBx7-7 (Water Conservation Act) in 2009, which requires increased efforts to reduce the use of potable supplies in the future. This law requires all of California’s retail urban water suppliers providing more than 3,000 AFY or serving 3,000 service connections to achieve a 20 percent reduction in demands (from a historical baseline) by 2020. Because the City had instituted water conservation measures prior to passage of the law, Newport Beach is confident that it would meet this requirement on its own. Furthermore, the City joined the Orange County 20x2020 Regional Alliance, which is an organization committed to reduce the region’s water demand by 2020.

²⁷ Water Supply Assessment Update Relative to Proposed West Coyote Hills Vesting Tentative Tract Map 17609 (Master Specific Plan MSP 2-A, Amendment #8; Psomas; November 15, 2015.



On April 1, 2015, Governor Jerry Brown signed Executive Order B-29-15, which directs the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California through February 18, 2016 to reduce water usage by 25 percent. The SWRCB regulations identified Newport Beach as an urban water agency that would be required to reduce overall water usage by 28 percent. As mentioned above, the provisions of the Executive Order extend through February 18, 2016, and development of the site would occur after that date. However, the proposed project is required to comply with water use reduction mandates that are in effect at the time the project is completed and operational. Currently, in response to the State's requirements, the Newport Beach City Council has implemented a Level Three Mandatory Water Conservation Requirement. Compliance with the mandated water conservation requirements will result in a potential reduction in the demand for domestic. As a result, potential impacts would be less than significant.

4.17(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?

Less than Significant Impact. As discussed previously, the proposed project would have a less than significant impact on the wastewater treatment capacity. Based on the most recent information, Reclamation Plant No. 1, located in the City of Fountain Valley and Treatment Plant No. 2, located in the City of Huntington Beach have a combined remaining excess capacity of 178 mgd for primary treated wastewater. Thus, the proposed project would not adversely affect the physical capacity of the existing wastewater infrastructure system that services the site. OCS D Treatment Plants 1 and 2 have adequate capacity considering existing and projected commitments and the reduction in wastewater volume that would be generated from the site. Refer to Response 4.17(b).

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

Less than Significant Impact. OC Waste & Recycling is responsible for provided sanitary landfill capacity for municipal solid waste generated in Orange County. OC Waste & Recycling operates and maintains three Class III sanitary landfills, including Frank R. Bowerman Landfill in Irvine, Prima Deshecha Landfill in San Juan Capistrano, and Olinda Alpha Landfill in Brea. Solid waste generated in the City of Newport Beach is disposed of at the Frank R. Bowerman Landfill in Irvine. The Bowerman Landfill is a 725-acre facility that is operating at a maximum daily permitting capacity of 11,500 tons per day. The landfill has a remaining capacity of 44.6 million tons and is expected to remain open until 2053.

Implementation of the proposed project would result in the generation of demolition/construction debris and additional municipal solid waste. The eight existing structures and ancillary features will be demolished to accommodate the proposed mixed-use project. Demolition of the existing structures and related features will result in approximately 8,400 tons (5,600 cubic yards) of demolition debris, which would be hauled to one of the three County landfills. Demolition and construction-related material generated by the proposed project that will be transported to the Bowerman Landfill represents 0.01 percent of the remaining capacity of that facility. Following demolition, additional construction debris would also be transported to the Bowerman landfill or one of the other landfills operated and maintained by OC Waste & Recycling.

Table 17-5 provides a comparison of the solid waste refuse generation associated with the existing retail commercial development and the proposed project. As indicated in Table 17-3, project implementation will result in the generation of 4,728 lbs/day of municipal waste (862.9 tons/year), which represents an increase of 4,378 lbs/day (799 tons per year) over the existing retail commercial center.



Table 17-5

**Comparison of Solid Waste Generation
 The Residences at Newport Place**

Land Use	Solid Waste Generation Rate	Quantity	Estimated Solid Waste Generation
Existing Land Use			
Commercial	0.006 lb/sq. ft./day	58,277 sq. ft.	350 lbs/day
Proposed Land Use			
Residential	12.23 lbs/DU/day	384 DUs	4,694 lbs/day
Commercial	0.006 lb/ sq. ft./day	5,677 sq. ft.	34 lbs/day
Total Proposed			4,728 lbs/day
Increase			4,378 lbs/day
SOURCE: Orange County Waste & Recycling			

The remaining landfill capacity at Bowerman Landfill and within the OC Waste and Recycling landfill system has adequate capacity to accommodate the short-term demolition and construction debris generated by the proposed project as well as the solid waste generated by the residential and commercial components after completion and operation. Therefore, potential impacts will be less than significant.

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

Less than Significant Impact. Public Resources Code (PRC) Section 40000 et seq. requires that local jurisdictions divert at least 50 percent of all solid waste generated. The proposed project would be subject to the City’s Recycling Service Fee pursuant to Municipal Code Chapter 2.30, which is intended to assist the City in meeting the 50 percent diversion objective. Commercial waste haulers within the City are subject to Municipal Code Section 12.63.120 (Recycling Requirement), which states, “No person providing commercial solid waste handling services or conducting a solid waste enterprise shall deposit fifty (50) percent or more of the solid waste collected by the person in the City at any landfill.” Furthermore, the project would be required to comply with Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), which mandates that all multi-unit projects with five or more dwelling units “... provide enclosed refuse and recyclable material storage areas with solid roofs.” Accordingly, the project would be fully compliant with all applicable federal, State and local statutes and regulations related to solid waste, resulting in a less than significant impact.

Standard Conditions

SC 17-1 Prior to issuance of building permits, the applicant shall submit a detailed sewer and water demand analysis for review and approval by the Public Works and Municipal Operation Departments.

SC 17-2 All new and existing wastewater laterals shall be designed to include a new sewer cleanout.

SC 17-3 All new and existing fire, domestic and landscaping water services/meters shall be protected by either a Double Check Detector Assembly or a Reduced Pressure Backflow Assembly, depending on the application.

Mitigation Measures

No mitigation measures are required



4.18 MANDATORY FINDINGS OF SIGNIFICANCE

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			■	
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			■	
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		■		

Impact Analysis

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

Less than Significant Impact. The applicant is requesting the approval of several discretionary actions by the City of Newport Beach in order to accommodate the proposed mixed-use development. The project site has been significantly altered and impacted by past development activities that have modified the site features in order to accommodate the existing retail shopping center. As a result, the site is devoid of any native habitat and/or sensitive biological resources. Thus, project implementation will not result in the loss of any sensitive habitat or species. Further, no cultural or scientific resources are known to be located on the site and important historic resources would not be adversely affected by the proposed project. Project implementation will not substantially reduce the habitat of 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 major periods of California history or prehistory. Therefore, project implementation does not have the potential to degrade the quality of the natural environment.



4.18(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. Other development projects located in vicinity of the project include Uptown Newport (approved) and Koll Center (application submitted), which are also located within the Airport Area of the City, and two projects in the City of Irvine (Plaza III and IV and Carlyle,) which are located north of the project site. As previously described, the site has been extensively altered as a result of prior development. Although project implementation would result in an incremental increase in potential impacts, these impacts would be less than significant as described below.

Aesthetics

Project implementation will not result in any significant cumulative impacts because the project site is not located along any designated scenic roadway or within a designated important view corridor. Furthermore, the proposed project will comply with applicable development standards and requirements prescribed in the Newport Place Planned Community District regulations and also incorporates landscaping that complements the site design and enhances the aesthetic character of the proposed development. Therefore, no potential significant cumulative impacts to aesthetics will occur as a result of project implementation.

Agricultural and Forestry Resources

Project implementation will not result in the loss of either prime or locally important farmlands or designated forest lands. Therefore, no cumulative impacts will occur.

Air Quality

Air emissions are anticipated to be higher than the amounts that would be generated by the existing retail commercial center. Although some increase in pollutant emissions would be expected, redevelopment of the proposed mixed-use development will not result in an exceedance of either the construction or operational emissions threshold adopted by the SCAQMD and therefore, will not result in potentially significant cumulative impacts. Compliance with the applicable SCAQMD rules will ensure that dust emissions are minimized during construction to further reduce short-term cumulative impacts. Operational air emissions will likewise not be significant because the proposed project would not exceed the City’s long-range projections anticipated for the subject property, which are the basis for air emissions forecasts in the AQMP. As a result, neither the project-related trip generation nor mobile source emissions would exceed the projections in that document. Therefore, potential cumulative air quality impacts are less than significant.

Biological Resources

The site is devoid of sensitive habitat; no important biological resources would be directly or indirectly affected as a result of project implementation. Project implementation will neither result in any impacts to biological resources nor contribute to any potentially significant cumulative impacts to biological resources.

Cultural Resources

The subject property has been extensively altered as a result of prior site development and remediation. No historic, archaeological/cultural and/or paleontological resources would be encountered as a result of the project implementation. Furthermore, in the unlikely event that such resources are encountered, the City-required standard conditions, which are required of all projects where grading and landform alteration is



proposed, will ensure that any potential adverse cumulative effects would be avoided. Therefore, no cultural and/or paleontological resources are expected to occur that would result in significant cumulative impacts.

Geology and Soils

Project implementation will not result in any significant cumulative impacts associated with site soils or geology because the proposed project will be designed to meet current CBC and City Building Code requirements to ensure that loss of property and life is minimized. In addition, mitigation measures have also been prescribed to ensure that no significant cumulative loss of property and/or lives will occur. Therefore, cumulative impacts are anticipated to be less than significant.

Greenhouse Gas

Project-related GHG emissions are not confined to a particular air basin but are dispersed worldwide. Consequently, it is speculative to determine how project-related GHG emissions would contribute to global climate change and how global climate change may impact California. Therefore, impacts in this section are not project-specific impacts to global warming but the project's contribution to this cumulative impact. As discussed above, at buildout the project would result in a net increase of 2,604.1 MTCO₂e emissions. However, the increase does not exceed the 3,000 MT screening threshold. Therefore, project-related GHG emissions and their contribution to global climate change are not cumulatively considerable and would not result in a potentially significant cumulative impact.

Hazardous and Hazardous Materials

Implementation of the mitigation measures will ensure that any potential hazard is eliminated or reduced to a less than significant level, which will also eliminate the potential for cumulative hazards to occur. Furthermore, project implementation does not include any feature that would be considered a hazard or create hazardous conditions. As a result, no significant cumulative impacts will occur.

Hydrology and Water Quality

With the implementation of the BMPs and features proposed in the project, storm runoff will not exceed volumes prescribed for site development. In addition, surface water will be treated to ensure that pollutant loads are minimized and meet discharge requirements. Therefore, project implementation will not significantly contribute to the cumulative degradation of either storm runoff or water quality. Project-related impacts are less than significant.

Land Use and Planning

The proposed project is consistent with the relevant land use policies, except for the park dedication requirement adopted by the City of Newport Beach. The proposed project does not exceed the maximum intensity of development currently permitted on the site and the mixed-use development proposed on the site is consistent and compatible with the surrounding land uses in the project environs. Therefore, implementation of the proposed project will not result in any cumulative land use impacts.

Mineral Resources

The subject property is not designated for mineral resources by the State of California, County of Orange, or City of Newport Beach and it is not known to contain such resources. As a result, no mineral resources would be lost with site development and no cumulative impacts will occur.



Noise

Project implementation will result in an increase of 208 trips per day when compared to the existing retail shopping center. This small increase in daily vehicular trips would not contribute to a long-term cumulative noise increase that may occur in the project area. Consequently, project-related traffic noise increases would not be cumulatively considerable and no significant cumulative noise impacts would occur. In addition, cumulative construction noise and vibration impacts are confined to a localized area. Consequently, cumulative impacts would only occur if other projects are being constructed in the local vicinity of the project at the same time as the project. Although the Uptown Newport project has been approved, it is approximately 1,000 feet south of the project site and would not contribute to the cumulative construction noise impacts. No other projects are proposed in the immediate project vicinity. Cumulative noise impacts are considered to be less than significant.

Population and Housing

Neither existing homes nor residents would be displaced as a result of project implementation. Because the proposed project is consistent with the long-range plans and policies adopted by the City of Newport Beach, and because the proposed project will contribute to the provision of both market rate and affordable rental housing in an area of the City designated for such use, no cumulative impacts will occur as a result of project implementation.

Public Services

Project implementation would result in “in fill” development (redevelopment) within an area of the City that is urbanized. The proposed project is located in an area that is currently provided with adequate public services, including fire and police protection and related services. The change in land use as proposed would not substantially affect the existing level of public services provided in the area. Therefore, no significant cumulative impacts will occur.

Fire Protection

The Nbfd service area is the area over which cumulative impacts are considered. Substantial additional development is anticipated in the City based on buildout of the General Plan. Growth estimates for the City from the Southern California Association of Governments (SCAG) reflect an increase of 6,100 residents by 2035 (7 percent from 2008). In addition, the City would also realize an increase of 2,200 dwelling units (i.e., the maximum allowed in the Airport Area) during the same time period. Additional development/redevelopment in the City would generate increased demand for fire suppression, EMS, and other Nbfd services, including fire prevention and community education. The Nbfd does not use population projections to determine projected needs. The Department’s service goals are based on accepted service levels such as the response times previously detailed.

The Nbfd staffing levels have historically been driven not by population as much as by location. The General Plan EIR noted that an increase in density by both infill and conversion of low rise properties to mid and high rise would necessitate the addition of a ladder truck company to the Santa Ana Height fire station. This station, Station No. 7, has been completed and includes the ladder company. Furthermore, as part of the operating budget, the Nbfd has an equipment replacement program which guarantees replacement of all its apparatus needs, such as vehicles. As with the proposed project, other developments in the City would be required to pay City tax to finance public facilities including fire stations and firefighting equipment. As a result, no significant cumulative impacts to fire protection service and/or facilities will occur.



Police Protection

As described above for fire protection, the City's population is forecast to increase by approximately 7 percent by 2035, and the number of households in the City is forecast to increase 6 percent between 2008 and 2035. This increases the demand for police protection services within the NBPB service area; however, the proposed project as well as all projects proposed within Newport Beach would be subject to project-specific environmental review as well as site plan review and approval to ensure that adequate law enforcement protection can be provided.

Schools

As indicated in the analysis presented above, residential development and redevelopment within the INDA, including the project site, has the potential to generate over 10,000 new students within the Santa Ana Unified School District. The SAUSD has prepared a Master Facilities Plan that addresses potential funding of school facilities. Each project will be required to pay the applicable SB 50 developer fee in effect at the time of development. Payment of the developer fees is deemed by the State to be adequate to offset the incremental impacts of future development within the SAUSD.

Parks

Project implementation will result in an increase in residents and an incremental increase in the demand for parks and recreation in the City. As indicated, the proposed project includes open space and a walkway that will accommodate both residents of the project and the general public in the area. In addition, the applicant will be required to pay the applicable park in-lieu fees, which would be used to provide parks and/or recreational facilities to serve the City's residents. Payment of these fees will offset the potential project-related incremental impact of the development.

Other Public Facilities

The General Plan Arts and Cultural Element does not establish any quantitative standards for determining the amount of physical library space needed to serve the City's population. Additionally, given changes in technology (i.e., the use of electronic media in lieu of hard copy media), the demand for physical library space based on population-based projections is difficult to estimate. The Newport Beach Central Library underwent an approximately 17,000-square-foot expansion in 2013 to service the City's population and the addition of approximately 845 persons to the City's population associated with the Project has no potential to directly or indirectly create the need to construct a new future library or physically expand an existing library facility. Library services receive funding from property tax, a portion of which from the Project's tax assessment would be dedicated to the City's Library Fund. In addition, as previously indicated, payment of the Newport Beach Property Development Tax would be adequate to offset the incremental increase in demand for library services.

Recreation

Incorporation of the open space area and walkway that provide for pedestrian connectivity between Dove Street and Martingale Way, including use by the public use during daylight hours, and the payment of the in-lieu park fee for 0.5 acre based on the value of parkland established for the City of Newport Beach is consistent with General Plan Policy 6.15.13. In addition to these features, the project has been designed with a variety of private amenities, including courtyards, pool/spa, BBQs, etc. that serve the residents. Therefore, implementation of the proposed the proposed would not result in potentially significant cumulative impacts.



Transportation/Traffic

Based on the trip generation analysis conducted in accordance with the City's TPO and CEQA, the proposed project would generate less than 300 average daily vehicle trips; therefore, a traffic impact analysis is not required. As a result, the preceding assessment of potential traffic impacts concludes that the proposed project would not result in either project-specific significant and cumulatively considerable impacts. No mitigation measures would be required. Site access is adequately designed and would not combine with other area traffic impacts to result in significant circulation impacts. Similarly, because short-term (construction-related) and long-term parking would be managed onsite, it would not contribute to short-term parking demands associated with other area projects. Therefore, project implementation would not result in potentially significant cumulative traffic impacts.

Utilities

Project implementation will create a demand for domestic water and would generate both raw sewage and refuse; however, the project is consistent with the long-range plans and policies adopted for the subject site and would not create demands for water or generate sewage and/or refuse that exceed what is anticipated. Similarly, capacity within the County's landfill system is available to accommodate the incremental increase in solid waste generated by the project as well as other cumulative projects within the watershed. Therefore, because demand and generation rates associated with the proposed project can be accommodated by the existing infrastructure, their potential cumulative impacts would be less than significant.

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

Less than Significant with Mitigation Incorporated. Construction and operation of the proposed Residences at Newport Place Project requires the approval of several discretionary actions, including a Planned Development Permit, a Lot Merger, and an Affordable Housing Implementation Plan. Although the preliminary analysis of the proposed project concluded that mitigation measures have been prescribed to either avoid the potentially significant impacts or reduce the geology and soils, hazards and hazardous materials, and noise impacts identified in the analysis to a less than significant level.



4.19 REFERENCES

City of Newport Beach; General Plan Update 2006.

City of Newport Beach; Final Environmental Impact Report for the General Plan Update 2006.

City of Newport Beach; Municipal Code.

City of Newport Beach; Planned Community (PC)-11 (Newport Place).

City of Newport Beach; 2010 Urban Water Management Plan.

City of Newport Beach; Final Environmental Impact Report for Uptown Newport; 2013.

Geocon West, Inc.; Geotechnical Investigation; "Proposed Mixed-Use Multi-Family Residential Development"; June 12, 2014.

Giroux & Associates; "Air Quality and GHG Impact Analysis"; January 12, 2016.

Giroux & Associates; "Noise Impact Analysis – Newport Place"; December 8, 2015.

KHR Associates; Preliminary Water Quality Management Plan "The Residences at Newport Place"; September 17, 2014 (Revised July 12, 2015).

Kimley-Horn and Associates, Inc.; "The Residences at Newport Place Evaluation of Project Trip Generation and Construction Traffic"; November 2015.

Leymaster Environmental Consulting, Inc.; Phase I Assessment Report, "MacArthur Square"; July 25, 2012.

Leymaster Environmental Consulting, Inc.; Phase II Investigation Report, "MacArthur Square"; April 22, 2013.

PlaceWorks; Uptown Newport Final Environmental Impact Report; (SCH No. 2010051094); February 2013.

Psomas; Water Supply Assessment Update Relative to Proposed West Coyote Hills Vesting Tentative Tract Map 17609 (Master Specific Plan MSP 2-A, Amendment #8).

Santa Ana Unified School District; Facilities Master Plan (2015).



4.20 REPORT PREPARATION PERSONNEL/PUBLIC AGENCY CONTACTS

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Newport Beach Fire Department

Mr. Kevin Kitch

Santa Ana Unified School District

Ms. Jessica Mears
Ms. Deidra Powell



5.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

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

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 4.0 have been added. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

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

I find that the proposal **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, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

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

Signature

City of Newport Beach
Agency

Rosalinh Ung, Associate Planner
Printed Name/Title

January 21, 2016
Date