FORD ROAD RESIDENTIAL PROJECT
(PA2017-228)
INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION

Prepared for	City of Newport Beach 100 Civic Center Drive Newport Beach, California 92660
Prepared by	Kimley-Horn and Associates, Inc. 765 The City Drive, Suite 200 Orange, California 92868
Date	April 2019

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1.0 INTRODUCTION

1.1 Purpose and Scope of the Initial Study

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §21000 et seq.), the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, §15000 et seq.), and Newport Beach City Council Policy K-3, "Implementation Procedures for the California Environmental Quality Act", this Initial Study has been prepared to evaluate the potential environmental effects associated with the construction and operation of the proposed Ford Road Residential Project (hereinafter referred to as the "proposed project" or "project"). This Initial Study includes a description of the proposed project; an evaluation of the project's potential environmental impacts; the findings of the environmental analyses; and recommended standard conditions and mitigation measures to lessen or avoid the project's significant adverse impacts on the environment.

Pursuant to Section 15367 of the State CEQA Guidelines, the City of Newport Beach (City) is the Lead Agency for the project. The Lead Agency is the public agency that has the principal responsibility for carrying out or approving a project. The City has the authority for environmental review in accordance with CEQA and certification of the environmental documentation.

This Initial Study has evaluated each of the environmental issue areas contained in the checklist provided in Section 3.0. It provides decision-makers and the public with information concerning the potential environmental effects associated with the implementation of the proposed project, and potential ways to reduce or avoid possible environmental impacts. This Initial Study is intended to be used as a decision-making tool for the City in considering and taking action on the proposed project. Any responsible agency may elect to use this environmental analysis for discretionary actions associated with the implementation of the project.

1.2 Summary of Findings

Based on the environmental checklist form completed for the proposed project and supporting environmental analysis, the project would have no impact or a less than significant impact on the following environmental issue areas: Aesthetics, Agriculture and Forestry Resources, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. The proposed project's impacts on the following issue areas would be less than significant with the implementation of mitigation: Biological Resources, Cultural Resources, Geology and Soils, Noise, Tribal Cultural Resources. All impacts would be less than significant after mitigation.

As set forth in the State CEQA Guidelines Section 15070, an Initial Study leading to a Mitigated Negative Declaration (IS/MND) can be prepared when the Initial Study has identified potentially significant environmental impacts but revisions have been made to the project, prior to public review of the Initial Study, that would avoid or mitigate the impacts to a level considered less than significant; and there is no substantial evidence in light of the whole record before the public agency that the project, may have a significant effect on the environment.

1.3 Initial Study Public Review Process

The Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration has been provided to the County of Orange Clerk-Recorder and mailed to responsible agencies, nearby property owners, and others who expressed interest in being notified. A 20-day public review period has been established for the IS/MND in accordance with Section 15073(a) of the State CEQA Guidelines.[1] During the public review period, the IS/MND, including the technical appendices, can be accessed on the City's website and is available for review at the locations identified below.

http://www.newportbeachca.gov/ceqa

City of Newport Beach
Community Development Department, Planning Division
100 Civic Center Drive, Bay B
Newport Beach, California 92660
949-644-3200
Hours: 7:30 a.m. to 5:30 p.m., Monday through Thursday; 7:30 a.m. to 4:30 p.m. Fridays

Newport Library – Central Library
1000 Avocado Avenue
Newport Beach, California 92660
(949) 717-3800
Hours: 9 a.m. to 9 p.m., Monday to Thursday
9 a.m. to 6 p.m., Friday and Saturday; noon to 5 p.m., Sunday

Newport Library – Balboa Branch
100 East Balboa Boulevard
Newport Beach, California 92661
(949) 644-3076
Hours: 9 a.m. to 9 p.m., Monday and Wednesday
9 a.m. to 6 p.m., Tuesday, Thursday to Saturday

Newport Library – Mariners Branch
1300 Irvine Avenue
Newport Beach, California 92660
(949) 717-3838
Hours: 9 a.m. to 9 p.m., Monday to Thursday
9 a.m. to 6 p.m., Friday and Saturday; noon to 5 p.m., Sunday

In reviewing the IS/MND, affected public agencies and interested members of the public should focus on the adequacy of the document in identifying and analyzing the potential environmental impacts and the ways in which the potentially significant effects of the project can be avoided or mitigated. Comments on the IS/MND and the analysis contained herein may be sent to:

[1] A 30-day public review period is only required where one or more State agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or areawide environmental significance. The proposed project does not meet these criteria (State CEQA Guidelines §15073(d)).

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Written comments may also be sent via email to bzdeba@newportbeachca.gov. Comments sent via email should include the project title in the subject line and a valid mailing address in the email.

Following receipt and evaluation of comments from agencies, organizations, and/or individuals, the City of Newport Beach will determine whether any substantial new environmental issues have been raised. If so, further documentation may be required. If not or if the issues raised do not provide substantial evidence that the project will have a significant effect on the environment, the IS/MND and the project will be considered for adoption and approval, respectively.

1.4 Report Organization

This document has been organized into the following sections:

Section 1.0 – Introduction. This section provides an introduction and overview describing the conclusions of the Initial Study.

Section 2.0 – Project Description. This section identifies key project characteristics and includes a list of anticipated discretionary actions.

Section 3.0 – Initial Study Checklist. The Environmental Checklist Form provides an overview of the potential impacts that may or may not result from project implementation.

Section 4.0 – Environmental Evaluation. This section contains an analysis of environmental impacts identified in the environmental checklist.

Section 5.0 – Preparers and Contributors. This section identifies parties involved in the preparation of the Initial Study.

Section 6.0 – References. The section identifies resources used to prepare the Initial Study.

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2.0 PROJECT DESCRIPTION

2.1 Project Location and Setting

The project site is located on Ford Road in the City of Newport Beach, Orange County, California. The project site is shown in a regional and local context on Exhibit 1, *Regional Vicinity Map* and Exhibit 2*, Site Vicinity Map*, respectively. The project site includes two parcels totaling 2.805 acres. Parcel 1, currently approximately 1.287 acres, is proposed for development with 21 condominium units within an L-shaped building over one level of subterranean parking. Parcel 2, currently approximately 1.518 acres, is the AT&T Switch Station site located at 4302 Ford Road, east of Parcel 1. Parcel 1 is primarily undeveloped but also includes surface parking for the AT&T Switch Station. As a part of the project, the lot line between the two parcels would be adjusted in order that the surface parking and the AT&T Switch Station are on same parcel. The Switch Station would remain, and its parking lot would be regraded and resurfaced.

Parcel acreage before and after the lot line adjustment is provided on *Table 1*.

Table 1: Acreage Summary

Parcel	Existing Acreage	After Lot Line Adjustment	Change
1	1.287	1.061	-0.226
2	1.518	1.744	+0.226
Total	2.805	2.805	0

Source: Psomas, 2019.

Parcel 1 is generally bordered by Bonita Canyon Drive to the north; the City of Newport Beach Bonita Canyon Sports Park and parking lot to the south and west; the AT&T Switch Station to the east; and MacArthur Boulevard to the west of the Sports Park. Parcel 2 is generally bordered by Bonita Canyon Drive to the north; the Sports Park to the south; Bonita Canyon Sports Park (open space with trails) to the east; and Parcel 1 to the west. Regional access is provided by State Route 73 (SR-73), which is approximately one mile north of the site. Local access is provided by MacArthur Boulevard, Bonita Canyon Drive, Mesa View Drive, and Ford Road. No vehicular access is currently provided to Parcel 1; gated access to Parcel 2 is provided from one driveway on Ford Road.

As noted above, Parcel 1 includes the surface parking for the AT&T Switch Station and undeveloped land. The undeveloped portion of the parcel contains 12 eucalyptus trees and shrubs primarily along the perimeter of the site. On-site elevations range from approximately 192 feet (near Bonita Canyon Road) to 200 feet (near Ford Road) above mean sea level (msl)[2]. The site's northern boundary slopes downward along Bonita Canyon Drive while the southeast boundary slopes upward toward Ford Road, resulting in a gradual slope to the south. Parcel 2 is the existing one- and two-story AT&T Switch Station building. On-site elevations for Parcel 2 range from approximately 192 feet (at the northeast corner of the building) to 204 feet (near Ford Road) above msl[3]. No vehicular access is currently provided to Parcel 1; gated access to Parcel 2 is provided from one driveway on Ford Road which would be retained as a part of the project.

[2] Source: Google Earth Pro, accessed March 11, 2019.
[3] Source: Google Earth Pro, accessed March 11, 2019.

Land uses near Parcel 1 include the following:

Direction	Land Uses
North	Bonita Canyon Drive; three-story multi-family residential north of Bonita Canyon Drive; Arroyo Park (open space with trails)
East	Parcel 2: AT&T Switch Station (one- and a two-story building with surface parking); Bonita Canyon Sports Park (open space with trails)
South	Bonita Canyon Sports Park (community center, tennis courts, basketball courts, soccer fields, playground, trails, surface parking lot)
Southeast	One- and two-story single-family residences southeast of the project site and south of Ford Road
West	Undeveloped property (APN 458-702-02), landscaping associated with Bonita Canyon Sports Park and along MacArthur Boulevard; MacArthur Boulevard; two-story attached single-family residences west of MacArthur Boulevard

2.2 Project Characteristics

2.2.1 Land Use Designations

General Plan

The existing General Plan land use designation for Parcel 1 and Parcel 2 is Public Facilities (PF). The PF land use designation allows for public facilities including schools, government facilities, libraries, community centers and public utilities. Implementation of the proposed project would require a General Plan Amendment to change the designation on Parcel 1 to Multi-Unit Residential (RM). The RM designation allows for multi-family residential development containing attached or detached dwelling units. The General Plan notes that the number of units per acre is specified on the General Plan Land Use Element figures. As noted, the project requires a General Plan Amendment. The applicant is requesting to construct 21 units on the 1.1-acre site. The General Plan Land Use Map would be updated to reflect a maximum of 21 dwelling units on Parcel 1.

Zoning

The existing zoning designation for Parcel 1 and Parcel 2 is Public Facilities (PF), which does not permit residential development. Project implementation would require a zone change on Parcel 1 to Multi-Unit Residential (RM). The RM zoning designation is "intended to provide for areas appropriate for multiple unit residential developments containing attached or detached dwelling units"[4] and allows for a maximum Floor Area Limit (FAL) of 1.75.[5] The 1.061-acre site would allow for up to 38 units. The Zoning Map would be updated to reflect a maximum of 21 dwelling units on Parcel 1.

[4] City of Newport Beach Zoning Code 20.18.010

[5] The total gross floor area contained in all buildings and structures on a development site shall not exceed 1.75 times the buildable area of the site, provided that up to 200 sf of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area. City of Newport Beach Zoning Code 20.18.030, Table 2-3.

Exhibit 1: Regional Vicinity Map

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Exhibit 2: Site Vicinity Map

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2.2.2 Site Development

The site plan for the condominium project is provided as Exhibit 3, *Site Plan.* Implementation of the proposed project would require the removal of all existing vegetation, including 12 eucalyptus trees, on Parcel 1 to allow for the construction of the condominium development. Additionally, the surface parking for the AT&T Switch Station would be regraded and resurfaced. As proposed, the project would allow for 21 condominium dwelling units with associated amenities within a two- and three-story L-shaped building over one level of subterranean parking with 55 spaces. Building massing is varied; the two-story northern elevation facing Bonita Canyon Drive steps up to a three-story elevation at street level facing Ford Road. The maximum proposed building height would be 37 feet (to top of roof); most of the building height would be 30 feet (to roof).

The project would include a mix of two-bedroom, three-bedroom, and four-bedroom residential units ranging in size from approximately 1,410 square feet (sf) to 2,277 sf with an average size of 1,825 average sf. *Table 2* provides a breakdown of dwelling unit type for the proposed project.

Table 2: Residential Unit Summary

Unit Type	Net Square Feet	Total Units
Unit A1 (2BR-2.5BA)	1,433	6
Unit A2 (2BR-2.5BA)	1,410	2
Unit B1 (3BR-3.5BA)	2,078	3
Unit B2 (3BR-3.5BA)	1,746	3
Unit C1 (4BR-3.5BA)	2,120	3
Unit C2 (4BR-3.5BA)	2,277	4
Total		**21**

Source: Hines, 2018.

Vehicular access to the building would be provided from a new driveway on Ford Road into the subterranean parking garage. A new on-site walkway between the new driveway and the eastern Parcel 1 boundary would provide access to the condominium building from the sidewalk on Ford Road.

2.2.3 Open Space and Amenities

Shared Open Space and Amenities

The RM zoning district requires 75 sf of common shared open space per dwelling unit. The project provides both indoors and outdoors shared open space and would exceed the City's requirements.

Outdoor. The project would have 23,481 sf of outdoor open space: swimming pool deck and outdoor courtyard (6,536 sf), roof deck on the third level (735 sf), and landscaping (16,210 sf). Proposed outdoor shared common space amenities would include a swimming pool, pool room, spa, courtyard, and outdoor fire pit, all located at the southwest corner of the project site between the residential building and the Bonita Canyon Sports Park parking lot. The courtyard area would have tables, barbeques, seating areas for outdoor dining, and green space. The courtyard would be accessible from one interior building location. First-floor residential units would not have direct access to the courtyard. A gated side entrance

along at the southwest corner would provide access to and from the public sidewalk. Access to the roof deck would be from the third floor.

Indoor. The project includes 1,829 sf of indoor shared open space: pool room (437 sf) and indoor club room (1,392 sf), both on the first floor. The club room would be accessed from the courtyard. The pool room can be accessed through the courtyard.

Private Open Space and Amenities

The RM zoning district requires five percent of gross floor area per unit be dedicated for private open space. Each condominium unit would have a private deck or balcony. Approximately 7,372 sf of private open space would be provided. The project would exceed the City's requirements for private open space.

2.2.4 Architecture, Landscaping, and Lighting

Exterior elevation renderings are shown in Exhibit 4A, *North and East Elevations* and Exhibit 4B: *South and West Elevations.* The contemporary, articulated facades would include a mix of composite board siding, cedar shingles, wood sidings and wood columns. From Bonita Canyon Drive, the grade slopes up toward the first floor of the two-story elevation. The first floor would feature white composite board siding with decorative wood columns at the private balconies. The second and third floors would provide contrast through the use of white siding with light tan cedar shingles and articulated wood trim. The second and third-floor private balconies would have wood railings. Windows on all floors would have dark gray shutters. The roof would be shingled.

The residential units at the west and south corners of the building would be within a nautical themed tower element which is a part of the condominium building. Bay windows would wrap around the upper portion of the tower. Eyebrow window rooftop dormers are also proposed on the second and third floors. Overall, the building has a neutral color palette featuring gray, tan, beige, and white tones. As previously noted, the maximum proposed building height would be 37 feet; most of the building height would be 30 feet. Under the RM zoning designation, the maximum building height for a flat roof is 28 feet and for a sloped room is 33 feet[6]. Section 20.30.060.C.2.b of the Newport Beach Municipal Code (NBMC) notes that the height of a structure may be increased up to a maximum of 32 feet with a flat roof or 37 feet with a sloped roof with discretionary Site Development Review approval by the City.

[6] NBMC Section 20.30.060B.2. "Structures with sloping roofs shall be measured to the highest peak of the roof. Structures with flat roofs shall be measured to the top of the roof, guardrail, or parapet wall. The established grade of the pad shall be determined by one of the methods identified in Section 20.30.050 (Grade Establishment)."

Exhibit 3: Site Plan

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Exhibit 4A, North and East Elevations

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Exhibit 4B: South and West Elevations

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The proposed landscaping plan is provided as Exhibit 5, *Landscaping Plan*. Existing site vegetation, including 12 eucalyptus trees, would be removed. A variety of trees including California sycamores, coast live oaks, holly oaks, and swan hill olive trees would be planted along the site perimeter adjacent to Bonita Canyon Drive and MacArthur Boulevard. Fruitless olive trees and a mix of oak trees would line the driveway leading to the subterranean parking garage. Mexican and California sycamores would be planted between the eastern site boundary and the AT&T Switch Station parking lot. A mix of shrubs including coyote brush, Black sage, deer grass, and giant chain ferns would provide groundcover. Grasscrete is also proposed between the proposed driveway entry and pedestrian sidewalk at the southeast corner of the site.

Date palms and groundcover including blue fax lily, red yucca, ghost agave, and lavender are proposed within the outdoor courtyard area. A similar mix of sycamore trees would be planted along the southern site boundary. A stone retaining wall is proposed along the southwest property line.

All irrigation would be automatic and low-volume, using drip irrigation, high-efficiency micro-spray, and/or bubblers. All new landscaping would comply with the City of Newport Beach Water Efficient Landscaping Ordinance and design standards.

The lighting plan is shown in Exhibit 6, *Lighting Plan*. Project lighting would include light sources typically used in multi-family residential developments, including outdoor lighting for security and wayfinding. The open space and landscaped areas of the site would have lighting to allow for nighttime use of the amenity areas; lighting for security; and landscape accent lighting. Specifically, uplighting of trees and the swimming pool area would illuminate the courtyard area while low-level path lighting is provided along the pedestrian sidewalk leading to the proposed project. The driveway leading to the subterranean parking garage would also feature planter lighting.

2.2.5 Parking and Circulation

Vehicular Circulation

The single-level subterranean parking garage would provide residential and guest parking on the project site. The garage would have 55 parking spaces. Of the 55 spaces, 39 spaces would be for residents: 26 tandem spaces and 13 standard stalls. Additionally, the parking garage would have 13 guest spaces and 3 Americans with Disabilities Act (ADA) spaces. The parking garage layout is shown in Exhibit 7, *Parking Plan*. The project exceeds the City's parking requirements of 2 covered spaces per dwelling unit plus 0.5 guest space per unit (NBMC Section 20.40.040) or 53 spaces.

Vehicular ingress and egress to the site and parking garage would be provided from a single new driveway from Ford Road at the southeast boundary of the project site. The driveway would slope down at an approximate 14.5 percent grade from Ford Road to the gated entrance to the parking garage. A callbox would be provided at the gated entrance. A stairwell would be located at the northwest corner and southeast corner of the garage. The southeast stairwell provides access to the upper residential levels. The northwest stairwell would be an emergency access to the existing sidewalk on Bonita Canyon Drive. Elevators at the center of the garage would also provide direct access between the parking garage and residential floors.

No resident and guest parking would be allowed at the Bonita Canyon Sports Park parking lot. Parking at City parks is only allowed for park uses; no overnight parking is permitted. On-street parking is currently provided on the south side of Ford Road from the entrance of the Sports Park for approximately 325 to the east. All required project parking would be provided in the on-site parking garage.

Non-Vehicular Circulation

The project would include bike lockers within the subterranean parking garage. Two bike storage lockers would be located at the northeast and northwest corners of the parking garage.

As noted, a new walkway would be constructed to provide ground level access to the building from Ford Road. The walkway would start at the driveway to the subterranean parking garage and curve between the driveway and the AT&T parking lot, terminating at the southeast corner of the building. Inside the residential building, elevators would provide access to residences and the subterranean garage. Stairwells would also provide access to the residential levels.

There are existing sidewalks adjacent to the project site on Bonita Canyon Drive and on Ford Road. The sidewalk on Ford Road is located between the project site and the Bonita Canyon Sports Park parking lot and continues northwest to its termination at the intersection of Bonita Canyon Drive at MacArthur Boulevard. The sidewalk along Bonita Canyon Drive begins at the intersection of Bonita Canyon Drive at MacArthur Boulevard and continues east toward Mesa View Drive. These public sidewalks would not be affected by the project. Pedestrians would continue to have access to the Bonita Canyon Sports Park and other nearby residential neighborhoods.

Public transit service is provided by the Orange County Transportation Authority (OCTA). The nearest bus stop is on Bonita Canyon Drive immediately north of the project site. Additional bus stops are located; at the intersection of Mesa View Drive at Bonita Canyon Drive and at the intersection of Mesa View Drive at Ford Road.

2.2.6 Utility Infrastructure

Implementation of the proposed project would require the construction of new on-site utility infrastructure to serve the residences and associated project amenities. These utilities would be connected to existing utility infrastructure in adjacent roadways, with the final sizing and design of on-site facilities to occur during final building design and plan check.

Water and Sewer. The City of Newport Beach provides water and sewer collection services to the project area. A 3-inch domestic water main would connect the project site to an existing 12-inch water main at the Bonita Canyon Sports Park parking lot. A six-inch fire water main would also connect to the existing water main. Both the domestic water and fire point connections are located adjacent to the proposed entrance to the subterranean garage. A four-inch sanitary sewer line would connect the project site to the existing sewer lines near the AT&T Switch Station parking lot and on Ford Road.

Drainage and Water Quality. The City of Newport Beach maintains storm drains in the City. The project site is currently pervious because it is undeveloped. The site features slopes that drain to the northeast toward an existing storm drain near the adjacent AT&T Switch Station property. The proposed project would include infiltration basins around the perimeter of the site. Roof downspouts, vegetated swales, and concrete gutters would allow drainage to collect into the basins and infiltrate into the native soil approximately three feet below the finished grade. Heavy flows would discharge to the historic on-site low point before following the existing drainage pattern. Project flows would continue to discharge into the existing storm drain, which eventually flows into Upper Newport Bay and ultimately, the Pacific Ocean. No new storm drain systems are proposed.

Exhibit 5: Landscaping Plan

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Exhibit 6: Lighting Plan

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Exhibit 7: Parking Plan

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Dry Utilities and Solid Waste Management. Southern California Edison (SCE) provides electricity to the project site through underground electrical connections. The Southern California Gas Company (SoCalGas) provides natural gas to the project site. Telephone and data services are provided by AT&T Switch Station and cable television services are provided by Cox Communications. Service connections for the proposed project would be made from existing utility lines, with new utility lines placed underground. CR&R Environmental Services provides solid waste collection and services to the City of Newport Beach.

2.3 Construction Activities

Building construction is anticipated to take approximately 18 months. For purposes of this environmental analysis, opening year is assumed to be 2021. Project construction would begin the first quarter of 2020 and end in the third quarter of 2021, in the following sequence:

- Demolition (existing pavement at AT&T Switch Station)
- Site preparation (vegetation removal),
- Grading. The project would involve approximately 1,200 cubic yards (cy) of cut and 2,000 cy of fill. Approximately 800 cy of fill would be imported to balance the project site. All infrastructure (i.e., storm drains, water, wastewater, dry utilities) would be installed during grading.
- Building construction, and
- Paving, architectural coating, and landscaping.

2.4 Discretionary and Ministerial Approvals

The discretionary and ministerial actions and/or approvals need to be considered for the proposed project include, but are not limited to, the following:

City of Newport Beach

- **Adoption of the Initial Study/Mitigated Negative Declaration.** The proposed project requires CEQA compliance through the adoption of an IS/MND prior to approval of the project. This Initial Study and the proposed MND are intended to serve as the primary environmental document for all actions associated with the approval of the Ford Road Residential Project. In addition, this is the primary reference document for the formulation and implementation of a mitigation monitoring and reporting program for the proposed project.
- **General Plan Amendment.** The proposed project would change the General Plan designation from Public Facilities (PF) to Multi-Unit Residential (RM) land use designation.
- **Zoning Amendment.** The proposed project would change the zoning designation from Public Facilities (PF) to Multi-Unit Residential (RM).
- **Major Site Development Review.** To allow the construction of 21 dwelling units with a tentative tract map and to ensure the site is developed in accordance with applicable Zoning Code development standards and regulations pursuant to NBMC Section 20.52.080 (Site Development Reviews). Also requested is an increase in allowable height for a corner tower element that would exceed the maximum height limit pursuant to NBMC Section 20.30.060.

- **Lot Line Adjustment.** A lot line adjustment is proposed to reconfigure the lot line shared between the proposed project and the AT&T Switch Station. The lot line adjustment would result in the parking lot reconfiguration and restriping at the AT&T Switch Station.
- **Vesting Tentative Tract Map.** Consistent with NBMC 19.12.070, the proposed project requires review and approval of a Vesting Tentative Tract Map for the development of 21 dwelling units, as shown in Exhibit 8, *Vesting Tentative Tract Map.*
- **Demolition, grading, and building permits.**

Responsible Agencies

- **Santa Ana Regional Water Quality Control Board (RWQCB):** Issuance of a National Pollution Discharge Elimination System (NPDES) Permit and Construction General Permit.
- **Orange County Airport Land Use Commission (ALUC):** The City of Newport Beach will refer the project to the ALUC for determination of project consistency with the Airport Environs Land Use Plan (AELUP) for John Wayne Airport.

Exhibit 8: Vesting Tentative Tract Map

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3.0 INITIAL STUDY CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

On the basis of this initial evaluation (check one):

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

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

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

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

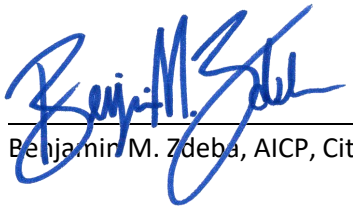
☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to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

CERTIFICATION:

Prepared by:

Kimley-Horn and Associates, Inc.

Reviewed by:



Benjamin M. Zdeba, AICP, City of Newport Beach

ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL IMPACTS Issues		Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1.	**AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:**				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b)	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	☒
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
2.	**AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:**				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c)	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?	☐	☐	☐	☒

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) 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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife 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 Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological	☐	☐	☐	☒

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	☐	☒	☐	☐
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐
6. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐
7. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a	☐	☐	☒	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
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- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect 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?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
8. GREENHOUSE GAS EMISSIONS. Would the project:				
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?	☐	☐	☒	☐
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	☐	☐	☒	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐
11. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
12. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
13. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local	☐	☒	☐	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
general plan or noise ordinance, or applicable standards of other agencies?				
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or 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?	☐	☐	☐	☒
14. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
15. PUBLIC SERVICES. Would the project result in				
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:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. RECREATION. Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
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?	☐	☐	☒	☐
17. TRANSPORTATION. Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project 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) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐
18. TRIBAL CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) 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?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒
20. WILDFIRE. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project	☐	☐	☐	☒

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒
21. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) Have the potential to substantially 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, substantially 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?	☐	☐	☒	☐

4.0 ENVIRONMENTAL ANALYSIS

The impact analyses provided in this Initial Study are inclusive of the development of the residential development on Parcel 1 and the regrading and resurfacing of the AT&T Switch Station parking lot on Parcel 2. However, references to the project site in the impact analysis address the residential development unless otherwise noted.

4.1 Aesthetics

Newport Beach City Council Policy K-3, "Implementation Procedures for the California Environmental Quality Act", Section D.3. states:

> Determining Significant Effects. In determining whether a project may have a significant effect the City will generally follow the guidance contained in Section 15064 and Appendix G of the Guidelines. In addition, the following shall be considered in determining whether a project may have a significant impact, in view of the particular character and beauty of Newport Beach:
>
> a. A substantial change in the character of an area by a difference in use, size or configuration is created. (Addressed below under Threshold C.)
>
> b. Substantial grading, excavating or other alteration to the natural topography. (Addressed below under Threshold C.)
>
> c. Substantial alteration of the shoreline or waters of the bay or ocean either directly or indirectly. (The project site is not near the shoreline, bay, or Pacific Ocean; the proposed project would not impact shoreline or waters of the bay or ocean.)

Threshold (a) Would the project have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. The project site (Parcel 1) is undeveloped with the exception of surface parking associated with the AT&T Switch Station. The site contains non-native vegetation including trees predominately around the perimeter. The City of Newport Beach General Plan Natural Resources Element does not identify any scenic vistas or viewpoints on or proximate to the site. The Natural Resources Element of the General Plan includes policies to protect and enhance significant scenic and visual resources from public vantage points (Policy NR 20.1) and to protect and enhance public view corridors (Policy NR 20.3). The project site is not a public view point or near a public view point (see Natural Resources Element Figure NR3) or along or near a public view corridor (see Natural Resources Element Policy NR 20.3).

The nearest public viewpoint to the project site identified in the General Plan Natural Resources Element Figure N-3 is approximately 1.4 miles west at the Big Canyon viewpoint in Back Bay. The project site is not visible from the Big Canyon viewpoint. Accordingly, there would be no substantial change to scenic views available to the public within the project area. Due to the distance and urbanized nature of the project area, public coastal views would not be impacted by the proposed project. Therefore, the project would not obstruct, interrupt, or diminish a scenic vista. Impacts would be less than significant and no mitigation is required.

Threshold (b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

No Impact. Caltrans manages the California Scenic Highway Program, which is intended to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. A highway may be designated as scenic based on certain criteria, including how much of the natural landscape can be seen by travelers, the landscape's scenic quality and the extent to which development intrudes on the traveler's enjoyment of the view. There are no officially-designated State scenic highways proximate to the project site. Highway 1 (West Coast Highway) is identified as eligible for State Scenic Highway designation. However, West Coast Highway is approximately two miles southwest of the site and is not visible from West Coast Highway. The nearest designated State Scenic Highway is SR-91 between SR-55 and the eastern limits of the City of Anaheim.[7] Furthermore, the project site does not contain any scenic rock outcroppings, trees, or historic buildings listed on or eligible for the National Register of Historic Places. Although trees would be removed as a result of the project, they are not within or proximate to a State scenic highway. Therefore, the proposed project would not affect scenic resources along an officially designed or an eligible scenic highway. Impacts would be less than significant, and no mitigation is required.

Threshold (c) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. As previously addressed and as applicable to the proposed project, Newport Beach City Council Policy K-3 states that in addition to compliance with the State CEQA Guidelines Section 15064 and Appendix G of the Guidelines, the following shall be considered in determining whether a project may have a significant impact, in view of the particular character and beauty of Newport Beach:

- substantial grading, excavating or other alteration to the natural topography.
- a substantial change in the character of an area by a difference in use, size or configuration

Additionally, the project requires discretionary Site Development Review approval from the City to allow for a maximum building height of 37 feet. The maximum proposed building height would be 37 feet; most of the building height would be 30 feet. Under the RM zoning designation, the maximum building height for a flat roof is 28 feet and for a sloped room is 33 feet[8]. Section 20.30.060.C.2.b of the Newport Beach Municipal Code (NBMC) notes that the height of a structure may be increased up to a maximum of 32 feet with a flat roof or 37 feet with a sloped roof with discretionary approval by the City.

NBMC Section 20.30.060.C.3 identifies that the review authority may approve a Site Development Review to allow an increase in the height of a structure above the base height if the following findings can be made in addition to the findings required for the discretionary permit application:

a. The project applicant is providing additional project amenities beyond those that are otherwise required. Examples of project amenities include, but are not limited to:

   i. Additional landscaped open space;

[7] California Scenic Highway Mapping System, www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways, accessed November 20, 2018.

[8] NBMC Section 20.30.060B.2. "Structures with sloping roofs shall be measured to the highest peak of the roof. Structures with flat roofs shall be measured to the top of the roof, guardrail, or parapet wall. The established grade of the pad shall be determined by one of the methods identified in Section 20.30.050 (Grade Establishment)."

ii. Increased setback and open areas;

iii. Enhancement and protection of public views; and

b. The architectural design of the project provides visual interest through the use of light and shadow, recessed planes, vertical elements, and varied roof planes;

c. The increased height will not result in undesirable or abrupt scale changes or relationships being created between the proposed structure(s) and existing adjacent developments or public spaces. Where appropriate, the proposed structure(s) provides a gradual transition to taller or shorter structures on abutting properties; and

d. The structure will have no more floor area than could have been achieved without the approval of the height increase.

With respect to changes in the character of the project site, the visual effects of a project include both the objective visual resource changes created by the project and the subjective viewer response to that change. Distance from a project site, frequency of view, duration of view, viewer activity, viewer perception, and viewing conditions contribute to the assessment of a visual impact. The physical limits and changes of the views and the quantity of the viewers are objective while viewer perception is subjective.

On-site elevations range from approximately 192 feet (near Bonita Canyon Road) to 200 feet (near Ford Road) above msl. The site's northern boundary slopes downward along Bonita Canyon Drive while the southeast boundary slopes upward toward Ford Road, resulting in a gradual slope to the south. On-site elevations for the existing AT&T Switch Station site range from approximately 192 feet (at the northeast corner of the building) to 204 feet (near Ford Road) above msl. The proposed project would not result in substantial grading, excavating or other alteration to the natural topography. Earthwork would require approximately 1,200 cy of cut and 2,000 cy of fill, with the import of 800 cubic yards of soil. No significant topographical features would be affected by project implementation.

Project implementation would change the visual character and use the site from an undeveloped, vacant parcel with a surface parking lot for the adjacent AT&T Switch Station to an urban infill 21-unit residential development. Visual simulations are provided to illustrate project site conditions and characteristics with and without the project from five public view locations, as depicted in Exhibit 9A through Exhibit 9E, *View Locations*. View locations were determined in consultation with City staff.

View Location 1 is from the Bonita Canyon Drive at MacArthur Boulevard intersection, looking southeast toward the project site. There are typical road utilities and infrastructure in the foreground, including lighting standards, traffic signals, crosswalks, and paved sidewalks. In the middle ground, the project site is obscured due to the existing trees and vegetation. The AT&T Switch Station is barely visible from this view location. Turtle Ridge and Santiago Peak are visible in the background. Project implementation would allow for 21 multi-family condominium units in a two- to three-story L-shaped building. The nautical-themed tower at the western corner of the building is visible, with portions of the roof slightly visible through the existing trees. With implementation of the proposed project, views of the AT&T Switch Station would be obstructed. Views in the foreground and background would remain unchanged.

View Location 2 is a pedestrian perspective of the project site from the sidewalk across Bonita Canyon Drive, looking south toward the project site. Bonita Canyon Drive and roadway utilities dominate the foreground. In the middle ground, views of the project site are visible although still obscured by the existing vegetation and trees. In the background are views of the AT&T Switch Station and cell tower. Turtle Ridge and Santiago Peak are visible at a far distance. With implementation of the proposed project, views of the foreground would remain unchanged. However, in the middle ground, 12 trees would be removed. The nautical tower at the west corner of the building would be visible. Portions of the two-story facade, limited to the northern building elevation facing Bonita Canyon Drive, is visible over some tree coverage. Some windows from the nautical tower are visible as well. Design elements such as the light tan cedar shingles and articulated wood trim on the second and third stories are visible, as well as the single roofing finishes. In the background, most of the AT&T Switch Station is obscured by the proposed project. Only the roofline of the northern elevation of the Switch Station and the cell tower are visible. Turtle Ridge and Santiago Peak are still visible.

View location 3 is taken from the Bonita Canyon Drive at Residencia intersection. Residencia leads to a gated entrance to the Newport Bluffs Apartment Homes, north of Bonita Canyon Drive and the project site. View Location 3 is at a lower elevation than View location 2 and offers views of the northern elevation of the proposed project facing Bonita Canyon Drive. Under existing conditions, the foreground is dominated by Bonita Canyon Drive and sidewalks. In the middle ground, trees and vegetation block views into the project site. The AT&T Switch Station is visible to the east while the cell tower protrudes above the tree cover. There are no views in the background. With project implementation, the foreground would remain unchanged. In the middle ground, views of the eyebrow window rooftop dormers and roof are visible. The first floor is not visible because of landscaping. The cell tower is visible above the tree line.

View location 4 is taken from the cul-de-sac at Ford Road, outside the entrance to the AT&T Switch Station. Currently, there is a paved sidewalk and vegetation surrounding the entrance way in the foreground. A chain-linked fence and some above-ground utility meters are visible. In the middle ground, the Bonita Canyon Sports parking lot is visible to the west, while existing tree cover and vegetation dominate a majority of the view. In the background, rooftops from the Newport Bluffs Apartment Homes are visible to the north and there are no viewsheds available. With project implementation, the foreground would substantially change. Existing vegetation would be removed to construct the driveway to the subterranean parking garage. New trees and lighting would be installed along the driveway entrance. In the middle ground, the building's eastern three-story elevation is visible. Trees planted along the eastern elevation obstruct portions for the second and third-floor residences, while first floor and balconies are still visible. The other nautical themed tower at the southeast corner of the building is visible as well. Views of the Bonita Canyon Sports Park parking lot remain unchanged. The proposed project would obstruct the views of the Newport Bluffs Apartment Homes in the background.

Exhibit 9A: Visual Renderings

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Exhibit 9B: Visual Renderings

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Exhibit 9C: Visual Renderings

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Exhibit 9D: Visual Renderings

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Exhibit 9E: Visual Renderings

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View location 5 is taken from the Bonita Canyon Sports Park parking lot, looking northeast toward the project site. Under existing conditions, the paved parking lot, landscaping, and natural vegetation dominate the views in the foreground. In the middle ground, vegetation and tree cover block views of the project site, Bonita Canyon Drive, and the AT&T Switch Station. No views are visible in the background. Project implementation would remove vegetation and 12 eucalyptus trees. The off-site parking lot and landscaping would remain. As a part of the project, a stone retaining wall would be constructed along the southern project property line to block views of the courtyard amenities and first-floor residences. In addition, an access gate provided along the retaining wall. In the middle ground, vegetation and tree cover are replaced with views of the pool house roof and second and third floors of the building. Second and third-floor balconies facing onto the courtyard are visible.

While the aesthetics of a project are subjective, the proposed project has been designed to be compatible with surrounding urban uses and would not substantially degrade the existing visual character of the site or its surroundings. The project would allow for a residential development on the undeveloped portion of Parcel 1. The surrounding area is urbanized, with existing residential land uses to the north, west, and south and therefore consistent with the existing character of the area.

With respect to the proposed increase in maximum building height associated with the tower element, the height would not result in undesirable or abrupt change in scale between the proposed building and surrounding development and public spaces. The project would allow for 21 condominium dwelling units with associated amenities within a two- and three-story L-shaped building over subterranean parking. Building massing is varied; the two-story northern elevation facing Bonita Canyon Drive steps up to a three-story elevation at street level facing Ford Road. With respect to surrounding land uses, there are three-story multi-family residences north of Bonita Canyon Drive, two-story attached single-family residences west of MacArthur Boulevard, and one- and two-story single-family residences south of Ford Road. The project site is next to the surface parking lot for Bonita Canyon Sports Park. Consistent with the State CEQA Guidelines thresholds, Newport Beach City Council Policy K-3, and NBMC Section 20.30.060.C.3, the project would not adversely affect the visual character of the project site or surrounding land uses. No significant impacts would occur.

Shade/Shadow

A shade and shadow analysis was prepared for the project to determine whether the proposed residential building would cause shade and shadow impacts on sensitive land uses. Given the urban context of this area, the proposed project is not considered a sensitive use with the same expectations of shade/shadow limits as low-rise multi-family residential uses. There are shade-sensitive uses near the project site. The Bonita Canyon Sports Park is located south of the project site, the Newport Bluffs Apartment Homes are across Bonita Canyon Drive north of the site, and existing single-family residences are located southeast of Ford Road and the project site. The shade and shadow simulations depict shade/shadow changes that would occur with implementation of the project.

The simulations were conducted to reflect potential worst-case conditions, which are as follows:

- Spring Equinox (for 2019 is March 20): 8 a.m., 12 p.m.; 4 p.m.
- Summer Solstice (for 2019 is June 21): 9 a.m.; 1 p.m.; 5 p.m.
- Fall Equinox (for 2019 is September 23): 8 a.m.; 12 p.m.; 4 p.m.
- Winter Solstice (for 2019 is December 21): 9 a.m.; 12 p.m.; 3 p.m.

Shadows cast by the condominium building vary in length and direction throughout the day and from season to season. No shadows would be cast over the Bonita Canyon Sports Park or would reach any of the residences under any of the conditions. A majority of the shadows under all scenarios cast over landscaping associated with the proposed project and the AT&T Switch Station parking lot to the east. No shadows would be cast across Bonita Canyon Drive or Ford Road. There would be minimal impact to the hours of sunlight interrupted by implementation of the project.

Compliance with design standards would be ensured through the City's review of the Site Development Review application and future review of building permits. The proposed architecture and massing is complementary to neighboring residential areas. The proposed project would comply with the City's goals and objectives and City Council Policy K-3 to ensure the compatibly of the project design with the surrounding community. Therefore, impacts would be less than significant.

Threshold (d) Would the project 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 in an urbanized area with existing sources of lighting, which include the parking lot at Bonita Canyon Sports Park to the south, the AT&T Switch Station to the east, and street lighting on Ford Road, Bonita Canyon Drive, and MacArthur Boulevard. Additional lighting in the area includes vehicle headlights, traffic signals, and lighting associated with residential uses across Bonita Canyon Drive and to the south.

Project lighting would include light sources typically used in multi-family residential developments including outdoor lighting for security and wayfinding. The outdoor recreational amenities and landscaped areas on the site would have lighting to allow for nighttime use; lighting for security; and landscape accent lighting. The driveway leading to the subterranean garage would also be illuminated via planter lighting. Lighting associated with outdoor amenities would be masked from Ford Road and Bonita Canyon Sports Park by trees and a stone wall. Although the proposed project would introduce new sources of light, the surrounding area is already illuminated. Newport Beach Municipal Code (NBMC) Section 20.30.70 addresses outdoor lighting standards and requirements. Specifically, all outdoor lighting fixtures is to be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings must be full cut-off fixtures. The proposed lighting would be similar to that currently used surrounding the project site which is not causing adverse effects. Compliance with NBMC 20.30.70 would further reduce impacts. Therefore, no significant impacts would occur.

Reflected light (glare) can be caused by sunlight or artificial light reflecting from finished surfaces such as window glass or other reflective materials. Buildings constructed of highly reflective materials from which the sun reflects at a low angle commonly cause adverse glare. Materials known to cause glare, such as mirrored/reflective glass would not be used by the project. Therefore, no significant impacts would occur and no mitigation is required.

Cumulative Impacts

When evaluating cumulative aesthetic impacts, a number of factors must be considered. The cumulative study area for aesthetic impacts is the viewshed that includes the project site and surrounding areas. The context in which a project is being viewed will also influence the significance of the aesthetic impact. The contrast a project has with its surrounding environment may actually be reduced by the presence of other cumulative projects. For example, if most of an area becomes urbanized, the contrast of a project with

the natural surroundings may be less since it would not stand out in contrast as much. In order for a cumulative aesthetic impact to occur, the proposed elements of the cumulative projects would need to be seen together or in proximity to each other. If the projects are not near each other, the viewer would not perceive them in the same scene.

There is existing development to the north, south, and east of the project site. There are no undeveloped properties adjacent to or in the immediate vicinity or viewshed of the project site. Other potential future projects in the viewshed would likely be renovations or rehabilitations because the project site is bound on all sides by existing development. No significant cumulative visual impacts are anticipated.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.2 Agriculture and Forestry Resources

The project site and surrounding area can be characterized as a developed urban environment. There are no agricultural and forestry resources located on or proximate to the project site.

Threshold (a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?

No Impact. The State of California, Department of Conservation, Farmland Mapping and Monitoring Program, has designated the project site as Urban and Built-Up Land. This farmland category defines Urban and Built-Up Land as land developed at a density of at least 1 dwelling unit (du) per 1.5 acres, or approximately 6 structures to a 10-acre parcel. Land uses include but are not limited to residential, industrial, office/commercial, institutional, and public administration. There is no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance on the project site or in the project vicinity.[9] No farmland would be converted. Therefore, no impact would occur and no mitigation is required.

Threshold (b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?

No Impact. A Williamson Act contract between local governments and private landowners restricts specified parcels of land to agricultural or related open space use in return for a lower property tax assessment. The project site is not under a Williamson Act contract. As a part of the proposed project, the zoning designation would be changed from Public Facilities (PF) to Multi-Unit Residential (RM). The zoning designation does not allow for agriculture uses. Therefore, the proposed project is not considered to conflict with agricultural zoning designation. Therefore, no impact would occur and no mitigation is required.

Threshold (c) Would the project 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))?

Threshold (d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The proposed project would not conflict with existing zoning for forest land, timberland, or timberland production. There are no forest or timberland resources on the project site, and the existing and proposed zoning designations do not permit such uses. Therefore, no impact would occur and no mitigation is required.

[9] California Important Farmland Finder, State of California Department of Conservation, http://maps.conservation.ca.gov/ciff/ciff.html, accessed November 5, 2018.

Threshold (e) Would the project 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 land?

No Impact. The project site does not include or is it proximate to agricultural uses or forest land. Therefore, the project would not directly or indirectly result in the conversion of property from agricultural or timberland uses. Therefore, no impact would occur, and no mitigation is required.

Cumulative Impacts

The proposed project would have no impact on agricultural and forestry resources. The General Plan does not identify any agricultural or forestry resources near the project site. Therefore, no cumulative impacts would occur.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.3 Air Quality

An air quality analysis was prepared by Kimley-Horn and Associates, Inc. (Kimley-Horn, 2019) for the proposed project. The air quality modeling outputs and results are included in Appendix A of this Initial Study and the results are summarized herein.

Threshold (a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The project site is in the South Coast Air Basin (Air Basin) which includes all of Orange County and non-desert portions of San Bernardino, Los Angeles, and Riverside counties. The Air Basin is approximately 6,600 square miles extending from the Pacific Ocean to the San Gabriel, San Bernardino, and San Jacinto Mountains. The Air Basin is a coastal plain with broad valleys and low hills, and semi-arid climate. The South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB) monitor air quality within the Air Basin.

The Air Quality Management Plan (AQMP) is prepared by SCAQMD and the Southern California Association of Governments (SCAG). Air quality plans describe air pollution control strategies and measures to be implemented by a city, county, region, and/or air district. The primary purpose of an air quality plan is to bring an area that does not attain federal and State air quality standards into compliance with the requirements of the federal Clean Air Act and California Clean Air Act. Non-attainment is used to refer to an air basin where one or more ambient air quality standards are exceeded. In addition, air quality plans are developed to ensure that an area maintains a healthful level of air quality based on the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS).

The current plan is the 2016 AQMP adopted on March 3, 2017. The 2016 AQMP is designed to meet the State and federal Clean Air Act planning requirements and focuses on federal ozone and ultra-fine particulate matter ($PM_{2.5}$) standards. The SCAQMD's AQMP was prepared to accommodate growth; to reduce the high levels of pollutants within the areas under the jurisdiction of SCAQMD; and to attain clean air within the region. Projects that are considered consistent with the AQMP would not interfere with attainment because this growth is included in the projections used to formulate the AQMP.

The SCAQMD's CEQA Handbook identifies two key indicators of consistency with the AQMP:

1. Whether a project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.

2. Whether a project will exceed the assumptions in the AQMP based on the year of project buildout and phase.

With respect to the first criterion, based on the air quality modeling analysis conducted for the proposed project, the construction and operation of the project would not result in significant impacts based on the SCAQMD thresholds of significance (refer to Threshold[b], below for a discussion of the construction and operational modeling methodology, inputs, and results); therefore, project construction and operation would not increase the frequency or severity of existing air quality violations. The proposed project is not forecasted to contribute to the exceedance of any air pollutant concentration standards.

With respect to the second criterion, the project site has a General Plan land use designation of Public Facilities (PF). The proposed project would change the land use designation to Multi-Unit Residential (RM).

As discussed in Section 4.14, Population and Housing, the project would generate approximately 47 residents, which represents less than 1 percent of the existing population of the City. The City of Newport Beach's population is expected to increase to 92,700 residents and 41,700 households.[10] An increase of 21 dwelling units with a potential population increase of 47 residents would be consistent with the SCAG growth forecasts for the City of Newport Beach. The project is consistent with the development density presented in the City of Newport Beach's General Plan (see discussion in Section 4.11, Land Use and Planning, of this Initial Study) and therefore would not exceed the population or job growth projections used by the SCAQMD to develop the 2016 AQMP. As such, the project would not interfere with attainment because this growth is included in the projections used to formulate the AQMP. Additionally, the SCAQMD's CEQA Handbook indicates that significant projects may include airports, electrical generating facilities, petroleum and gas refineries, designation of oil drilling districts, water ports, solid waste disposal sites, and offshore drilling facilities. Therefore, the proposed project is not defined as significant. Therefore, no impact would occur as the project is also consistent with the second criterion.

SCAG forecasts are based on the General Plans of municipalities in the Air Basin. As addressed in the following analysis, total project emissions are less than the SCAQMD significance thresholds. The emissions increase due to the project would not interfere with the AQMP or the attainment of the ambient air quality standards. Therefore, emissions from the project would not be greater than those anticipated in the AQMP.

The determination of AQMP consistency is primarily concerned with the long-term influence of a project on air quality in the Air Basin. The proposed project would not result in a long-term impact on the region's ability to meet State and federal air quality standards. Also, the proposed project would be consistent with the goals and policies of the AQMP for the control of fugitive dust as required by SCAQMD Rules 403 and 402, as part of Standard Condition AQ-1.

Threshold (b) Would the project 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?

Construction Emissions

Less Than Significant Impact. Air quality standards in Southern California are identified by both the U.S. Environmental Protection Agency (U.S. EPA) in the NAAQS and CARB in the California CAAQS. The air quality standards of the following five criteria pollutants relate to development projects: ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and particulate matter (PM_{10} and $PM_{2.5}$). Of these criteria pollutants, the Air Basin, in which Newport Beach lies, is designated nonattainment for O_3 and particulate matter, meaning the Air Basin has recorded exceedances of the air quality standards for these pollutants in recent years.[11]

Construction activities associated with the proposed project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the project area include ozone-precursor pollutants (i.e., reactive organic gases [ROG] and NO_X) and PM_{10} and $PM_{2.5}$. Construction-generated emissions are short-term and of temporary duration, lasting only as long as construction

[10] SCAG, *Final 2016-2040 Regional Transportation Plan/Sustainable Communities Strategies*, April 2016. http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx, accessed February 21, 2019.

[11] A portion of the Basin in Los Angeles County is also designated a non-attainment basin for lead, which is not a criteria pollutant that is relevant to this project, since air emissions of lead would not be generated by the project.

activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance.

According to the SCAQMD, an air quality impact is considered significant if a proposed project would violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. The SCAQMD has established thresholds of significance for air quality during project construction and operations, as shown in *Table 3*.

Table 3: South Coast Air Quality Management District Emissions Thresholds

Criteria Air Pollutants and Precursors (Regional)	Construction-Related Average Daily Emissions (pounds/day)	Operational-Related Average Daily Emission (pounds/day)
Reactive Organic Gases (ROG)	75	55
Carbon Monoxide (CO)	550	550
Nitrogen Oxides (NO_X)	100	55
Sulfur Oxides (SO_X)	150	150
Coarse Particulates (PM_{10})	150	150
Fine Particulates ($PM_{2.5}$)	55	55

Source: South Coast Air Quality Management District, *CEQA Air Quality Handbook,* 1993 ($PM_{2.5}$ threshold adopted June 1, 2007).

This air quality impact analysis considers construction and operational impacts associated with the proposed project. Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with proposed project construction would generate emissions of criteria air pollutants and precursors. Air quality impacts were assessed according to CARB and SCAQMD recommended methodologies. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects.

The project involves construction activities associated with site preparation, grading, construction, and architectural coating applications. The project would be constructed over approximately 18 months, beginning in the first quarter of 2020. Earthwork would require approximately 1,200 cubic yards of cut and 2,000 cubic yards of fill, with the import of 800 cubic yards of soil.

Construction equipment would include excavators, dozers, rollers, rubber-tired loaders, tractors, trenchers, and pavers. Exhaust emission factors for typical diesel-powered heavy equipment are based on CalEEMod program defaults. Variables factored into estimating the total construction emissions include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on or off the site. The analysis of daily construction emissions has been prepared using CalEEMod.

In accordance with the SCAQMD Guidelines, CalEEMod was used to model construction emissions for ROG, NO_x, CO, SO_X, PM_{10}, and $PM_{2.5}$. Nitrogen oxides (NO_X) are a family of highly reactive gases that are a

primary precursor to the formation of ground-level O_3 and react in the atmosphere to form acid rain. NO_2 (often used interchangeably with NO_x) is a reddish-brown gas that can cause breathing difficulties at high levels. Peak readings of NO_2 occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations). Sulfur oxides (SO_x) belong to the family of sulfur oxide gases that are formed when fuel containing sulfur from coal and oil are burned and during industrial metal smelting processes. SO_2 contributes to respiratory illness, particularly in children and the elderly, and aggravates existing heart and lung diseases.

CalEEMod allows the user to input mitigation measures such as watering the construction area to limit fugitive dust. Standard conditions that were input into CalEEMod allow for certain reduction credits (i.e. compliance with SCAQMD rules) and result in a decrease of pollutant emissions. Reduction credits are based upon studies developed by CARB, SCAQMD, and other air quality management districts throughout California, and were programmed within CalEEMod. *Table 4* identifies the anticipated daily short-term construction emissions and assumes reductions associated with SC AQ-1 (Dust Control) and SC AQ-2 (Architectural Coatings). Impacts would be less than significant for all criteria pollutants during construction. The project would be required to adhere to SCAQMD Rules 403 and 402, as part of Standard Condition AQ-1 to reduce PM_{10} and $PM_{2.5}$ emissions resulting from fugitive dust, and Rule 1113 as part of SC AQ-2 to reduce ROG emissions.

Table 4: Construction Emissions

	Pollutant (pounds per day) [a, b]					
Emissions Source	**ROG**	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Construction: 2020	2.2	22	15	0.028	3.2	2.0
Construction: 2021	2.8	14	14	0.027	1.0	0.76
SCAQMD Threshold	*75*	*100*	*550*	*150*	*150*	*55*
SCAQMD Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

ROG: reactive organic gases; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM_{10}: particulate matter 10 microns or less in diameter; $PM_{2.5}$: particulate matter 2.5 microns or less in diameter.

a. Emissions were calculated using the California Emissions Estimator Model (CalEEMod), as recommended by the SCAQMD. Refer to Appendix A
b. The modeling incorporates reduction/credits for construction emissions based on measures included in CalEEMod and as required by the SCAQMD through Rule 403. This includes the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied. No mitigation was applied to construction equipment.

Source: Kimley-Horn, 2019.

Operational Emissions

Less Than Significant Impact. Project-generated emissions would be associated with motor vehicle use, energy, and area sources, such as the use of natural gas-fired appliances, landscape maintenance equipment, and architectural coatings. Long-term operational emissions attributable to the proposed project are summarized in *Table 5*.

Table 5: Operational Emissions

Emissions Source	Pollutant (pounds per day) [a]					
	ROG	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Area Source	1.1	0.45	7.04	0.019	0.88	0.88
Energy Use	0.011	0.097	0.040	0.0006	0.0075	0.0076
Mobile Source	0.24	0.97	3.3	0.013	1.1	0.30
Total	**1.4**	**1.5**	**10.41**	**0.032**	**2.0**	**1.2**
SCAQMD Threshold	*55*	*55*	*550*	*150*	*150*	*55*
SCAQMD Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

ROG: reactive organic gases; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: particulate matter 10 microns or less in diameter; PM2.5: particulate matter 2.5 microns or less in diameter.

a. Emissions were calculated using the California Emissions Estimator Model (CalEEMod), as recommended by the SCAQMD.

Source: Kimley-Horn, 2019.

Mobile and stationary (area and energy) source operational emissions would result from normal daily activities on the project site after occupancy. Mobile source emissions would be generated by the motor vehicles traveling to and from the project site. Area source emissions would be generated due to an increased demand for consumer products, architectural coating, and landscaping. Energy source emissions would be generated as a result of electricity and natural gas (non-hearth) usage associated with the proposed project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. As shown in *Table 4*, emissions from the proposed project would not exceed SCAQMD thresholds for ROG, NO_X, CO, SO_X, PM_{10}, or $PM_{2.5}$. Project operational emissions would be less than significant.

A significant impact to air quality would occur if a project would result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment under an applicable NAAQS or CAAQS (including releasing emissions which exceed quantitative thresholds for ozone precursors). The ozone precursors include ROG and NO_X. The Air Basin is in non-attainment for ozone (State and federal), PM_{10} (State), $PM_{2.5}$ (State and federal), and lead (federal, partial non-attainment in a portion of Los Angeles County). To determine whether the project would result in a cumulatively considerable increase in non-attainment criteria pollutants or exceed the quantitative thresholds for ozone precursors, project emissions may be evaluated based on the quantitative emission thresholds established by the SCAQMD in its CEQA Air Quality Handbook (SCAQMD 1993, as amended). The SCAQMD has established quantitative thresholds against which a project's emissions could be evaluated to determine if there is a potential for a significant impact. In the event direct impacts from a project are less than significant, a project may still have a cumulatively considerable impact on air quality if the emissions from the project, in combination with the emissions from other proposed, or reasonably foreseeable future projects are in excess of screening levels, and the project's contribution accounts for more than an insignificant proportion of the cumulative total emissions. As previously addressed, the proposed project would not result in significant construction or operational air quality impacts including non-attainment criteria pollutants. Therefore, the project's contribution to regional pollutant concentrations would not be cumulatively considerable.

With respect to the proposed project's construction-period air quality emissions and cumulative Air Basin conditions, the SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the AQMP pursuant to the federal Clean Air Act mandates. As such, the project would comply with SCAQMD's

Rule 403 (see SC AQ-1). Rule 403 requires that fugitive dust is controlled with the best available control measures in order to reduce dust so that it does not remain visible in the atmosphere beyond the property line of a project site. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403 compliance, implementation of all feasible measures, and compliance with adopted AQMP emissions control measures) would also be imposed on construction projects throughout the Air Basin, which would include related projects. Compliance with SCAQMD rules and regulations would preclude significant construction-related impacts. Therefore, project-related construction emissions, in combination with those from other projects in the area, would not substantially deteriorate the local air quality.

As previously discussed, the proposed project would not result in long-term air quality impacts; emissions would not exceed SCAQMD operational thresholds. Additionally, adherence to SCAQMD rules and regulations (SC AQ-1 and SC AQ-2) would alleviate potential impacts related to cumulative conditions on a project-by-project basis. Emission reduction technology, strategies, and plans are constantly being developed. As a result, the proposed project would not contribute a cumulatively considerable net increase of any nonattainment criteria pollutant. Impacts would be less than significant.

Threshold (c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. A significant impact may occur when a project would generate pollutant concentrations to a degree that would significantly affect sensitive receptors, which include populations that are more susceptible to the effects of air pollution than the population at large. Exposure of sensitive receptors is addressed for the following situations: CO hotspots; localized emissions concentrations, toxic air contaminants (TACs, specifically diesel PM) from on-site construction; and asbestos during demolition.

Carbon Monoxide Hot Spots

An analysis of CO "hot spots" is needed to determine whether the change in the level of service (LOS) of an intersection as a result of the proposed project would have the potential to result in exceedances of the CAAQS or NAAQS. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined. Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard.

The Air Basin was re-designated as attainment in 2007 and is no longer addressed in the SCAQMD's AQMP. The 2003 AQMP is the most recent version that addresses CO concentrations. As part of the SCAQMD *CO Hotspot Analysis*, the Wilshire Boulevard/Veteran Avenue intersection, one of the most congested intersections in Southern California with an average daily traffic (ADT) volume of approximately 100,000 vehicles, was modeled for CO concentrations. This modeling effort identified a CO concentration high of 4.6 ppm, which is well below the 35-ppm Federal standard. The proposed project considered herein would not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's *CO Hotspot Analysis*. As the CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection even as it accommodates 100,000 ADT, it can be reasonably inferred that CO hotspots would not be experienced at any intersections in the project vicinity resulting from 154 ADT (9 morning peak hour and 11 evening peak hour trips) attributable to the project. Localized air quality impacts related to

mobile-source emissions would therefore be less than significant. As a result, no significant impacts would occur, and no additional mitigation measures are required.

Localized Significance Threshold Analysis

Localized Significance Analysis. The Localized Significance Threshold (LST) Methodology provides a look-up table for construction and operational emissions based on the emission rate, location, and distance from receptors, and provides a methodology for air dispersion modeling to evaluate whether a construction or operation could cause an exceedance of an ambient air quality standard. The local air quality emissions from construction were analyzed using the SCAQMD's Mass Rate Localized Significant Threshold Look-Up Tables and the methodology described in *Localized Significance Threshold Methodology* (SCAQMD, revised July 2008) to determine if the daily emissions of CO, NO_x, PM_{10}, and $PM_{2.5}$, from the project would result in a significant impact to local air quality. Construction emissions were compared to the SCAQMD's screening thresholds. Project implementation would require approximately 1,200 cubic yards (cy) of cut and 2,000 cy of fill. Approximately 800 cy of fill would be imported to balance the project site. The nearest receptors to the project site include residences at Newport Bluffs Apartment Homes to the north across Bonita Canyon Drive (180 feet); the nearest single-family residence is approximately 244 feet southeast of the site.

As shown in *Table 6*, construction and operational emissions would not exceed SCAQMD LSTs. Therefore, the project would not result in significant localized construction or operational emissions.

Table 6: Localized Significance of Construction and Operational Emissions

	Pollutant (pounds per day)			
Emission Source	**NO_X**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Construction – 2020	21	15	3.2	1.9
Construction – 2021	14	13	0.68	0.66
SCAQMD Localized Significance Threshold (Adjusted for 1 acre of disturbance at 50 meters)	***93***	***738***	***13***	***5***
SCAQMD Threshold Exceeded?	**No**	**No**	**No**	**No**
Operation - 2021	1.5	10.4	2	1.2
SCAQMD Localized Significance Threshold (Adjusted for 1 acre of disturbance at 50 meters)	***93***	***738***	***4***	***2***
SCAQMD Threshold Exceeded?	**No**	**No**	**No**	**No**

NO_x: nitrogen oxides; CO: carbon monoxide; SO_x: sulfur oxides; PM_{10}: particulate matter 10 microns or less in diameter; $PM_{2.5}$: particulate matter 2.5 microns or less in diameter.
Notes: SCAQMD Rule 403 Fugitive Dust applied. Refer to Appendix A for Model Data Outputs.
Source: CalEEMod version 2016.3.2.
Source: Kimley-Horn, 2019.

Toxic Air Contaminants

Construction would result in the generation of diesel particulate matter (diesel PM) emissions from the use of off-road diesel equipment required for grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to toxic air contaminant emission levels that exceed applicable standards). Health-related risks associated with

diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer.

The use of diesel-powered construction equipment would be temporary and episodic. The duration of exposure would be short and exhaust from construction equipment dissipates rapidly. Current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities.

Additionally, construction activities would occur in an area of less than five acres. CARB generally considers construction project sites of such size to represent less than significant health risk impacts due to (1) limitations on the off-road diesel equipment able to operate and thus a reduced amount of generated diesel PM; (2) the reduced amount of dust-generating ground disturbance possible compared to larger construction sites; and, (3) the reduced duration of construction activities compared to the development of larger sites. Additionally, construction is subject to and would comply with California regulations limiting the idling of heavy-duty construction equipment to no more than five minutes which would further reduce nearby sensitive receptors' exposure to temporary and variable diesel PM emissions. Therefore, diesel PM generated by construction activities would not be expected to expose sensitive receptors to substantial amounts of air toxics. Impacts would be less than significant.

Threshold (d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. The SCAQMD CEQA Air Quality Handbook (SCAQMD, 1993) identifies certain land uses as sources of odors. These land uses include agriculture, wastewater treatment plant, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project is a residential development and does not propose to include any odor-inducing uses on the site.

During construction-related activities, some odors (not substantial pollutant concentrations) that may be detected are those typical of construction vehicles (e.g., diesel exhaust from grading and construction equipment). These odors are a temporary short-term impact that is typical of construction projects and would disperse rapidly. The project would not include any of the land uses that have been identified by the SCAQMD as odor sources. Therefore, impacts would be less than significant; no mitigation is required.

Cumulative Impacts

A project that has a significant impact on air quality with regard to emissions of PM_{10}, $PM_{2.5}$, NO_x and/or ROGs as determined above would have a significant cumulative effect. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, individual project emissions contribute to existing cumulatively significant adverse air quality impacts. The SCAQMD's significance thresholds for project specific and cumulative impacts are the same. The SCAQMD developed the operational thresholds of significance based on the level above which individual project emissions would result in a cumulatively considerable contribution to the Air Basin's existing air quality conditions. Project that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. Conversely, projects that do not exceed project-specific thresholds are not considered to be cumulatively significant. As discussed above, the project's emissions would be below the significance thresholds during both construction and operations. Additionally, adherence to SCAQMD rules and regulations would

alleviate potential impacts related to cumulative conditions on a project-by-project basis. Therefore, the project's contribution is not considered cumulatively considerable.

Mitigation Program

Standard Conditions and Requirements

SC AQ-1 **Dust Control.** During construction, construction contractors shall comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 in order to minimize construction emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off-site. Rule 402 prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

SCAQMD Rule 403 requires that fugitive dust be controlled with Best Available Control Measures so that the presence of such dust does not remain visible beyond the property line of the emission source. This rule is intended to reduce PM_{10} emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 lists the Best Available Control Measures that are applicable to all construction projects. The measures include, but are not limited to, the following:

a. Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.

b. All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.

c. All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.

d. The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.

e. Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.

SC AQ-2 **Architectural Coatings.** South Coast Air Quality Management District (SCAQMD) Rule 1113 requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce reactive organic gas (ROG) emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories. Architectural coatings shall be selected so that the volatile organic compound (VOC) content of the coatings is compliant with SCAQMD Rule 1113. This requirement shall be included as notes on contractor specifications.

Mitigation Measures

No mitigation is required.

4.4 Biological Resources

A biological resources inventory was prepared by Envicom Corporation (January 2019). The report is included in this Initial Study as Appendix B and the results are summarized herein.

Threshold (a) Would the project have a substantial 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 Wildlife or U.S. Fish and Wildlife Service?

Less Than Significant Impact with Mitigation. The project site is undeveloped and includes landscaped areas (ornamental plantings, bare ground, and paved), disturbed and patches of coyote brush scrub, and native and non-native grasses and forbs. Non-native grassland dominates the dry and exposed south-facing slopes in the western half of the project site. A number of eucalyptus trees border the site. Vegetation communities immediately adjacent to the project site are non-native landscape materials associated with the Bonita Canyon Sports Park and the AT&T Switch Station. Areas of coastal sage scrub are located approximately 450 to 600 feet further northeast and east of the site but are separated by the AT&T Switch Station.

Special-status plant species either have unique biological significance, limited distribution, restricted habitat requirements, particular susceptibility to human disturbance, or a combination of these factors. Special-status plant species are those plants listed, proposed for listing, or candidates for listing as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) under the Federal Endangered Species Act (FESA); those listed or proposed for listing as Rare, Threatened, or Endangered by the CDFW under the California Endangered Species Act (CESA); and plants on the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants with a California Rare Plant Rank.

A previous biological survey conducted in 2015 identified one listed plant, the southern tarplant (*Centromadia parryi* ssp. *australis*), on the project site, near the northwest corner of the site. Southern tarplant is listed in the CNPS Inventory of Rare and Endangered Plants as 1B.1 (rare, threatened, or endangered in California and elsewhere). The listed plant is 1 of the 66 plant species designated by State and federal trustee resource agencies or by California Native Plant Society (CNPS) as occurring within the 8 USGS quadrangles near the project site. Specifically, the 2015 survey identified five individual southern tarplants.

The most recent survey from December 2018, which was conducted outside the typical blooming period for the southern tarplant, did not identify any plants. Although no southern tarplants were observed, a seed bank may still exist on the site. Project implementation would remove the approximate 0.005 acre of southern tarplant habitat. Therefore, adoption of MM BIO-1 would be required to mitigate for the potential loss of tarplants. MM BIO-1 requires the Applicant to offset the loss of southern tarplant habitat with off-site enhancement of existing southern tarplant habitat.

Special-status wildlife species are those species included on the California Department of Fish and Wildlife (CDFW) “Special Animals” list. Special animals refer to all taxa the California Natural Diversity Database (CNDDB) tracks. According to the CDFW CNDDB, no special-status species of invertebrates are known to occur on site. No special-status wildlife species were observed on the project site during field surveys. Given the lack of potential or the low to very low potential for occurrence of these species as well as the urban and highly disturbed condition of the site, no direct loss or injury to a special-status wildlife species is anticipated and potential impacts would be less than significant.

Project implementation would result in the removal of 12 eucalyptus trees. Ground and vegetation disturbing activities if conducted during the nesting bird season (February 1 to August 31) would have the potential to result in removal of or disturbance to trees and shrubs that could contain active bird nests. Native migratory birds and their nests are protected under the provisions of the federal Migratory Bird Treaty Act (16 USC §703 et seq.) and the California Fish and Game Code (§3503 et. seq.). The loss of any active nests of a native bird during construction would be considered a significant impact. MM BIO-2 requires a preconstruction survey for nesting birds with procedures should nesting birds be discovered. Compliance with MM BIO-2 would reduce potential impacts to nesting birds to a less than significant level. Therefore, the proposed project would not have a substantial 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 with mitigation incorporated.

Threshold (b) Would the project 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 Wildlife or U.S. Fish and Wildlife Service?

Threshold (c) Would the project have a substantial adverse effect on a State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. There are no riparian habitats or federally protected wetlands or resources on the project site.[12] The project site does not contain any water resources (e.g., streams, creeks, channels, vernal pools) nor would any of the proposed land uses potentially impact wetlands. Therefore, no impacts to riparian habitat or wetlands would result from the proposed project and no mitigation is required.

Threshold (d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact. Wildlife movement corridors are physical connections that allow wildlife to move between areas of suitable habitat in both undisturbed and fragmented landscapes. According to the General Plan, the project site is not within an area that has been identified as a wildlife corridor. Additionally, the project site is not within a bottleneck of habitat between larger areas of core suitable habitat and it is not necessary for wildlife to pass through the site to access essential resources for water, foraging, breeding, or cover. The project site is surrounded by development and therefore the proposed project activities would not fragment natural habitats. Impacts to wildlife movement would be less than significant.

Threshold (e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. Preservation of natural and biological resources, including trees, are discussed in the General Plan Natural Resources Element and the Newport Beach Municipal Code (NBMC). Specifically, NBMC 13.08 addresses the planning, planting, maintenance, and removal of all trees and other landscape materials in any street or other public area. NBMC 13.08.060 requires tree maintenance on branches, shrubs, and plants so that no encroachment occurs on the sidewalk or streets. Existing trees

[12] U.S. Fish and Wildlife Service, *National Wetlands Inventory*. www.fws.gov/wetlands/Data/Mapper.html, accessed November 18, 2018.

in the public rights-of-way would not be disturbed; 12 eucalyptus trees would be removed as part of the proposed project. However, the proposed planting schedule would adhere to both General Plan policies and NBMC 13.08 (Planting). Therefore, impacts would be less than significant, and no mitigation is required.

Threshold (f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

Less Than Significant Impact with Mitigation. According to the CDFW's California Regional Conservation Plans map, the project site is within the boundaries of the Orange County Central/Coastal Natural Community Conservation Plan (NCCP) and the OCTA NCCP/HCP. The southern tarplant is a listed species within the OCTA NCCP/HCP. Furthermore, the OCTA NCCP/HCP contains goals and objectives related to restoration and promotion of expanding the southern tarplant population. During site investigations and reconnaissance, no southern tarplants were observed. Although no southern tarplants were observed, a seed bank may still exist on the site. Project implementation would remove the approximate 0.005 acre of southern tarplant habitat. Therefore, adoption of MM BIO-1 would be required to mitigate for the potential loss of tarplants. MM BIO-1 requires the Applicant to offset the loss of southern tarplant habitat with off-site enhancement of existing southern tarplant habitat. Therefore, with mitigation, the proposed project would not result in significant impacts to biological resources and would not result in conflicts with provisions, goals, or policies, of the NCCP. A less than significant impact with mitigation would occur.

Cumulative Impacts

Past, present, and reasonably foreseeable future projects are required to implement measures, as set forth in their respective CEQA documents, consistent with federal, State, and local regulations to avoid adverse effects to existing biological resources or to mitigate for significant impacts to these resources. The types of measures required for projects impacting protected habitat, species, and regulated resources can include avoidance, project design features, regulatory approvals, best management practices, and mitigation measures. The proposed project would not cause a significant impact to biological resources. Therefore, the project would not contribute to a potential cumulatively considerable impact.

Mitigation Program

Standard Conditions and Requirements

No standard conditions are applicable to the proposed project.

Mitigation Measures

MM BIO-1 The Applicant shall offset the loss of individual southern tarplant plants as well as a southern tarplant seed bank (approximately 0.005 acre) through off-site enhancement of occupied southern tarplant habitat at a 2:1 ratio, or a method acceptable to the City of Newport Beach Community Development Department and California Department of Fish and Wildlife (CDFW) (if applicable). A Mitigation and Monitoring Plan that provides for the enhancement of occupied southern tarplant habitat at a 2:1 ratio shall be developed by a qualified restoration specialist and approved by the City of Newport Beach and CDFW (if applicable). The Plan shall adhere to all requirements outlined in the Biological Resources Inventory and Impact Analysis prepared for the project.

MM BIO-2 No earlier than 14 calendar days prior to ground or vegetation disturbing activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 1 through August 31), a qualified biologist shall perform two field surveys to determine if active nests of any bird species protected by the State or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Game Code Sections 3503, 3503.5, or 3511 are present in the disturbance zone or within 200 feet of the disturbance zone for songbirds or within 500 feet of the disturbance zone for raptors and special-status bird species. The second nesting bird survey shall be conducted within three days of the start of ground or vegetation disturbing activities. A brief letter report summarizing the methods and results of the surveys shall be submitted to the City of Newport Beach Community Development Department prior to commencement of project activities. In the event that an active nest is found within the survey area, site preparation or construction activities shall stop until the biologist establishes an appropriate setback buffer. The buffer shall be demarcated and project activities within the buffer shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting.

4.5 Cultural Resources

Threshold (a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?

No Impact. Historical resources are defined as buildings, structures, objects, sites, and districts of significance in history, archaeology, architecture, and culture. These resources include intact structures of any type that are 50 years or more of age. These resources are sometimes called the "built environment" and can include, in addition to houses, other structures such as irrigation works and engineering features. Historical resources are preserved because they provide a link to a region's past as well as a frame of reference for a community.

The State CEQA Guidelines Section 15064.5 defines "historic resources" as resources listed in the California Register of Historical Resources or determined to be eligible by the California Historical Resources Commission for listing in the California Register of Historic Resources.[13] The National Register of Historic Places recognizes properties that are significant at the national, State and local levels. In accordance with State CEQA Guidelines Section 15064.5, a site or structure may be considered a historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of PRC Section 5020.1(j), or if it meets the criteria for listing in either the National Register of Historic Places or the California Register of Historical Resources (14 CFR § 4850). CEQA allows local historic resource guidelines to serve as the California Register of Historical Resources criteria if enacted by local legislation to act as the equivalent of the State criteria.

The proposed residential site is currently undeveloped. According to the General Plan Historical Resources Element, none of the City's identified historical resources are near the project site. Due to the lack of significant historic resources on the project site, the project would have no impact on historic resources and no mitigation is required.

Threshold (b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant Impact with Mitigation. The project site is undeveloped but surrounded by an urban environment. The likelihood of encountering archaeological resources in the project site is considered low because the project site has been extensively altered by prior ground disturbance and development due to the reconfiguration of Ford Road in the early 2000s. Construction activities for the project would include excavation and grading. Therefore, while low, there is the potential for the project to affect a previously unidentified archaeological resource. The project would be required to comply with MM CR-1, which requires that an archaeologist monitor grading and excavation activities. The archaeologist would have the ability to temporarily halt or redirect work to permit the sampling, identification, and evaluation of the artifacts and resources, as appropriate. If resources are found to be significant, the archaeologist would determine appropriate actions, in cooperation with the City and Applicant. Additionally, the City has protection guidelines for paleontological and archaeological resources outlined in City Council Policy K-5.[14] MM CR-1 contains similar procedures for protections of archaeological resources and would comply with City Council Policy K-5. Compliance with MM CR-1 would reduce potential impacts to a less than significant level.

[13] California Public Resources Code Section 5020.1(k), Section 5024.1(g).
[14] City of Newport Beach, City Council K-5 Paleontological and Archaeological Resource Protection Guidelines

Threshold (c) Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant with Mitigation. No known human remains occur on site, and due to the level of past disturbance, it is not anticipated that human remains exist within the project site. In the event human remains are encountered during earth removal or disturbance activities compliance with the California Health and Safety Code Section 7050.5, PRC 5097.98, and City Council Policy K-5, Part F as identified in MM CR-2 would reduce any impact associated with human remains to less than significant levels.

Cumulative Impacts

Potential cumulative impacts could occur if the project – when combined with other past, present, and reasonably foreseeable future projects – would cause significant impacts based on the thresholds of significance set forth in this Initial Study. The project site does not contain significant historic resources and is not expected to impact any archaeological resources; mitigation measures have been identified to mitigate potential impacts to a less than significant level. As with the proposed project, other past projects, other current projects, and probable future projects would be required to comply with mitigation measures. Despite the site-specific nature of resources, mitigation required for the identification and protection of unknown or undocumented resources would reduce the potential for cumulative impacts. On a cumulative level, data recovered from sites in the region allow for the examination and evaluation of the diversity of human activities in the region. The proposed project would not contribute to a cumulatively considerable impact on cultural resources.

Mitigation Program

Standard Conditions and Requirements

No standard conditions are applicable to the proposed project.

Mitigation Measures

MM CR-1 Prior to the issuance of the first grading permit or permit for ground disturbance activities, the applicant shall provide evidence to the satisfaction of the City of Newport Beach that a qualified archaeological monitor and a qualified Native American Tribal monitor have been retained. The selection of the qualified professional(s) shall be subject to the acceptance of the City. In the event that cultural resources (prehistoric archaeological, historical, tribal cultural) are inadvertently unearthed during excavation and grading activities, the contractor, archaeological monitor, and/or Native American Tribal monitor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery. The qualified professional shall be contacted to evaluate the significance of the finding an appropriate course of action. Any unique archaeological resource that is discovered shall be treated in accordance with Public Resources Code 21083.2. After the find has been appropriately avoided or mitigated, work in the area may resume.

MM CR-2 California Health and Safety Code Section 7050.5, State CEQA Guidelines Section 15064.5, and Public Resources Code (PRC) Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of

death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

4.6 Energy

Background: Building Energy Conservation Standards

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the California Energy Commission) in June 1977, and are updated every three years (Title 24, Part 6, of the California Code of Regulations). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On June 10, 2015, the California Energy Commission (CEC) adopted the 2016 Building Energy Efficiency Standards, which went into effect on January 1, 2017. On May 9, 2018, the CEC adopted the 2019 Building Energy Efficiency Standards, which will take effect on January 1, 2020.

The 2016 Standards improved upon the previous 2013 Standards for new construction of and additions and alterations to residential and nonresidential buildings. Under the 2016 Standards, residential buildings are 28 percent more energy efficient and nonresidential buildings are 5 percent more energy efficient than under the 2013 Standards.[15] Buildings that are constructed in accordance with the 2013 Building Energy Efficiency Standards are 25 percent (residential) to 30 percent (nonresidential) more energy efficient than the prior 2008 standards as a result of better windows, insulation, lighting, ventilation systems, and other features.

The 2019 Standards will improve upon the 2016 Standards. Under the 2019 Title 24 standards, residential buildings are expected to be about 7 percent more energy efficient, and when the required rooftop solar is factored in for low-rise residential construction, residential buildings that meet 2019 Title 24 standards would use about 53 percent less energy than those built to meet current standards.[16]

Senate Bill 350

Senate Bill (SB) 350 (de Leon) was signed into law in September 2015 and establishes tiered increases to the Renewable Portfolio Standard—40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 100 was signed into law September 2018 and increased the required Renewable Portfolio Standards.

Senate Bill 100

On September 10, 2018, Governor Brown signed SB 100. Under SB 100, the total kilowatt-hours of energy sold by electricity retailers to their end-user customers must consist of at least 50 percent renewable resources by 2026, 60 percent renewable resources by 2030, and 100 percent renewable resources by 2045. SB 100 also establishes a State policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. Under the bill, the State

[15] California Energy Commission, 2016 Building Energy and Efficiency Standards Frequently Asked Questions Fact Sheet, Available at: https://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2016_Building_Energy_Efficiency_Standards_FAQ.pdf. Accessed January 20, 2019.

[16] California Energy Commission, 2019 Building Energy and Efficiency Standards Frequently Asked Questions Fact Sheet, Available at: https://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf. Accessed January 20, 2019.

cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

Threshold (a) Would the project result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact.

Electricity

Southern California Edison (SCE) provides electricity to the project area. The project is expected to use 600,000 KWh/year based on information provided by the Applicant. In comparison, the existing site does not use any electricity. Therefore, project implementation would result in a permanent increase in electricity over existing conditions. The increased demand is expected to be adequately served by the existing SCE electrical facilities. Total electricity demand in SCE's service area is forecast to increase by approximately 12,000 GWh—or 12 billion kWh—between 2015 and 2026.[17] The increase in electricity demand from the project would represent an insignificant percent increase compared to overall demand in SCE's service area. Therefore, projected electrical demand would not significantly impact SCE's level of service.

It should also be noted that the project design and materials would comply with the 2016 Building Energy Efficiency Standards, which took effect on January 1, 2017. Prior to issuance of a building permit, the City of Newport Beach Building Division would review and verify that the project plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards. The project would also be required adhere to the provisions of CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.

Beyond building code and California Green Building Standards (CalGreen) energy requirements, the project also includes some energy efficiency design features, including high-efficiency wall assemblies and windows to reduce heating and cooling loads; Energy Star appliances; high efficiency heating and cooling systems; high efficiency domestic hot water systems; and high efficiency light-emitting diode (LED) lighting in residential units, common areas, and landscape design. Project development would not interfere with achievement of the 60 percent Renewable Portfolio Standard set forth in SB 100 for 2030 or the 100 percent standard for 2045. These goals apply to SCE and other electricity retailers. As electricity retailers reach these goals, emissions from end-user electricity use would decrease from current emission estimates.

Natural Gas

Southern California Gas Company (SoCalGas) provides natural gas service to the project area. The project is estimated to use approximately 11,200 KBtu/year in natural gas. The increased demand is expected to be adequately served by the existing SoCalGas facilities. From 2018 to 2035, residential demand is expected to decline from 236 billion cubic feet (bcf) to 186 bcf, while supplies remain constant at 3.775

[17] California Energy Commission, California Energy Demand 2018-2030 Revised Forecast, Figure 49 Historical and Projected Baseline Consumption SCE Planning Area, Accessed January 20, 2019.

billion cubic feet per day[18] (bcfd) from 2015 through 2035.[19] As discussed above, California's Energy Efficiency Standards for Residential and Non-residential Buildings create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and non-residential buildings. These standards are incorporated within the California Building Code and are responsible for reduce the growth in electricity and natural gas use despite population and development growth. For example, requirements for energy efficient appliances, high-efficiency wall and window systems, and green building materials are expected to save additional energy. These savings are cumulative, doubling as years go by. Therefore, the natural gas demand from the proposed project would represent a nominal percentage of overall demand in SoCalGas' service area. The proposed project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Fuel

During construction, transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel and/or gasoline. The use of energy resources by these vehicles would fluctuate according to the phase of construction and would be temporary. Most construction equipment during demolition and grading would be gas-powered or diesel-powered, and the later construction phases would require electricity-powered equipment. Idling of in-use off-road heavy-duty diesel vehicles in California are limited to five consecutive minutes per Title 13, California Code of Regulations, Section 2449(d)(3). Project construction equipment would also be required to comply with the latest U.S. EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel use.

The project would entail construction activities that would use energy, primarily in the form of diesel fuel (e.g., mobile construction equipment) and electricity (e.g., power tools). Contractors would be required to monitor air quality emissions of construction activities using applicable regulatory guidance such from SCAQMD CEQA Guidelines. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced from the monitoring and the efficient use of equipment and materials, energy use is reduced. There are no aspects of the project that would foreseeably result in the inefficient, wasteful, or unnecessary use of energy during construction activities.

Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary use of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive and that there is a significant cost-savings potential in green building practices. The use of battery-powered tools and equipment that do not rely on gas to operate are also becoming more common.[20] Impacts related to transportation energy use during construction would be temporary and

[18] 1 bcfd is equivalent to about 1.03 billion kBTU

[19] California Gas and Electric Utilities, 2018 California Gas Report, Southern California Gas Company Annual Gas Supply 2018-2035 Table 1-SCG, Accessed January 20, 2019.

[20] Jobsite, *Construction's Electric Future*, June 11, 2018, available at https://jobsite.procore.com/construction-s-electric-future, accessed February 21, 2019.

would not require expanded energy supplies or the construction of new infrastructure; impacts would not be significant.

During operations, energy consumption would be associated with resident, visitor, and trips; delivery and supply trucks; and trips by maintenance and repair crews. The project is an infill development project near large employment areas, such Newport Center, Koll Center Newport, and the Irvine Business Center, thereby potentially reducing the need to travel long distances for some residents.[21] The project is also near public transportation (bus routes) access, further reducing the need to drive. The City and surrounding areas are highly urbanized with numerous gasoline fuel facilities and infrastructure. Consequently, the proposed project would not result in a substantial demand for energy that would require expanded supplies or the construction of other infrastructure or expansion of existing facilities.

The gasoline and diesel fuel associated with on-road vehicular trips is calculated based on total VMT calculated for the analyses within Section 4.3, and Section 4.8. The total gasoline and diesel fuel associated with on-road trips would be approximately 20,820 gallons per year and 2,783 gallons per year, respectively. Orange County annual gasoline fuel use in 2018 was 1,238,158,624 gallons and diesel fuel use was 138,814,229 gallons.[22] expected project operational use of gasoline and diesel would represent 0.0017 percent of current gasoline use and 0.0020 percent of current diesel use in the County. None of the project energy uses exceed one percent of their corresponding County use. Project operations would not substantially affect existing energy or fuel supplies or resources. The project would comply with applicable energy standards and new capacity would not be required. Fuel consumption associated with vehicle trips generated by the proposed project would not be considered inefficient, wasteful, or unnecessary.

The proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Impacts are less than significant, and no mitigation is required.

Threshold (b) Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. Project design and operation would comply with State Building Energy Efficiency Standards, appliance efficiency regulations, and green building standards. Project development would not cause inefficient, wasteful and unnecessary energy consumption, and no adverse impact would occur. The City of Newport Beach adopted an Energy Action Plan in 2013 in order to help reduce energy consumption and GHG emissions to become a more sustainable community and to meet the goals of AB 32. The Energy Action Plan outlines various measures and strategizes numerous methods on how the City's long-term vision can be achieved. The proposed project would include design features such as high-efficiency wall assemblies and windows to reduce heating and cooling loads; Energy Star appliances; high-efficiency heating and cooling systems to reduce energy consumption, and therefore reduce GHG emissions. Therefore, the project is consistent with AB 32, which aims to decrease emissions statewide to 1990 levels by t 2020. Potential impacts are considered less than significant.

SCAG's *2016–2040 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS) establishes GHG emissions goals for automobiles and light-duty trucks for 2020 and 2035 as well as an overall GHG

[21] The California Air Pollution Control Officers Association document, *Quantifying Greenhouse Gas Mitigation Measures* (August 2010), identifies that infill developments, such as the proposed project reduce vehicle miles traveled which reduces fuel consumption. Infill projects such as the proposed project would have an improved location efficiency.

[22] California Air Resources Board, EMFAC2017.

target for the project region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of EOs 5-03-05 and B-30-15. The project is consistent with regional strategies to reduce passenger vehicle miles traveled (VMT). The proposed project is within a major employment center and is proximate to several major employers. Orange County is traditionally jobs-rich. Transit stops along Bonita Canyon Drive connect the project site to the rest of the City as well as the cities of Irvine and Tustin. Increasing residential land uses near major employment centers is a key strategy to reducing regional VMT. Therefore, in addition to being an efficient infill development, the project would be consistent with regional goals to reduce trips and VMT by locating the project adjacent to other uses, which reduces vehicle trip lengths. The project would not conflict with the stated goals of the RTP/SCS. Therefore, the project would not interfere with SCAG's ability to achieve the region's post-2020 mobile source GHG reduction targets outlined in the 2016 RTP/SCS. Potential impacts are considered less than significant, and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.7 Geology and Soils

A Preliminary Geotechnical Investigation Report was prepared by Langan Engineering and Environmental Services in December 2018. The report is included in this Initial Study as Appendix C and the results are summarized herein.

The project site is located within the Peninsular Ranges Geomorphic Province of Southern California, which consists of a series of mountain ranges separated by northwest trending valleys subparallel to faults that branch from the San Andreas Fault. Specifically, the project site is within the western margin of the Los Angeles Basin bordered by the Santa Monica and San Gabriel Mountains to the north, Pacific Ocean to the west, Palo Verdes Peninsula to the southwest, and Saddleback Mountains to the east. The Los Angeles Basin includes strike-slip faulting and contraction/thrusting.

Threshold (a.i) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the 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?

Less Than Significant Impact. The City, as well as most of Southern California, is located in a region of historic seismic activity. According to the Alquist-Priolo Fault Zone and Seismic Hazard Zone Map, the project site is not located in a Fault Zone. Therefore, the proposed project would not result in any significant impacts in relation to a rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Map.

Threshold (a.ii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Less Than Significant Impact with Mitigation. As noted, the City is in a region of historic seismic activity. The project site could be subject to moderate to strong ground shaking in the event of an earthquake on one of the regional faults. The closest fault to the project site is the North Branch Fault, approximately 5.2 miles west of the project site. The Newport-Inglewood Rose Canyon Fault is approximately six miles south of the project site under the ocean floor. An unnamed fault is approximately 13.4 miles west of the project site. Due to the site's proximity to several active faults, the proposed project would experience similar moderate to occasionally high ground shaking from these fault as well as ground shaking from other seismically active faults of the Southern California region. The potential for damage resulting from seismic-related events include ground shaking, ground failure, and ground displacement. Strong levels of seismic ground shaking can cause damage, particularly to older and/or poorly constructed buildings. Construction of the development with subterranean parking would be required to conform to the seismic design parameters of the 2016 California Building Code as adopted by the City. MM-GEO 1 requires the City to review all project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits relative to the *Geotechnical Investigation* and Code requirements. Compliance with MM-GEO 1 and applicable regulations would reduce potential impacts related to strong seismic ground shaking to a less than significant level.

Threshold (a.iii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

No Impact. Liquefaction is the loss of strength where loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions. Primary factors controlling liquefaction include intensity and duration of ground motion, characteristics of the subsurface soils, in-situ stress condition, and the depth to groundwater. Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. According to the State of California Earthquake Zones of Required Investigation Tustin Quadrangle map, the project site is not susceptible to liquefaction. The groundwater table is estimated at 50 feet below grade. No significant impacts would occur and no mitigation is required.

Threshold (a.iv) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

No Impact. Landslides can occur if areas of steep slopes consisting of unstable soils are disturbed by ground shaking and/or heavy rainfall. According to the General Plan Safety Element, the project site is not within an area identified as having a potential for landslides. The project site and surrounding vicinity are relatively flat. There are no known landslides near the site nor is the site in the path of any known or potential landslides. Therefore, no impacts related to landslides would occur and no mitigation is required.

Threshold (b) Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Grading and earthwork activities during construction would expose soils to potential short-term erosion by wind and water. During construction, the proposed project would be required to comply with erosion and siltation control measures. This would include measures such as sand-bagging to reduce site runoff or hold topsoil in place prior to final grading and construction. Additionally, the proposed project is required to comply with the National Pollutant Discharge Elimination System (NPDES) permitting process. Construction impacts would be minimized through compliance with the Construction General Permit. The NPDES permit requires development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and monitoring plan, which must include erosion-control and sediment-control Best Management Practices (BMPs) that would meet or exceed measures required by the Construction General Permit to control potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. These requirements would ensure that potential project impacts are less than significant. The project site is not developed. The proposed project would allow for the implementation of a 21-unit condominium development in a two- to three-story building with one level of subterranean parking. No treatment control BMPs are proposed because infiltration is feasible on the project site. The project would include six bioretention BMPs and additional landscaping to prevent soil erosion from impervious surfaces. The site drainage is designed to allow for runoff volume to settle within the BMPs, while peak flows overflow to the historic low point located at the north end of the site. Therefore, the project would not result in substantial soil erosion or loss of topsoil.

Threshold (c) Would the project 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?

Threshold (d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

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 project site is underlain by Pleistocene marine deposits, which generally consist of dense to very dense sand. No large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or planned at the site or in the general site vicinity. The potential for landslides and liquefaction are minimal due to the relatively flat area and the depth of the groundwater table. There appears to be little or no potential for ground subsidence due to withdrawal of fluids or gases at the project site. According to the NRCS Web Soil Survey, the site is composed of Myford Sandy loams and Anaheim loam, which are moderately well drained.[23] Sandy loams are not considered expansive soils due to their ability to transmit water efficiently. The proposed project would be required to conform with the most recently published CBC, City regulations, and other applicable standards as noted in SC GEO-1. Conformance with standard engineering practices and design criteria would reduce the potential for substantial risks to life or property as a result of expansive soils is minimal and the associated impacts would be less than significant.

Threshold (e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The project does not propose the use of septic tanks and would connect to the existing sanitary sewer system for wastewater disposal. Therefore, no impact would occur and no mitigation is required.

Threshold (f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact with Mitigation. The project site is undeveloped but bordered by development. According to the geotechnical report prepared for the project, the site is underlain by Pleistocene marine deposits, which typically consist of dense to very dense sand and silty sand with local looser fine sands and silty layers. Underlying the Pleistocene marine deposits are Capistrano Formation. Typically, the Capistrano Formation has produced several fossil resources in the region and is considered to have high paleontological sensitivity. Although not expected, there is a possibility that project construction activities have the potential to affect unidentified paleontological resources. Therefore, implementation of MM GEO-2, which addresses the actions to be taken should paleontological resources be found, is required to reduce potential impacts to paleontological resources to a less than significant level and would comply with City Council Policy K-5.

Cumulative Impacts

The proposed project would be constructed in compliance with all applicable codes and in accordance with the mitigation set forth in this Initial Study, which are designed to reduce the exposure of people or structures to substantial risk of loss, injury, or death related to geological conditions or seismic events. The potential cumulative impact related to earth and geology is typically site-specific. The analysis herein determined that the project would not result in any significant impacts related to landform modification, grading, or the destruction of a geologically significant landform or feature with implementation of

[23] USDA Web Soil Survey, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx, Accessed December 5, 2018.

mitigation. Moreover, existing State and local laws and regulations are in place to protect people and property from substantial adverse geological and soils effects, including fault rupture, strong seismic ground shaking, seismic-induced ground failure (including liquefaction), and landslides.

Existing laws and regulations also protect people and property from adverse effects related to soil erosion, expansive soils, loss of topsoil, development on an unstable geologic unit or soil type that could result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. These existing laws and regulations, along with mitigation required for the project, would render potentially adverse geological and soil effects less than significant. These existing laws and regulations also ensure that past, present, and reasonably foreseeable future projects in the region do not result in substantial adverse geological and soils effects. As a result, the existing legal and regulatory framework would ensure that the incremental geological and soils effects of the project would not result in greater adverse cumulative effects when considered together with the effects of other past, present, and reasonably foreseeable future projects in Newport Beach and the greater Orange County region. Therefore, the project—in combination with past, present, and reasonably foreseeable future projects—would not result in a cumulatively significant impact by exposing people or structures to risks related to geologic hazards, soils, or seismic conditions.

Mitigation Program

Standard Conditions and Requirements

SC GEO-1 The project is required to conform to the seismic design parameters of the 2016 California Building Code and the 2016 California Green Building Standards Code (or applicable adopted code at the time of plan submittal or permit issuance).

Mitigation Measures

MM GEO-1 Prior to the issuance of grading permits, the City shall review all project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits to ensure compliance with the applicable recommendations from the Geotechnical Investigation and other applicable Code requirements.

MM GEO-2 Prior to the issuance of the first grading permit or permit for ground disturbance activities, the Applicant shall provide evidence to the City of Newport Beach that a qualified professional paleontologist has been retained. The selection of the qualified professional(s) shall be subject to the acceptance of the City. In the event that paleontological are inadvertently unearthed during excavation and grading activities of any future development project, the paleontologist or contractor shall temporarily cease all earth-disturbing activities within a 100-foot radius of the area of discovery. The qualified professional shall be contacted to evaluate the significance of the finding an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.

4.8 Greenhouse Gas Emissions

A greenhouse gas (GHG) emissions analysis was prepared by Kimley-Horn and Associates, Inc. (Kimley-Horn, 2019) for the proposed project. The GHG modeling outputs and results are included in Appendix A of this Initial Study and the results are summarized herein.

Background

The "greenhouse effect" is the natural process that retains heat in the troposphere, the bottom layer of the atmosphere. Without the greenhouse effect, thermal energy would "leak" into space resulting in a much colder and inhospitable planet. With the greenhouse effect, the global average temperature is approximately 61˚F (16˚C). Greenhouse gases (GHGs) are the components of the atmosphere responsible for the greenhouse effect. The amount of heat that is retained is proportional to the concentration of GHGs in the atmosphere. As more GHGs are released into the atmosphere, GHG concentrations increase and the atmosphere retains more heat, increasing the effects of climate change. Six gases were identified by the Kyoto Protocol for emission reduction targets: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), and sulfur hexafluoride (SF_6). When accounting for GHGs, all types of GHG emissions are expressed in terms of CO_2 equivalents (CO_2e) and are typically quantified in metric tons (MT) or million metric tons (MMT).

Approximately 80 percent of the total heat stored in the atmosphere is caused by CO_2, CH_4, and N_2O. These three gases are emitted by human activities as well as natural sources. Each of the GHGs affects climate change at different rates and persist in the atmosphere for varying lengths of time. The relative measure of the potential for a GHG to trap heat in the atmosphere is called global warming potential (GWP). The GWP was developed to allow comparisons of the global warming impacts of different gases. Specifically, it is a measure of how much energy the emissions of one ton of a gas will absorb over a given period of time, relative to the emissions of one ton of CO_2. The larger the GWP, the more that a given gas warms the Earth compared to CO_2 over that time period. GWPs provide a common unit of measure, which allows analysts to add up emissions estimates of different gases (e.g., to compile a national GHG inventory), and allows policymakers to compare emissions reduction opportunities across sectors and gases.

Greenhouse gases, primarily CO_2, CH_4, and N_2O, are directly emitted as a result of stationary source combustion of natural gas in equipment such as water heaters, boilers, process heaters, and furnaces. GHGs are also emitted from mobile sources such as on-road vehicles and off-road construction equipment burning fuels such as gasoline, diesel, biodiesel, propane, or natural gas (compressed or liquefied). Indirect GHG emissions result from electric power generated elsewhere (i.e., power plants) used to operate process equipment, lighting, and utilities at a facility. Included in GHG quantification is electric power which is used to pump the water supply (e.g., aqueducts, wells, pipelines) and disposal and decomposition of municipal waste in landfills (CARB, 2008).

Regulations and Significance Criteria

California Governor Arnold Schwarzenegger issued Executive Order S-3-05 in June 2005, which established the following GHG emission reduction targets: (a) by 2010: Reduce GHG emissions to 2000 levels; (b) by 2020: Reduce GHG emissions to 1990 levels; and, (c) by 2050: Reduce GHG emissions to 80 percent below 1990 levels, which is the level estimated to stabilize climate temperatures to a 2 degree increase and avoid further escalation of environmental impacts from global warming to agricultural resources, diseases, water supply, sea-level rise, and other harmful impacts.

Assembly Bill (AB) 32 Statutes of 2006, Health and Safety Code Section 38500 et seq. require that CARB determine what the Statewide GHG emissions level was in 1990 and approve a Statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020. CARB has approved a 2020 emissions limit of 427 million metric tons of CO_2 equivalent ($MTCO_2e$). Additionally, issued in April 2015, Executive Order B-30-15 requires Statewide GHG emissions to be reduced 40 percent below 1990 levels by 2030.

Executive Order B-30-15, which was issued in April 2015, requires statewide GHG emissions to be reduced 40 percent below 1990 levels by 2030. SB 32 (SB 32), signed into law in September 2016, codifies the 2030 GHG reduction target in Executive Order B-30-15. SB 32 authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030 and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions. With SB 32, the California Legislature passed companion legislation AB 197, which provided additional direction for developing an updated Scoping Plan. CARB released the second update to the Scoping Plan to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32 in November 2017.

Additionally, signed into law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

Due to the nature of global climate change, it is not anticipated that any single development project would have a substantial effect on global climate change. GHG emissions from the proposed project would combine with emissions emitted across California, the United States, and the world to cumulatively contribute to global climate change.

Addressing GHG emissions generation impacts requires an agency to determine what constitutes a significant impact. The State CEQA Guidelines specifically allow lead agencies to determine thresholds of significance that illustrate the extent of an impact and are a basis from which to apply mitigation measures. This means that each agency is left to determine whether a project's GHG emissions would have a "significant" impact on the environment. The guidelines direct that agencies are to use "careful judgment" and "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate" the project's GHG emissions (14 CRC § 15064.4(a)).

On September 28, 2010, air quality experts serving on the SCAQMD GHG CEQA Significance Threshold Stakeholder Working Group recommended an interim screening level numeric bright-line threshold of 3,000 metric tons of CO_2e annually and an efficiency-based threshold of 4.8 metric tons of CO_2e per service population (residents plus employees) per year in 2020 and 3.0 metric tons of CO_2e per service population per year in 2035.[24] The Working Group was formed to assist the SCAQMD's efforts to develop a GHG significance threshold and is composed of a wide variety of stakeholders including the State Office of Planning and Research (OPR), CARB, the Attorney General's Office, a variety of city and county planning departments in the Air Basin, various utilities such as sanitation and power companies throughout the Air

[24] In *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, the Supreme Court held that the EIR prepared for the San Diego Association of Governments' (SANDAG) *2050 Regional Transportation Plan/Sustainable Communities Strategy* did not need to include an analysis of the Plan's consistency with GHG emission reduction goals of 80 percent below 1990 levels by 2050 (established by Executive Order S-3-05 to comply with CEQA. The Court's opinion stated that the lead agency made "a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate" in part because it disclosed the 2050 emissions levels and identified the significance of the 2050 threshold to climate change impacts (i.e., to stabilization of temperature increases). The Court also noted that "a recent California Energy Commission report concludes, however, that the primary strategies to achieve this target should be major 'decarbonization' of electricity supplies and fuels, and major improvements in energy efficiency."

Basin, industry groups, and environmental and professional organizations. The numeric bright line and efficiency-based thresholds were developed to be consistent with CEQA requirements for developing significance thresholds, are supported by substantial evidence, and provide guidance to CEQA practitioners and lead agencies with regard to determining whether GHG emissions from a proposed project are significant. In *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal. 4th 2014, 213, 221, 227, following its review of various potential GHG thresholds proposed in an academic study [Crockett, *Addressing the Significance of Greenhouse Gas Emissions: California's Search for Regulatory Certainty in an Uncertain World* (July 2011), 4 Golden Gate U. Envtl. L. J. 203], the California Supreme Court identified the use of numeric bright-line thresholds as a potential pathway for compliance with CEQA GHG requirements. The study found numeric bright-line thresholds designed to determine when small projects were so small as to not cause a cumulatively considerable impact on global climate change was consistent with CEQA. Specifically, PRC Section 21003(f) finds that it is a policy of the State that "[a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment." The California Supreme Court-reviewed study noted, "[s]ubjecting the smallest projects to the full panoply of CEQA requirements, even though the public benefit would be minimal, would not be consistent with implementing the statute in the most efficient, expeditious manner. Nor would it be consistent with applying lead agencies' scarce resources toward mitigating actual significant climate change impacts." (Crockett, *Addressing the Significance of Greenhouse Gas Emissions: California's Search for Regulatory Certainty in an Uncertain World* (July 2011), 4 Golden Gate U. Envtl. L. J. 203, 221, 227.)

The City of Newport Beach has not adopted GHG significance thresholds but may set a project-specific threshold based on the context of each particular project, including the proposed project, using the SCAQMD Working Group expert recommendation because: (1) it is in the same air quality basin that the experts analyzed; (2) it is a residential project; and, (3) there is a factual basis to support why the experts believe projects with less than 70 residential units represent the smallest project with the smallest contributions to GHG emissions. For the proposed project, SCAQMD's proposed 3,000 $MTCO_2e$/yr non-industrial screening threshold is used as the significance threshold in addition to the qualitative thresholds of significance set forth below from Section VIII of State CEQA Guidelines Appendix G. The 3,000 $MTCO_2e$/yr screening threshold represents a 90 percent capture rate (i.e., this threshold captures projects that represent approximately 90 percent of GHG emissions from new sources) and represents emissions associated with development of approximately 70 single-family dwelling units.

The 3,000 $MTCO_2e$/year non-industrial screening threshold is typically used in defining small projects within this Air Basin that are considered less than significant because the threshold represents less than one percent of the future year 2050 statewide GHG emissions target and the lead agency can provide more efficient implementation of CEQA by focusing its resources on the top 90 percent or new developments within the Air Basin emitting GHGs. This screening threshold is correlated to the 90 percent capture rate for industrial projects within the Air Basin. Residential and commercial projects above the 3,000 $MTCO_2e$/year level would fall within the 90 percent of the largest projects that are worth mitigating without wasting scarce financial, governmental, physical and social resources.[25] As noted in the academic study, *Addressing the Significance of Greenhouse Gas Emissions: California's Search for Regulatory*

[25] SCAQMD, *Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold*, at pp. 3-2 and 3-3, October 2008; Crockett, *Addressing the Significance of Greenhouse Gas Emissions: California's Search for Regulatory Certainty in an Uncertain World,* July 2011, 4 Golden Gate U. Envtl. L. J. 203, 221, 227, 229-235).

Certainty in an Uncertain World (Crockett, 2011), the fact that small projects below a numeric bright line threshold are not subject to CEQA-based mitigation does not mean such small projects do not help the State achieve its climate change goals. Even small projects participate in or comply with non-CEQA-based GHG reduction programs, such constructing development in accordance with statewide GHG-reducing energy efficiency building standards (CalGreen or Title 24 energy-efficiency building standards).[26] Moreover, as residents of small residential projects buy cars and gasoline from manufacturers regulated by the State to reduce GHG emissions, the GHG generated by a project often reduces over time, as demonstrated in the GHG modeling addressed later in this section for the proposed project.[27]

As noted above, the 2017 CARB Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. The 2017 Scoping Plan includes various goals for reducing GHG emissions from energy generation, transportation fuel, the extension of the Cap and Trade program, among others. For example, the 2017 Scoping Plan includes the SB 350 renewable portfolio standard requirement of 50 percent by 2030, increased stringency in the low carbon fuel standard, cleaner technology and fuel mobile source strategy, sustainable freight action plan, short-lived climate pollutant reduction strategy, increased stringency of SB 375 targets, extension of the Cap and Trade program, refinery sector reductions, and development of an Integrated Natural and Working Lands Action Plan to create carbon sinks.

Threshold (a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. Pursuant to Appendix G of the State CEQA Guidelines, a project would have a potentially significant impact if it generates GHG emissions, directly or indirectly, that may have a significant impact on the environment; or conflicts with an applicable plan, policy, or regulation adopted to reduce GHG emissions. Section 15064.4 of the State CEQA Guidelines specifies how the significance of GHG emissions is to be evaluated. The process is broken down into quantification of project-related GHG emissions, making a determination of significance, and specification of any appropriate mitigation if impacts are found to be potentially significant.

Direct project-related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from electricity consumption, water demand, and solid waste generation. Operational GHG estimations are based on energy emissions from natural gas usage and automobile emissions. CalEEMod relies upon trip data; project trip generation data and project-specific land use data was used to calculate emissions. *Table 7* presents the estimated CO_2, CH_4, and N_2O emissions of the proposed project.

[26] Crockett, *Addressing the Significance of Greenhouse Gas Emissions: California's Search for Regulatory Certainty in an Uncertain World,* July 2011, 4 Golden Gate U. Envtl. L. J. 203, 221, 227, 229-235).

[27] On pages 3-2 and 3-3 of the SCAQMD's *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold* (October 2008), the SCAQMD notes that a GHG significance threshold based on a 90 percent emission capture rate may be more appropriate to address the long-term GHG impacts. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial fraction of future stationary source projects that will be constructed to accommodate future statewide population and economic growth, while setting the emission threshold high enough to exclude small projects that will in aggregate contribute a relatively small fraction of the cumulative statewide GHG emissions. This assertion is based on the fact that the SCAQMD estimates that these GHG emissions would account for less than one percent of future 2050 statewide GHG emissions target (85 $MMTCO_2e/yr$). In addition, these small projects would be subject to future applicable GHG control regulations that would further reduce their overall future contribution to the statewide GHG inventory.

Table 7: Project Greenhouse Gas Emissions			
	CO_2e (Metric Tons/Year)		
Emissions Source	**Opening Year (2021)**	**2030 Project Scenario**	**2050 Project Scenario**
Construction Emissions	258.74	258.74	258.74
Construction Emissions Amortized over 30 Years	8.63	8.63	8.63
Area Source	7.00	7.00	7.00
Energy	95.37	63.10	54.21
Mobile	187.91	146.98	137.47
Waste	4.86	4.86	4.86
Water	8.92	5.75	4.87
Total	**312.7**	**236.32**	**217.04**
Note: CalEEMod version 2016.3.2. Refer to Appendix A for Model Data Outputs. Source: Kimley-Horn, 2019.			

Project construction would result in the generation of approximately 258.74 metric tons of CO_2e over the course of construction (or 8.63 Metric Tons amortized over 30 years). As recommended by the SCAQMD, the standard practice is to amortize construction emissions over 30 years and combine construction emissions with the project's annual operational emissions[28]. Once construction is complete, the generation of these GHG emissions would cease. Forecasted GHGs from construction have been quantified and amortized over the life of the project (30 years). The amortized construction emissions are added to the annual average operational emissions.

Operational emissions consist of area sources, energy sources, mobile sources, solid waste generation, water use, and wastewater treatment. Area source emissions occur from hearths, architectural coatings, landscaping equipment, and consumer products. Mobile source emissions are based on the net new vehicle trips generated by the proposed project. Emissions from water consumption occur from energy use for conveyance and treatment, and emissions from solid waste occur as materials decompose. At opening year, the proposed project would result in project-related GHG emissions of 312.07 $MTCO_2$/yr.

As shown in Table 7, most of the project's emissions (approximately 91 percent) are from energy and mobile sources. As previously noted, energy and mobile sources are targeted by statewide measures such as continued implementation of the Renewable Portfolio Standard (the target is now set at 60 percent renewables by 2030) and extension of the Cap and Trade program (requires reductions from industrial sources, energy generation, and fossil fuels). The Cap and Trade program covers approximately 85 percent of California's GHG emissions as of January 2015. The statewide cap for GHG emissions from the capped sectors (i.e., electricity generation, industrial sources, petroleum refining, and cement production) commenced in 2013 and will decline by approximately three percent each year, achieving GHG emission reductions throughout the program's duration. The passage of AB 398 in July 2017 extended the duration of the Cap and Trade program from 2020 to 2030.

[28] The project lifetime is based on the standard 30-year assumption of the South Coast Air Quality Management District (South Coast Air Quality Management District, Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #13, August 26, 2009).

The proposed project is required to comply with all building codes in effect at the time of construction which include energy conservation measures mandated by Title 24 of the California Building Standards Code – Energy Efficiency Standards. Title 24 standards require energy conservation features in new construction (e.g., high-efficiency lighting, high-efficiency heating, ventilating, and air conditioning (HVAC) systems, thermal insulation, double-glazed windows, water conserving plumbing fixtures), which help reduce GHG emissions. California's Building Energy Efficiency Standards are updated on an approximately three-year cycle. Residential buildings built to the 2016 standards use about 28 percent less energy for lighting, heating, cooling, ventilation, and water heating than residences built to the 2013 standards. Residences built to the 2019 standards will use about 7 percent less energy due to energy efficiency measures when compared to homes built under the 2016 standards.[29]

Additionally, SCAG's 2016 RTP/SCS is also expected to help California reach its GHG reduction goals with reductions in per capita transportation emissions of 9 percent by 2020 and 16 percent by 2035. The project is an infill development project near large employment areas, such Newport Center, the Airport Area, and the Irvine Business Center, thereby potentially reducing the need to travel long distances for some residents and reducing associated GHG emissions.

The proposed project would not exceed the 3,000 $MTCO_2eq/yr$ significance threshold (Table 7). Therefore, the project's GHG impacts would be less than significant based on this appropriate quantitative bright line screening threshold.

With regards to quantitatively evaluating the significance of the project's long-term GHG emissions, in consultation with its air quality technical experts, the City research available scientific information regarding GHG significance thresholds for small residential projects in the Air Basin and did not find scientific consensus regarding an appropriate bright-line screening or other quantitative significance threshold.[30] However, for disclosure purposes, the City has made a good faith effort, based to the extent possible on scientific and factual data, to describe, calculate and estimate what current modeling shows about the project's GHG emissions in 2030 and 2050 and the trend in the project's emissions. With continued implementation of some of the various statewide measures, the project's operational energy and mobile source emissions (sources that account for approximately 91 percent of total project emission) would continue to decline in the future.

To determine post-2020 project emissions, the project's GHG emissions have been calculated for 2030 and 2050 (Table 7). The emissions calculations for 2030 and 2050 assume continued implementation of the State's Renewable Portfolio Standards (RPS) goals and continued improvements in vehicle emissions due to regulatory improvements and fleet turnover. Table 7 shows that total project GHG emissions would decline in 2030 and 2050 due to reduced energy and mobile source emissions. It should be noted that additional emissions reductions from the State's Cap and Trade program are not accounted for in the CalEEMod model, which would result in even lower GHG emissions. Emissions reductions from the State's Cap and Trade program would offset approximately 90 percent of GHG emissions from new projects. The estimated emissions levels are provided for information and disclosure purposes consistent with the CEQA Guidelines. Because the City cannot predict or measure the GHG reduction benefits of regulations the

[29] California Energy Commission, *2019 Building Energy Efficiency Standards Frequently Asked Questions*, March 2018.

[30] See the analysis in Threshold (b) for a qualitative analysis explaining that a small project under the screening threshold still contributes to and benefits from statewide programs to reduce GHG emissions thus avoiding a conflict with plans, policies and regulations adopted for the purpose of reducing the emissions of greenhouse gases.

State has not yet developed. Impacts to long-term GHG emissions targets are too speculative to further analyze and no conclusion is drawn because CEQA directs the City to terminate the analysis after it reaches the point of becoming too speculative to analyze.

Threshold (b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. The City of Newport Beach Energy Action Plan outlines goals to reduce energy consumption and GHG emissions to become a more sustainable community and to meet AB 32 goals. Goals include:

- Meet and exceed AB 32 energy reduction goals;
- Be an example for energy efficiency and sustainability at City facilities;
- Continue interacting, educating, and informing the community about energy efficiency and GHG emissions;
- Explore the newest "green" technologies and methods to decrease future energy dependency;
- Explore renewable energy recourses (not limited to solar) and possible financing based on available grants/rebates;

Because the City's Energy Action Plan's goals and policies are focused on energy efficiency and sustainability at City facilities, the proposed project is not subject to and does not conflict with the Energy Action Plan. However, it is noted that proposed project is required to comply with all building codes in effect at the time of construction which include energy conservation measures mandated by Title 24 of the California Building Standards Code – Energy Efficiency Standards. Title 24 is part of the State's plans and regulations for reducing emissions of GHGs to meet and exceed AB 32 and SB 32 energy reduction goals. Because Title 24 standards require energy conservation features in new construction, they help reduce GHG emissions. As previously noted, California's Building Energy Efficiency Standards are updated on an approximately three-year cycle and he most recent 2016 standards went into effect January 1, 2017. Therefore, even if the proposed project were subject to the City's Energy Action Plan, the project would not conflict with the community-wide energy use goals of the plan.

The project would incorporate "green" technologies and methods to decrease future energy dependence through its compliance with Title 24, as well as technologies discussed in Section 4.6, Energy, which concludes that the project's energy impacts would be less than significant.

Moreover, because it is a small project below the 3,000 MTCO2e/year threshold the City is applying to this project based on the expert analysis of the SCAQMD Working Group, it would not interfere with the State's goals of reducing GHG emission to 1990 levels by 2020 as stated in AB 32. The project does not interfere with State efforts to reduce GHG emissions to 40 percent below 1990 levels by 2030 in accordance with SB 32. The City notes that approximately 91 percent of the project's emissions are from energy and mobile sources which would be further reduced by the 2017 Scoping Plan measures described above. It should be noted that the City has no control over vehicle emissions (approximately 60 percent of the project's total emissions). However, these emissions would decline in the future due to statewide measures including the reduction in the carbon content of fuels, CARB's advanced clean car program, CARB's mobile source strategy, fuel efficiency standards, cleaner technology, and fleet turnover. Additionally, SCAG's 2016 RTP/SCS is also expected to help California reach its GHG reduction goals, with

reductions in per capita transportation emissions of 9 percent by 2020 and 16 percent by 2035.[31] As noted above, the project is an infill development project near large employment areas thereby potentially reducing the need to travel long distances.[32] Accordingly, the project does not interfere with the State's efforts to reduce GHG emissions in 2030.

Regarding goals for year 2050 under Executive Order S-3-05, at this time it is not possible to quantify all emissions savings from future regulatory measures because they have not yet been developed. Just as the project's GHG emissions would decrease over time from the known regulations that will be phased in throughout the State over time, it can be anticipated that operation of the proposed project would comply with or benefit from all applicable measures enacted that State lawmakers to reach the goal of an 80 percent reduction below 1990 levels by 2050. This percentage reduction is the level of GHG emissions that the State's GHG regulators believe the State needs to achieve in order to stabilize GHG-induced temperature increases and limit GHG impacts in California's environment. The analysis in this IS/MND documents what can reasonably be known about the current regulation of GHG emissions and project GHG impacts based to the extent possible on scientific and factual data. Further analysis would be speculative; therefore, in compliance with CEQA, no further analysis or conclusions are made with regard to the project's long-term GHG impacts.

Therefore, the proposed project would have a less than significant impact on GHG emissions. Consistent with Title 24, AB 32, SB 32, and the City's Energy Action Plan, the proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions. Impacts would be less than significant. Impacts to long-term GHG emissions targets are too speculative to further analyze and no conclusion is drawn because CEQA directs the City to terminate the analysis after it reaches the point of becoming too speculative to analyze.

Cumulative Impacts

As addressed in this Initial Study, because of the global nature of the climate change problem, most projects will not generate GHG emissions that individually will cause a significant impact on global climate change.[33] Therefore, the analysis of a project's GHG impacts is typically not considered individually but is analyzed against the GHG emissions of existing and proposed projects within the region, State, and ultimately against global emissions and how the emissions can cumulatively affect global climate change. This concept is supported in the various case law and Office of Planning and Research and SCAQMD publications.[34] Furthermore, the proposed project demonstrates consistency with the strategies, actions, and emission reduction targets of the City of Newport Beach's Energy Action Plan. The proposed project would not result in a cumulatively considerable impact associated with GHG emissions. The City cannot predict or measure the GHG reduction benefits of regulations that the State has not yet developed. Impacts to long-term GHG emissions targets are too speculative to further analyze and no conclusion is

[31] Southern California Association of Governments, *Final 2016–2040 RTP/SCS*, April 2016, p. 153.

[32] The California Air Pollution Control Officers Association, *Quantifying Greenhouse Gas Mitigation Measures* (August 2010) identifies that infill developments, such as the proposed project reduce vehicle miles traveled which reduces fuel consumption. Infill projects such as the proposed project would have an improved location efficiency.

[33] California Air Pollution Control Officers Association, *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*, 2008.

[34] California Governor's Office of Planning and Research, *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review Technical Advisory*, June 2008; South Coast Air Quality Management District, *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold,* October 2008; *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 538 F.3d 1172, 1215-1217 [9th Cir. 2008].

drawn because CEQA directs the City to terminate the analysis after it reaches the point of becoming too speculative to analyze.

Mitigation Program

Standard Conditions and Requirements

SC GHG-1 Prior to issuance of building permits, the Property Owner/Developer shall be required to demonstrate to the Planning Department, Building Division that building plans meet the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (*California Code of Regulations* [CCR], Title 24, Part 6). These standards are updated, normally every three years, to incorporate improved energy efficiency technologies and methods.

SC GHG-2 Prior to issuance of building permits, the Property Owner/Developer shall be required to demonstrate to the Planning Division and Building Division that building plans meet the applicable California Green Building Standards (CalGreen) Code (24 CCR 11).

Mitigation Measures

No mitigation is required.

4.9 Hazards and Hazardous Materials

This section provides a discussion of existing conditions, potential impacts, and mitigation measures to avoid or minimize the significance of such impacts related to hazards and hazardous materials as a result of the implementation of the project. Information in this section is based on the *Phase I Environmental Site Assessment Report* (ESA) prepared by Citadel Environmental Services, Inc. (2015); the report is included in Appendix D of this Initial Study.

To supplement the Phase I ESA, Kimley-Horn conducted a regulatory database search of the Department of Toxic Substances Control (DTSC) Envirostor website (http://www.envirostor.dtsc.ca.gov/public/) and the State Water Resources Control Board's geotracker website (http://geotracker.waterboards.ca.gov/). The database search was performed to identify potential new hazardous material-regulated facilities on or near the project site.

Regulatory Setting

The management of hazardous materials is regulated by various federal, State, and local agencies. Federal and State agencies include the U.S. EPA, United States Department of Transportation (DOT), California Environmental Protection Agency (Cal EPA), DTSC, California State Water Resources Control Board (SWRCB), Regional Water Quality Control Board (RWQCB), and the California Highway Patrol. Local agencies include the Orange County Fire Authority (OCFA), which regulates hazardous materials use, storage, and disposal within the City.

Existing Site Conditions

The project site is currently undeveloped and contains a mix of native and ornamental plant species. The boundaries of the project site slopes towards the center, forming a depressed area. A horizontal pipe was observed during site reconnaissance protruding out of a sloped area. Fencing was observed near the northern portion of the site. No equipment was observed at the site.

Based on historical records, the site has been undeveloped since at least 1938. By 1972, Ford Road was constructed, connecting to MacArthur Boulevard. The adjacent building to the east and surface parking lot are developed by 1977. Properties west of MacArthur Boulevard are built out by 1989. By 2005, Ford Road no longer connects to MacArthur Boulevard and terminates south of the site while Bonita Canyon Sports Park develops south of the project site.

During site reconnaissance, no aboveground or underground storage tanks, pits, or sumps were observed. No hazardous materials used for janitorial and building maintenance purposes were detected. Since there are no structures on site, a survey for asbestos-containing building materials and lead paint was not requested. No sources of Polychlorinated Biphenyls (PCB) were observed on the site.

Threshold (a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. Exposure of the public or the environment to hazardous materials can occur through transportation accidents; environmentally unsound disposal methods; improper handling of hazardous materials or hazardous wastes (particularly by untrained personnel); and/or emergencies, such as explosions or fires. The severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors.

Project construction is not anticipated to involve the transport, use, creation or disposal of hazardous materials. Small quantities of potentially hazardous substances such as gasoline, diesel fuel, lubricants for machines, and other petroleum-based products would be used on site. Should any unknown contaminated soils or other hazardous materials be discovered and be removed from the project site, the soils/material can be transported only by a licensed hazardous waste hauler in covered containment devices in compliance with all applicable County, State, and federal requirements.

The project would not emit hazardous emissions or involve hazardous or acutely hazardous materials, substances, or waste. However, the proposed project could involve the use of materials associated with routine maintenance of the property, such as janitorial supplies for cleaning purposes and/or herbicides and pesticides for landscaping. On the local level, the OCFA routinely provides inspections to ensure the safe storage, management, and disposal of any hazardous materials in accordance with the federal, State, and local regulations. Impacts associated with the transport, use, or disposal of hazardous materials would be less than significant.

Threshold (b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. The project site is not listed on any databases and there are no known uses that would cause environmental hazards on the project site. No historical releases of petroleum products from a leaking underground storage tank (LUST) have occurred within 0.25 mile of the site.

According to Geotracker, the Ford Aerospace Corporation, approximately 0.5-mile west of the project site is listed as a LUST cleanup site. However, remediation occurred, and levels of contaminants were below thresholds that pose a risk to human health. In 1997, the Orange County Health Care Agency (OCHCA) granted soil closure, with residual contamination left in place at concentrations that conformed with standards for the protection of human health at that time. This soil closure allowed the property to be rezoned for residential use. Between 2001 and 2012, actions at the site included remediation and limited soil gas assessment which determined that health risks were not present.

In 2014, the U.S. EPA updated the safe exposure levels of trichloroethylene (TCE) for commercial and residential properties, prompting the San Francisco Bay Regional Water Board to update their Environmental Screening Levels (ESL). The Santa Ana RWQCB relied on the ESL to evaluate risk from impact soil, soil gas, and groundwater. In 2017, Ford Aerospace Corporation submitted new models to evaluate the site's historical data and compare the data to the current newly updated ESLs. Assessment activities at the former facility are ongoing, specifically installation and sampling of soil gas probes and indoor air sampling of commercial and residential properties. The project site is not within the investigation boundary for the former Ford Aeronutronics Facility. Based on the most recent findings from the Santa Ana RWQCB (February 2019), the project site is not within the indoor air sampling area for the former Ford Aeronutronics property, and new screening levels do not have the ability to impact the project site.

The storage, use, handling, and disposal of any hazardous materials (such as paints and solvents) that might be stored on the site during construction are addressed by federal, State, and local laws, regulations and programs that govern the use, transport and/or disposal of hazardous materials. Compliance with local, State and federal laws and regulations would reduce the risk of hazardous material incidents to a less than significant impact. Therefore, the project would not create a significant hazard to the public or

to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The proposed project would not be a generator of or facilitate the generation of hazardous materials. The proposed project could involve the transport and use of materials associated with routine maintenance of residential developments, such as janitorial supplies for cleaning purposes and/or herbicides and pesticides for landscaping. However, the types and quantities of materials to be used and stored on site would not be of a significant quantity to create a reasonably foreseeable upset or accident. Furthermore, although the Ford Aeronutronics property is currently undergoing assessment activities, the project site is not within the investigation boundary for the former facility. Operation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and impacts would be less than significant.

Threshold (c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. No other schools are within 0.25 mile of the project site. The nearest school is Andersen Elementary School at 1900 Port Seabourne Way, approximately 0.5 mile southeast of the project site. The project does not propose any uses which could potentially generate hazardous materials in significant quantities that would have an impact to surrounding schools. As such, there would be no significant impact.

Threshold (d) Would the project 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 create a significant hazard to the public or the environment?

No Impact. The project site does not include any sites identified on a hazardous site list compiled pursuant to California Government Code Section 65962.5.[35] In addition, a Phase I ESA was prepared for the project; No evidence of recognized environmental concerns (as defined by ASTM Practice E 1527-05) was found on the project site. Kimley-Horn reviewed information from the DTSC Envirostor website to identify any releases of regulated substances or petroleum products that occurred on or near the project site, in addition to the Geotracker database search conducted as part of the Phase 1 ESA. There were no new cases associated with facilities on or proximate to the project site. No significant adverse impacts would result with implementation of the project.

Threshold (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 or excessive noise for people residing or working in the project area?

No Impact. The project site is approximately 2.6 miles southeast of John Wayne Airport; it is not near a private airstrip. The Airport Land Use Commission of Orange County's (ALUC) *Airport Environs Land Use Plan for John Wayne Airport* (AELUP, amended April 17, 2008) 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

[35] California, State of, Department of Toxic Substances Control, DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List). Available at: http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm. Accessed: November 12, 2018.

planning area based on noise contours, accident potential zone, and building heights and identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of AELUP Safety Zones 1 through 6. ALUC is an agency authorized under State law to assist local agencies in ensuring compatible land uses near airports. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity.

ALUCs are not implementing agencies in the manner of local governments, nor do they 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 the ALUC. If such an amendment or change is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: "to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses." Therefore, although the project site is outside the Safety Zones, ALUC review is required. The ALUC's consistency determination for the project must occur prior to the Newport Beach City Council taking action on this project.

The project site is within the planning area for John Wayne Airport. The project site is outside of the Safety Zones identified in the AELUP for both noise and obstructions. Figure S5 of the City's General Plan Safety Element, John Wayne Airport Clear Zone/Runway Protection Zone and Accident Potential Zones also shows that the project site is outside of a Safety Zone. The proposed project is a residential development bordered by roadways, a park, and existing single-family and multi-family residences. New residents of the project would not be exposed to excessive noise levels from the airport; the project site is outside of the 60 CNEL contour for John Wayne Airport (AELUC, 2008).

The project site is in the Federal Aviation Regulation (FAR) Part 77 Notification Area of John Wayne Airport, as identified in the AELUP for John Wayne Airport. Per FAR Part 77, Section 77.13(a), notice to the Federal Aviation Administration (FAA) is required for any proposed structure more than 200 feet above the ground level of its site. Notices to the FAA provide a basis for evaluating a project's potential effects on operational procedures and air navigation. Coinciding with the FAA regulation, the ALUC also requires notification of all such proposals. The proposed condominium building would exceed 37 feet above ground level and therefore notification is not applicable.

Because the project is outside of a Safety Zone, would not expose residents to excessive airport noise, and would be proximate to existing residences, the proposed project would not result in a safety hazard for people working or residing at the project site. No impacts would occur and no mitigation is required.

Threshold (f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The proposed project would not have a significant impact on emergency response plans or emergency evacuation plans. According to the City of Newport Beach, MacArthur Boulevard serves as an emergency evacuation route for tsunami-related hazards. The project would not interfere evacuation routes during construction or operation. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California[36]. CAL FIRE ranks fire threats based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threats. The project site is not within an identified State or Local fire hazard area. The project would not expose people or structures to a risk of loss, injury or death involving wildland fires. The site is in a developed urban area and it is not adjacent to or near any wildland areas. See Section 4.20, Wildfire, for more discussion on this topic. Therefore, no impact would occur and no mitigation is required.

Cumulative Impacts

The incremental effects of the proposed project related to hazards and hazardous materials, if any, are anticipated to be minimal, and any effects would be site-specific. Therefore, the proposed project would not result in incremental effects to hazards or hazardous materials that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. The proposed project would not result in cumulatively considerable impacts to or from hazards or hazardous materials.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the project.

[36] CAL FIRE, http://frap.fire.ca.gov/webdata/maps/statewide/fhszl06_1_map.pdf, accessed on November 12, 2018.

4.10 Hydrology and Water Quality

A Preliminary Water Quality Management Plan (WQMP) was prepared by Psomas in January 2019. The report is summarized below and provided in Appendix E of this Initial Study.

Threshold (a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. Project impacts related to water quality could occur over three different periods:

- During the earthwork and construction phase, where the potential for erosion, siltation, and sedimentation would be the greatest;
- Following construction, before the establishment of ground cover, when the erosion potential may remain relatively high; and
- After project completion, when impacts related to sedimentation would decrease markedly but those associated with urban runoff would increase.

Urban runoff, both dry and wet weather, discharges into storm drains, and in most cases, flows directly to creeks, rivers, lakes, and the ocean. Polluted runoff can have harmful effects on drinking water, recreational water, and wildlife. Urban runoff pollution includes a wide array of environmental, storm water characteristics depend on site conditions (e.g., land use, impervious cover, and pollution prevention practices), rain events (duration, amount of rainfall, intensity, and time between events), soil type and particle sizes, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff from urban areas include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria. Most urban storm water discharges are considered non-point sources.

Runoff from the project site ultimately drains into Bonita Canyon Creek Channel (Bonita Channel OCFD F04), which confluences into the San Diego Creek Channel. The San Diego Channel eventually flows into upper Newport Bay and ultimately discharges into the Pacific Ocean. Total Maximum Daily Loads (TMDLs) have been established for the local channels by the Santa Ana Regional RWQCB. TMDLs for Bonita Canyon Creek Channel include Chlorpyrifos and Diazinon while TDMLs for San Diego Creek Channel include Fecal Coliform, Nutrients, Pesticides, Sedimentation/Siltation, Selenium, and Toxaphene.

Construction

Short-term impacts related to water quality can occur during the earthwork and construction phases when the potential for erosion, siltation, and sedimentation would be the greatest. Additionally, impacts could occur prior to the establishment of ground cover, when the erosion potential may remain relatively high. Construction of the proposed project has the potential to produce typical pollutants, such as nutrients, heavy metals, pesticides and herbicides, and chemicals related to construction and cleaning, waste materials, including wash water, paints, wood, paper, concrete, food container, sanitary wastes, fuel, and lubricants. Impacts to storm water quality could occur from construction, and associated earthmoving, and increased pollutant loading.

The proposed project would disturb more than one acre of land surface and would therefore be required to obtain coverage under the NPDES storm water program. Construction activities would be required to comply with a SWPPP consistent with the General Permit for Stormwater Discharge Associated with

Construction Activity (Construction Activity General Permit). To obtain coverage, the applicant is required to submit a Notice of Intent (NOI) prior to construction activities and develop and implement a SWPPP and monitoring plan. The SWPPP identifies erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction Activity General Permit to control potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized.

Additionally, the project would be required to comply with Newport Beach Municipal Code (NBMC) 14.36.040, which requires compliance with the Orange County Drainage Area Management Plan (DAMP) and any conditions and requirements established by the City in order to meet federal and State water quality requirements related to storm water runoff. The DAMP reduces the pollution content of storm water to the Maximum Extent Practicable (MEP). The purpose of the Orange County DAMP is to satisfy NPDES permit conditions for creating and implementing a Storm Water Management Plan to reduce pollutant discharges to the MEP. The DAMP contains guidelines on structural and nonstructural BMPs for meeting the NPDES goals. These requirements would ensure that potential project impacts related to soil erosion, siltation, and sedimentation remain less than significant and avoid violation to any water quality standards or waste discharge requirements.

Operations

The site is currently approximately 24 percent impervious. In the post-development condition, the project site would be approximately 69 percent impervious, with the remaining 31 percent consisting of pervious landscaping areas.

The site has existing storm drain facility located on the adjacent property to the northeast. This existing storm drain generally flows northly into larger storm drain pipes and channels before discharging into the San Diego Creek Channel approximately a mile north of the site.

The proposed drainage pattern is similar to the existing condition, except the proposed site would use infiltration BMPs. Water would drain via roof downspouts, vegetated swales, and concrete gutters toward the BMPs and infiltrate into the native soil approximately 3 feet below the finished grade. These biotreatment BMPs would consist of a 3-inch layer of mulch and loosely compacted sandy loam soil media approximately 36-inches. Heavy flows would discharge to the historic low point on site before following the existing drainage pattern and discharging to the northeast towards the existing storm drain system.

Hydromodification refers to changes in the magnitude and frequency of stream flows and its associated sediment load due to urbanization or other changes in the watershed land use and hydrology and the resulting impacts on receiving channels, such as erosion, sedimentation, and potential degradation of in-stream habitat. Due to the increase of impervious surfaces, from 24 to 69 percent, runoff from the project site would increase. However, according to the WQMP, total BMP storage volume for the proposed project is 3,959 CF which satisfies the required storage volume to handle the runoff. Further, there are no Environmentally Sensitive Areas or Areas of Special Biological Significance within the project site or in the project vicinity.

All new development is required to comply with existing water quality standards and waste discharge regulations set forth by the State Water Quality Control Board (SWQCB). The proposed project would comply with these regulations. The proposed project would comply with these regulations by restricting dumping of any waste into drainage facilities or vehicle washing or maintenance outside designated areas. Further, the project's BMP are designed to meet water quality standards and would not increase runoff

volumes offsite. Additionally, the final WQMP would have to be approved by the City prior to the issuance of a grading permit. Waste discharges are to be connected to the public wastewater system. Therefore, the project would not violate any water quality standards or waste discharge requirements.

Threshold (b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. The City works with three different agencies for water supply: Metropolitan Water District of Southern California (MWD), Municipal Water District of Orange County (MWDOC), and Orange County Water District (OCWD). The sources of imported water supplies include the Colorado River and the State Water Project provided by MWD and delivered through MWDOC. The City's main source of water supply is groundwater from the Lower Santa Ana River Groundwater Basin and imported water from MWD through MWDOC. Currently, the City relies on 70 percent groundwater, 27 percent imported water, and 3 percent recycled water.[37]

The project site sits over the Orange County Groundwater Basin. The Preliminary Water Quality Management Plan (WQMP) prepared for the project notes that groundwater would be expected to be encountered at 20 feet below ground surface. As previously addressed, on-site improvements as well as landscape areas would allow for infiltration and retention. As addressed above, water would flow from roof downspouts, vegetated swales, and concrete gutters toward the BMPs and infiltrate into the native soil approximately three feet below the finished grade. Heavy flows would discharge to the historic low point on site before following the existing drainage pattern and discharging to the northeast towards the existing storm drain system at Bonita Channel OCFD F04. Although the project would increase the area of on-site impervious surfaces, the proposed drainage system would maximize ground infiltration with the proposed BMPs. Therefore, the project would not significantly impact local groundwater recharge. Impacts would be less than significant, and no mitigation is required.

Threshold (c.i.) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

Threshold (c.ii.) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant Impact. The proposed project would not result in a significant change to the drainage pattern of the site. The project would not involve the alteration of the course of a stream or river. Water would drain via roof downspouts, vegetated swales, and concrete gutters toward six biotreatment BMPs and infiltrate into the native soil approximately 3 feet below the finished grade. These biotreatment BMPs would consist of a 3-inch layer of mulch and approximately 36-inches of loosely compacted sandy loam soil media. are located throughout the project site. Heavy flows would discharge to the historic low point on site before following the existing drainage pattern and discharging to the

[37] Arcadis. *2015 Urban Water Management Plan City of Newport Beach*. June 2016.

northeast towards the existing storm drain system at Bonita Channel OCFD F04. No flooding would occur on site. Impacts would be less than significant.

Threshold (c.iii.) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. The City is primarily built out and contains an existing storm water drainage system. Runoff from the project site would be discharged into existing storm drain facilities. The amount of runoff for the project would be similar to existing conditions from 3,595 to 3,614 CF, a 19 CF change or 0.5 percent increase. Therefore, the project is consistent with the capacity of the existing storm drain system in the City. During construction, the construction plans would be reviewed along with supporting hydrology reports and calculations and the project would be required to comply with NPDES requirements. The project would comply to NBMC Chapter 14.36.040 to ensure that any potential impacts associated with runoff and water quality during grading and construction would be reduced to a less than significant level. Therefore, impacts would be less than significant.

Threshold (c.iv.) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

No Impact. The project site is not located within the 100-year hazard flood zone area. Based on the Flood Insurance Rate Map (FIRM) 06059C0288J, the project site is within Zone X, 0.2 percent change flood; areas with 1.0 percent annual change flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; or areas protected by levees from the 1.0 percent annual change of flood.[38] Further, the project is designed to use infiltration BMPs. Runoff would be slightly higher than the existing conditions (3,595 to 3,614 CF) but the existing storm drain system has the capacity to accommodate this increase. The project site is not subject to flooding and would not impede or redirect flood flows. No impacts would occur and no mitigation is required.

Threshold (d) In flood hazard, tsunami, or seiche zones, would the project risk the release of pollutants due to project inundation?

No Impact. According to the City's Local Hazards Mitigation Plan, the project site is not within the City's coastal area and is approximately 2.2 miles from the Pacific Ocean. The project site is not within a tsunami inundation area.[39] Further, the project site is not within the Bonita Canyon Reservoir or San Joaquin Reservoir inundation areas[40]; no release of pollutants due to inundation would be expected. The project is a residential development project and would involve the use of materials associated with routine maintenance of the property, such as janitorial supplies for cleaning purposes and/or herbicides and

[38] FEMA. Flood Insurance Rate Map 06059C0277J. https://msc.fema.gov/portal#, accessed November 20, 2018.

[39] City of Newport Beach, Tsunami Inundation Map, Available at: https://www.newportbeachca.gov/home/showdocument?id=58851. Accessed March 4, 2019.

[40] City of Newport Beach, Local Hazard Mitigation Plan Update 2016, Available at: ftp://newportbeachca.gov/LHMP/NB_DMP_Complete_pdf.pdf. Accessed November 20, 2018.

pesticides for landscaping. The project is not within a flood hazard, tsunami, or seiche zone and would not risk the release of pollutants. No impacts would occur and no mitigation is required.

Threshold (e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. As discussed under threshold a), the proposed project would comply with water quality standards and provisions. In 2014, the California Sustainable Groundwater Management Act (SGMA) was passed, which provides authority for agencies to develop and implement groundwater sustainability plans (GSP) or alternative plans that demonstrate the water basins are being managed sustainably.[41]

Groundwater levels are managed within a safe basin operating range to protect the long-term sustainability of the OC Basin and to protect against land subsidence. OCWD regulates groundwater levels in the OC Basin by regulating the annual amount of pumping, or basin production percentage (BBP). The City of Newport Beach pumps groundwater through its four wells, with pumping limitations set by the BPP and the pumping capacity of the wells. In 2015, the City pumped 11,203 AF of groundwater. Projected groundwater supplies are expected to reach 11,881 AF by 2040. In 2015, actual water consumption was 176 gallons per capita per day (gpcd). The project is expected to generate 47 new residents, which would generate approximately 8,272 gpcd, or 9.27 AF a year. The project's water demand, if solely relied from groundwater resources, would represent 0.08 percent of the total groundwater supply in 2015. Furthermore, the City would continue to comply with SBx7-7 Requirements, which aim to reduce urban water usage by 20 percent by 2020. Compliance with the BPP allowance set by OCWD and SBx7-7 reduction targets would reduce any project-related impacts on sustainable groundwater management plans. Impacts are less than significant, and no mitigation is required.

Cumulative Impacts

Buildout of the proposed project, in combination with present and reasonably foreseeable future development that would occur within the watershed, would involve construction activities, new development from which runoff would discharge into waterways, potential increased in storm water runoff from new impervious surfaces, and a potential reduction in groundwater recharge areas. Construction of new development within the watershed could result in the erosion of soil, thereby cumulatively impacting water quality within the watershed. In addition, the increase in impermeable surfaces and more intensive land uses within the watershed resulting from future development may also adversely affect water quality by increasing the amount of storm water runoff and common urban contaminants entering the storm drain system. However, new development would be required to comply with existing regulations regarding construction and operational practices that minimize risks of erosion and runoff. Compliance with requirements would minimize degradation of water quality at individual construction sites. As such, no significant cumulative impacts are anticipated.

Mitigation Program

Standard Conditions and Requirements

SC HYD-1 Prior to issuance of any grading or building permit, and as part of the future development's compliance with the National Pollutant Discharge Elimination System

[41] State Water Resources Control Board. Sustainable Groundwater Management Act (SGMA). https://www.waterboards.ca.gov/water_issues/programs/gmp/sgma.html. Accessed January 16, 2019.

(NPDES) requirements, a Notice of Intent shall be prepared and submitted to the Santa Ana Regional Water Quality Control Board (RWQCB) providing notification and intent to comply with the State of California General Construction Permit. The Stormwater Pollution Prevention Plan (SWPPP) shall be reviewed and approved by the Director of Engineering for water quality construction activities on site. A copy of the SWPPP shall be available and implemented at the construction site at all times. The SWPPP shall outline the source control and/or treatment control Best Management Practices (BMPs) to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." All recommendations in the SWPPP shall be implemented during area preparation, grading, and construction. The applicant shall comply with each of the recommendations detailed in the Study, and other such measure(s) as the City deems necessary to mitigate potential storm water runoff impacts.

SC HYD-2 Prior to issuance of a grading permit, the applicant shall prepare, to the satisfaction of the Director of Engineering, a Water Quality Management Plan (WQMP), which includes post-construction Best Management Practices (BMPs) that would be implemented as part of the project, in accordance with the Orange County Drainage Area Management Plan (DAMP), and the Newport Beach Municipal Code Chapter 14.36 Water Quality. All BMPs of the WQMP shall be implemented during the operation phase. The applicant shall comply with the BMPs detailed in the WQMP, and other measures as the City deems necessary.

Mitigation Measures

No mitigation is required.

4.11 Land Use and Planning

Threshold (a) Would the project physically divide an established community?

No Impact. Parcel 1 is primarily undeveloped but also includes the surface parking for the AT&T Switch Station. The site is generally bordered by Bonita Canyon Drive to the north; the City of Newport Beach Bonita Canyon Sports Park and parking lot to the south and west; the AT&T Switch Station to the east; and MacArthur Boulevard to the west of the Sports Park. The proposed project would allow for a 21-unit residential condominium development with subterranean parking and indoor and outdoor amenities. No residential communities would be displaced, and no new roads are proposed as part of the project. The proposed project would not divide nearby residential communities located southeast of the project site. Therefore, no impacts would occur and no mitigation is required.

Threshold (b) Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. The General Plan land use designation and zoning district for the site is Public Facilities (PF). As a part of the proposed project, the zoning designation would be changed to Multi-Unit Residential (RM). Assuming approval of the General Plan amendment and zone change, the proposed project would not conflict with applicable plans, policies, or regulations.

General Plan Land Use Element

GP Goal LU-1 A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.

Consistency Analysis: The proposed project is consistent with GP Goal LU-1. The proposed project would introduce a new type of housing proximate to existing multi-family residential development to the north and west, and single-family residential developments to the southeast. The project is consistent with the overall residential character in the area and offers shared and private amenities that promote high quality living, including but not limited to a swimming pool, pool room, spa, courtyard, as well as private patios and balconies. Additionally, the site is adjacent to Bonita Canyon Sports Park.

GP Policy LU 1.1 **Unique Environment.** Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view sheds.

Consistency Analysis: The project is consistent with Policy LU 1-1. The proposed project would be consistent with the surrounding residential land uses but would offer different and unique design elements. The project would have contemporary, articulated facades with mix of composite board siding, cedar shingles, wood sidings and wood columns. The roof would be shingled. The residential units at the west and south corners of the building would be within a nautical themed tower element

which is a part of the condominium building. The design elements and color palette ties to the nautical and seaside themes found throughout the City.

GP Policy LU 1.2 **Citywide Identity.** While recognizing the qualities that uniquely define its neighborhoods and districts, promote the identity of the entire City that differentiates it as a special place within the Southern California region.

Consistency Analysis: The proposed project is consistent with this General Plan policy. Exhibits 4A and 4B depict the building elevations and Exhibits 9A through 9E are visual simulations of the project. The Initial Study Project Description notes that project would have contemporary, articulated facades with a neutral color palette featuring gray, tan, beige, and white tones. The residential units at the west and south corners of the building would be within a nautical themed tower element which is a part of the condominium building. The project's design has similarities with other residential land uses in the surrounding area but offers distinguishing features such as the nautical elements. The overall design incorporates features tied to the City's identity. The proposed project is consistent with Policy LU 1.2.

GP Goal LU-2 A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.

Consistency Analysis: The proposed project is consistent with GP Goal LU-2. The proposed project would offer an additional housing opportunity for current and future residents of the City. The project is near major employment centers including Newport Center, shopping and entertainment areas including Fashion Island, and outdoor recreational areas including beaches and the Upper Newport Bay Nature Preserve and Ecological Reserve (Back Bay). The proposed project offers both indoor and outdoor amenities and is adjacent to the Bonita Canyon Sports Park. The Initial Study concludes that all environmental impacts can be mitigated to a less than significant level.

GP Policy LU 3.2 **Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

Consistency Analysis: Therefore, the proposed project is consistent with Policy LU 3.2. The proposed project would introduce a residential land use to an undeveloped site that is

proximate to existing multi-family and single-family residential developments to the north and southeast, respectively. The building design and materials are complementary in type, form, scale, and character with the existing surrounding land uses. The development of 21 units would further help the City achieve its regional housing needs, per the General Plan Housing Element. As demonstrated in the analyses set forth in this Initial Study, the project would be served by adequate infrastructure and public services and would not result in adverse impacts to traffic.

GP Policy LU 3.8 **Project Entitlement Review with Airport Land Use Commission:** Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned 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.

Consistency Analysis: The project is considered consistent with Policy LU 3.8. The project's consistency with the Airport Land Use Commission of Orange County's (ALUC) *Airport Environs Land Use Plan for John Wayne Airport* (AELUP, amended April 17, 2008) is addressed in 4.9, Hazards and Hazardous Materials, of this Initial Study. 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 the ALUC. The project site is within the planning area for John Wayne Airport but outside of the Safety Zones identified in the AELUP for both noise and obstructions. The proposed condominium building would not exceed 37 feet above ground level; the project site is outside of the 60 CNEL contour for John Wayne Airport (AELUC, 2008).

GP Policy LU 4.2 **Prohibition of New Residential Subdivisions**: Prohibit new residential subdivisions that would result in additional dwelling units unless authorized by an amendment of the General Plan (GPA). Lots that have been legally merged through the Subdivision Map Act and City Subdivision Code approvals are exempt from the GPA requirements and may be re-subdivided to the original underlying legal lots. This policy is applicable to all Single Unit, Two Unit, and Multi-Unit Residential land use categories.

Consistency Analysis: The proposed project includes a General Plan Amendment to change the land use designation from Public Facilities (PF) to Multi-Unit Residential (RM), which would allow for the development of multi-family residential uses. The proposed project would be consistent with or otherwise would not conflict with any policy of the General Plan Land Use Element.

GP Policy LU 5.1.2 **Compatible Interfaces:** Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between different types of development.

Consistency Analysis: The project is consistent with Policy LU 5.1.2. The proposed project would introduce a new type of housing proximate to existing two- and three-story multi-family residential development to the north and west, and one- and two-story single-family residential developments to the southeast (south of Ford Road). The building design and materials are complementary in type, form, scale, and character with the existing surrounding land uses. From Bonita Canyon Drive, the on-site grade slopes up toward the first floor of the two-story elevation. The two-story northern elevation steps up to a three-story elevation at street level facing Ford Road. The proposed project incorporates design elements that help transition the project between different residential areas. The project is consistent with the overall character of the area and does not conflict with different types of development.

GP Policy LU 5.1.3 **Neighborhood Identification:** Encourage and support the identification of distinct residential neighborhoods

Consistency Analysis: The proposed project is consistent with Policy LU 5.1.3. The project includes similar design features and color palettes shared with other residential developments in the area, specifically single-family homes to the southeast and multi-family units north of Bonita Canyon Drive. The building features two nautical themed tower elements to create a distinct identity.

GP Policy LU 5.1.9 **Character and Quality of Multi-Family Residential:** Require that multi-family dwellings be designed to convey a high-quality architectural character in accordance with the following principles (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas):

Building Elevations

Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality

Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume

Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes

Ground Floor Treatment

Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security (see page 3-54 of the General Plan Land Use Element).

Roof Design

Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.

Parking

Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture.

Open Space and Amenity

Incorporate usable and functional private open space for each unit.

Incorporate common open space that creates a pleasant living environment with opportunities for recreation.

Consistency Analysis: The proposed project is consistent with this General Plan policy. Exhibits 4A and 4B depict the building elevations and Exhibits 9A through 9E are visual simulations of the project. The Initial Study Project Description notes that project would have contemporary, articulated facades with mix of composite board siding, cedar shingles, wood sidings and wood columns. From Bonita Canyon Drive, the grade slopes up toward the first floor of the two-story elevation. The roof would be shingled. The residential units at the west and south corners of the building would be within a nautical themed tower element which is a part of the condominium building. Bay windows would wrap around the upper portion of the tower. Eyebrow window rooftop dormers are on the second and third floors. Overall, the building has a neutral color palette featuring gray, tan, beige, and white tones. All parking would be provided in a subterranean structure underneath the condominium building. The project exceeds City requirements for public and private open space. Landscaping areas are provided throughout and around the periphery of the site to enhance the overall character and design.

GP Policy LU 5.6.1 **Compatible Development:** Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.

Consistency Analysis: The proposed project is consistent with this General Plan policy. The proposed project includes similar design features and color palettes shared with other residential developments in the area. The building features two nautical themed tower elements to create a distinct identity. Furthermore, there are existing residential land uses north, south, and west of the project site. The proposed project is compatible with the surrounding area and would be consistent with Policy LU 5.6.1.

GP Policy LU 5.6.2 **Form and Environment.** Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.

Consistency Analysis: The project is consistent with Policy LU 5.6.2. The project design and materials are complementary in type, form, scale, and character with the existing surrounding land uses. The Initial Study Project Description notes that project

would have contemporary, articulated facades with mix of composite board siding, cedar shingles, wood sidings and wood columns. From Bonita Canyon Drive, the grade slopes up toward the first floor of the two-story elevation. Glass and other materials would not result in glare or illumination of adjoining properties.

GP Policy LU 5.6.3 **Ambient Lighting.** Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.

Consistency Analysis: The project is consistent with Policy LU 5.6.3. The project would include light sources typically used in multi-family residential developments including outdoor lighting for security and wayfinding. The outdoor recreational amenities and landscaped areas on the site would have lighting to allow for nighttime use; lighting for security; and landscape accent lighting. Although the proposed project would introduce new sources of light, the surrounding area is already illuminated. The project would be consistent with NBMC regarding outdoor lighting standards and maintenance.

GP LU Policy 5.6.4 **Conformance with the Natural Environmental Setting.** Require that sites be planned and buildings designed in consideration of the property's topography, landforms, drainage patterns, natural vegetation, and relationship to the Bay and coastline, maintaining the environmental character that distinguishes Newport Beach.

Consistency Analysis: The proposed project is consistent with Policy LU 5.6.4. The project would require removal of existing vegetation and grading activities. However, the site would retain several trees around the site perimeter and provide additional landscaping to limit views of the site from Bonita Canyon Drive. As discussed in the Initial Study analysis, the project would use infiltration BMPs and existing storm drain infrastructure. The project would not impact the coastline or the Back Bay.

GP LU Policy 6.2.1 **Residential Supply.** Accommodate a diversity of residential units that meets the needs of Newport Beach's population and fair share of regional needs in accordance with the Land Use Plan's designations, applicable density standards, design and development policies, and the adopted Housing Element.

Consistency Analysis: The project would provide for 21 dwelling units; accordingly, the project would be consistent with the General Plan Housing Element by assisting the City in providing additional housing opportunities in the City, as encouraged by Housing Element Goal H3.

GP LU Policy 6.2.3 **Residential Affordability.** Encourage the development of residential units that are affordable for those employed in the City.

Consistency Analysis: The proposed project is consistent with Policy LU 6.2.3. The project would increase the City's housing inventory and supply by 21 units. The project offers an additional housing option in the City which would be affordable to some current and potential City residents. The project would provide additional

housing opportunities to those employed in the City near many employment centers. As discussed above, the project would be consistent with the General Plan Housing Element by assisting the City in meeting its housing needs, as encouraged by Housing Element Goal H3.

GP Goal H-1 Quality residential development and preservation, conservation, and appropriate redevelopment of housing stock.

Consistency Analysis: The proposed project is consistent with Housing Element Goal H-1. The project would increase the City's housing inventory. The project incorporates high quality design and would be consistent with the residential character of the area. The project would adhere to all applicable State and local building standards.

Housing Element

GP H Policy H1.1: Support all reasonable efforts to preserve, maintain, and improve availability and quality of existing housing and residential neighborhoods, and ensure full utilization of existing City housing resources for as long into the future as physically and economically feasible.

Consistency Analysis: The project is consistent with Policy H1.1. The project would increase the City's housing stock and therefore improve the availability of housing in the City. The project is located near existing residential neighborhoods and would continue to maintain high quality housing options in the City.

GP Goal H-2 A balanced residential community comprised of a variety of housing types, designs, and opportunities for all social and economic segments.

Consistency Analysis: The project is consistent with this General Plan goal. The project would offer for-sale condominium units and expand new development housing option in the City. The project would offer high quality design and convenient amenities in a different housing option and increase more opportunities for current and future residents of the City.

Historical Resource Element

GP Goal HR-2 Identification and protection of important archeological and paleontological resources within the City.

Consistency Analysis: The project is consistent with this General Plan goal. The project's impacts to archeological and paleontological resources is addressed in Section 4.5, Cultural Resources and Section 4.7, Geology and Soils, of this Initial Study. The project would implement mitigation measures that would reduce potential impacts to a less than significant level.

GP HR Policy 2.1: **New Development Activities.** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant

archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

Consistency Analysis: The project is consistent with Policy 2.1. As discussed in Section 4.5, Cultural Resources, and Section 4.18, Tribal Cultural Resources, measures are provided should previously unknown prehistoric archaeological or tribal cultural resources be discovered during ground disturbing activities. Section 4.7, Geology and Soils, provides mitigation should previously unknown paleontological resources be discovered.

GP HR Policy 2.3: Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.

Consistency Analysis: The project is consistent with HR Policy 2.3. As discussed in 4.18, Tribal Cultural Resources, the proposed project is consistent with AB 52. The City has contacted the tribal representatives. Correspondence to and from tribal representatives is included as Appendix G to this Initial Study. As of the release date of the Initial Study, the City has received one request for consultation from Gabrieleño Band of Mission Indians – Kizh Nation.

Natural Resources Element

GP Goal NR-1 Minimized water consumption through conservation methods and other techniques.

Consistency Analysis: The project is consistent with Goal NR-1. Section 4.19, Utilities and Service Systems, addresses water supply effects that would occur with the implementation of the proposed project, and applies regulatory requirements to reduce any impacts. Additionally, the project would be required to comply with the water-efficient landscape requirements outlined in NBMC Chapter 14.17 (Water Efficient Landscape Requirements).

GP NR Policy 1.1: **Water Conservation in New Development.** Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water–efficient landscaping and irrigation in conjunction with new construction projects.

Consistency Analysis: The project is consistent with NR Policy 1.1. As discussed in the Initial Study, the project would be required to comply with the provisions of the 2016 Green Building Standards Code, which contains requirements for indoor water use reduction and site irrigation conservation. As addressed in the Project Description, the project would implement a number of environmental 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.

Noise Element

GP Goal N-1 Minimized land use conflicts between various noise sources and other human activities.

Consistency Analysis: The proposed project is consistent with GP Goal N-1. The project is a residential land use project and is consistent with surrounding residential uses. The project orients the outdoor courtyard and pool amenities away from Bonita Canyon Drive and MacArthur Boulevard. The use of retaining walls and landscaping would further mask outdoor noise from nearby single-family residences southeast of the project site. No noise impacts have been identified.

GP N Policy 1.1: Noise Compatibility of New Development. Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3.

Consistency Analysis: The project site is not located in an area forecasted to be exposed to a CNEL of 60 dBA or higher, as shown on General Plan Noise Element Figure N5. General Plan Noise Element Table N2 characterizes multi-family residential development as "clearly compatible." As discussed in Section 4.13, Noise, the noise analysis demonstrates that the project would comply with the requirements as outlined in the City's Noise Ordinance. Refer to Section 4.13 for an analysis of the project's compatibility and compliance with noise standards.

Cumulative Impacts

Implementation of the proposed project would require a General Plan amendment and zone change but is consistent with the land use goals of the City of Newport Beach General Plan Land Use Element. The Initial Study finds that all potential environmental impacts of the project would either be less than significant or can be mitigated to a level that is considered less than significant. City growth would be subject to review for consistency with adopted land use plans and policies by the City, in accordance with the requirements of CEQA, the State Zoning and Planning Law, and the State Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. Therefore, no significant cumulative impacts associated with plans and policies would occur.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.12 Mineral Resources

Threshold (a) Would the project 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?

Threshold (b) Would the project 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 project site is currently undeveloped and features slopes toward the southern boundary. The proposed project does not involve any use that would result in any impacts to mineral resources. Further, the General Plan does not identify any known State or locally designated mineral resources or locally important mineral resource recovery site or sites in the City. The proposed project does not involve any use that would result in any impacts to mineral resources. Therefore, there would be no loss of a known mineral resource and no impact would occur.

Cumulative Impacts

The analysis of potential impacts indicated that no impacts would result from the proposed project. As a result, no cumulative impacts related to mineral resources would occur.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.13 Noise

A noise analysis was prepared by Kimley-Horn and Associates, Inc. (Kimley-Horn, 2018) for the proposed project. The noise modeling is included in Appendix F of this Initial Study and the results are summarized herein.

Sound is technically described in terms of amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from traffic on a major highway.

Several rating scales have been developed to analyze the adverse effect of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise as well as the time of day when the noise occurs. For example, the equivalent continuous sound level (L_{eq}) is the average acoustic energy content of noise for a stated period of time; thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. The Day-Night Sound level (L_{dn}) is a 24-hour average L_{eq} with a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the nighttime. The Community Noise Equivalent Level (CNEL) is a 24-hour average L_{eq} with a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. and an additional 5 dBA weighting during the hours of 7:00 p.m. to 10:00 p.m. to account for noise sensitivity in the evening and nighttime.

Existing Setting

The project site would involve for the demolition of the existing pavement adjacent and within the AT&T Switch Station lot and construction of a two- to three-story building with 21 condominiums and subterranean parking. The area surrounding the project site is urbanized. Land uses include the Bonita Canyon Sports Park, Ford Road, AT&T Switch Station, and residential land uses north and southeast of the project site. Mobile sources of noise, especially cars and trucks, are the most common and significant sources of noise in most communities. The majority of the existing mobile noise in the project area is generated from vehicles along surrounding roadways including Ford Road, MacArthur Boulevard, and Bonita Canyon Drive. The primary sources of stationary noise are urban activities (i.e., mechanical equipment, parking areas, and pedestrians). The noise associated with these sources may represent a single-event noise occurrence, short-term or long-term/continuous noise.

Noise-Sensitive Receptors. Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, historic sites, cemeteries, and recreation areas are considered

sensitive to increases in exterior noise levels. Schools, churches, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses. Noise-sensitive uses surrounding the project site include the Newport Bluff Apartment Homes across Bonita Canyon Drive to the north, single family residential to the southeast, and Bonita Canyon Sports Park to the south.

Noise Measurements. Noise level measurements near the project site were made to establish current baseline noise levels. Ten-minute measurements were taken between 10:30 a.m. and 12 p.m. As indicated on *Table 8*, the measured noise levels range between 57.1 dBA L_{eq} and 71.4 dBA L_{eq}. Short-term (L_{eq}) measurements are considered representative of the noise levels throughout the day. Measurements were taken during off-peak traffic hours to characterize baseline noise levels with without exposure to heavy traffic or noise-generating activities.

Table 8: Noise Measurements

Site Number	Description	L_{eq}	L_{min}	L_{max}	Time
1	At Bonita Canyon Sports Park parking lot, north of the basketball court, south of project site	57.1	50.7	70.1	10:57 a.m.
2	Along Ford Road, behind the nearest single-family residence, southeast of project site	57.7	47.4	74.2	11:09 a.m.
3	Across Bonita Canyon Drive, north of project site near Newport Bluff Apartment Homes	71.4	54.5	89.5	11:30 a.m.

L_{eq}: equivalent noise level; L_{min}: minimum noise level; L_{max}: maximum noise level
Source: Noise measurements conducted by Kimley-Horn, 2018.

The background ambient noise levels in the project study area are dominated by transportation-related noise associated with the arterial transportation network, and background noise from land use activities. Meteorological conditions were clear skies, warm temperatures with light wind speeds (0 to 5 miles per hour) and low humidity. Noise monitoring equipment used for the ambient noise survey was a Larson Davis LxT sound level meter. The monitoring equipment complies with applicable requirements of the American National Standards Institute (ANSI) for Type I sound level meters.

Regulatory Setting

California Code of Regulations, Title 24. The State's noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for the purpose of interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL.

City of Newport Beach General Plan. The Noise Element of the City's General Plan contains noise standards that are correlated with land use zoning classifications, meant to maintain identified ambient noise levels and to limit, mitigate, or eliminate intrusive noise that exceeds the ambient noise levels within a specified zone. The City has adopted local guidelines based, in part, on the community noise compatibility guidelines established by the California Department of Health Services for use in assessing the compatibility of various land use types with a range of noise levels. The noise/land use compatibility guidelines for land uses within the City are presented in *Table 9*.

Table 9: Land Use Noise Compatibility Matrix

Land Use Categories		Community Noise Equivalent Level (CNEL)						
Categories	**Uses**	**<55**	**55–60**	**60-65**	**65–70**	**70–75**	**75-80**	**>80**
Residential	Single Family, Two Family, Multiple Family	A	A	B	C	C	D	D
Residential	Mixed Use	A	A	A	C	C	C	D
Residential	Mobile Home	A	A	B	C	C	D	D
Commercial- *Regional, District*	Hotel, Motel, Transient Lodging	A	A	B	B	C	C	D
Commercial- *Regional, Village District, Special*	Commercial Retail, Bank, Restaurant, Movie Theatre	A	A	A	A	B	B	C
Commercial Industrial Institutional	Office Building, Research and Development, Professional Offices, City Office Building	A	A	A	B	B	C	D
Commercial- *Recreational* Institutional- *Civic Center*	Amphitheatre, Concert Hall Auditorium, Meeting Hall	B	B	C	C	D	D	D
Commercial- *Recreation*	Children's Amusement Park, Miniature Golf Course, Go-cart Track, Equestrian Center, Sports Club	A	A	A	B	B	D	D
Commercial- *General, Special* Industrial, Institutional	Automobile Service Station, Auto Dealership, Manufacturing, Warehousing, Wholesale, Utilities	A	A	A	A	B	B	B
Institutional	Hospital, Church, Library, Schools' Classroom	A	A	B	C	C	D	D
Open Space	Parks	A	A	A	B	C	D	D
Open Space	Golf Course, Cemeteries, Nature Centers Wildlife Reserves, Wildlife Habitat	A	A	A	A	B	C	C
Agriculture	Agriculture	A	A	A	A	A	A	A

Zone A: Clearly Compatible—Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.
Zone B: Normally Compatible**—New construction or development should be undertaken only after detailed analysis of the noise reduction requirements and are made and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will normally suffice.
Zone C: Normally Incompatible—New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made and needed noise insulation features included in the design.
Zone D: Clearly Incompatible—New construction or development should generally not be undertaken.

Source: City of Newport Beach General Plan, adopted July 25, 2006.

Policy N1.8, Significant Noise Impacts, requires the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified for new development impacting existing sensitive uses,[42] as identified in *Table 10.*

Table 10: Significant Noise Impacts

CNEL (dBA)	dBA Increase
55–60	3
60–65	2
65–70	1
70–75	1
Over 75	Any increase is considered significant

CNEL: 24-hour community noise equivalent level; dBA: A-weighted decibel.
Source: City of Newport Beach General Plan, adopted July 25, 2006.

Municipal Code Chapter 10.26 Community Noise Control

Newport Beach Municipal Code (NBMC) Section 10.26.025, Exterior Noise Standards, provides maximum exterior noise levels. *Table 11* identifies the noise standards that, unless otherwise specifically indicated, shall apply to all property with a designated noise zone. If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

Table 11: Allowable Exterior Noise Levels

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (L_{eq})	
		7 A.M. to 10 P.M.	10 P.M. to 7 A.M.
I	Single-, two-or multiple-family residential	55 dBA	50 dBA
II	Commercial	65 dBA	60 dBA
III	Residential portions of mixed-use properties	60 dBA	50 dBA
IV	Industrial or manufacturing	70 dBA	70 dBA

Source: City of Newport Beach, *NBMC Section 10.26.025, Exterior Noise Standards*, current through Ordinance 2017-9, passed April 25, 2017.

NBMC Section 10.26.030, Interior Noise Standards, provides maximum interior noise levels. *Table 12* identifies the noise standards that, unless otherwise specifically indicated, shall apply to all residential property within all noise zones. If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

[42] According to the City of Newport Beach Noise Element, noise sensitive uses in the City include public and private educational facilities, hospitals, convalescent homes, and day cares. However, the primary noise sensitive use within the City is residential use. The noise exposure of these sensitive uses varies from low, in quiet residential areas, to high, in areas adjacent to the freeway.

Table 12: Allowable Interior Noise Levels			
		Allowable Interior Noise Level (L_{eq})	
Noise Zone	Type of Land Use	7 A.M. to 10 P.M.	10 P.M. to 7 A.M.
I	Residential	45 dBA	40 dBA
III	Residential portions of mixed-use properties	45 dBA	40 dBA
Source: City of Newport Beach, *NBMC Section 10.26.030, interior Noise Standards*, current through Ordinance 017-9, passed April 25, 2017.			

Construction noise standards are described in NBMC Section 10.26.035(D), Exemptions, which exempts noise sources associated with construction, repair, remodeling, demolition, or grading of any real property from the City's Noise Ordinance standards (*Table 11* and *Table 12*). These activities are subject to the provisions of Chapter 10.28, which prohibits construction activities that generate loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity except during weekdays between the hours of 7 a.m. to 6:30 p.m., and Saturdays between the hours of 8 a.m. to 6 p.m. Construction is not allowed on Sundays or any federal holiday.

Threshold (a) Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies?

Less Than Significant Impact with Mitigation.

Construction. Construction noise represents a short-term impact on ambient noise levels. Noise generated by equipment for demolition and construction equipment, including trucks, graders, bulldozers, concrete mixers and portable generators can reach high levels. Existing noise-sensitive uses would be exposed to increased noise levels from construction activities at the project site. In typical construction projects, including the proposed project, the loudest noise generally occurs during demolition and grading activities because they involve the largest equipment. Maximum noise levels generated by construction equipment are shown in *Table 13*. It should be noted that the noise levels identified in the table are maximum sound levels (L_{max}), which are the highest individual sound occurring at an individual time period. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts).

Table 13: Maximum Noise Levels Generated by Construction Equipment

Equipment	Typical Noise Level (dBA) at 50 Feet from Source		
	Acoustical Use Factor	L_{max} at 50 Feet (dBA)	L_{max} at 100 Feet (dBA)
Concrete Saw	20	90	84
Crane	16	81	75
Concrete Mixer Truck	40	79	73
Backhoe	40	78	72
Dozer	40	82	76
Excavator	40	81	75
Forklift	40	78	72
Paver	50	77	71
Roller	20	80	74
Tractor	40	84	78
Water Truck	40	80	74
Grader	40	85	79
General Industrial	50	85	79

dBA: A-weighted decibels; L_{max}: maximum noise level
Note: Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.
Source: Federal Highway Administration, *Roadway Construction Noise Model User's Guide*, January 2006.

Noise-sensitive uses surrounding the project site include residences at Newport Bluffs Apartment Homes to the north across Bonita Canyon Drive (180 feet) and single-family residences to the southeast on Port Sheffield Place (250 feet). Bonita Canyon Sports Park is also immediately south of the project site

These sensitive receptors may be exposed to elevated noise levels during project construction. However, construction noise would be acoustically dispersed throughout the project site and not concentrated in one area near surrounding sensitive uses. The City's Noise Ordinance does not establish quantitative construction noise standards. Instead, the Noise Ordinance has established allowable hours of construction. NBMC Section 10.26.035(D) exempts noise associated with construction, repair, remodeling, or grading of any real property from the noise limitations set in the Noise Ordinance, provided that construction activities do not take place between the hours of 6:30 p.m. and 7 a.m. on weekdays, 6 p.m. and 8 a.m. on Saturdays, or any time on Sundays or federal holidays; the project would be required to comply with SC N-1. The construction contractor would be required to comply with noise regulations prescribing the hours allowed for construction activity identified in NBMC Section 10.26.035D. Additionally, implementation of MM N-1 would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers and other State required noise attenuation devices. Implementation of SC N-1 and MM N-1 would mitigate construction-related noise impacts to a less than significant level.

Operation. After project completion, typical noise associated with residential land uses include children playing, pet noise, amplified music, pool and spa equipment, and delivery drop offs. Noise from residential stationary sources would be consistent with the surrounding uses and would primarily occur during the

"daytime" activity hours of 7 a.m. to 10 p.m. The residences would be required to comply with the noise standards set forth in the City's General Plan and NBMC Section 10.26.025, Exterior Noise Standards.

Mechanical equipment (e.g., pool equipment, heating, ventilation, and air conditioning equipment) typically generates noise levels of approximately 50 dBA at 50 feet. Noise has a decay rate due to distance attenuation, which is calculated based on the Inverse Square Law of sound propagation. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source.[43] As noted above, the closest sensitive receptors are located approximately 180 feet away. At this distance mechanical equipment would attenuate to 39 dBA and would not exceed the City's 55 dBA daytime or 50 dBA nighttime standards.

Swimming pool and recreational noise typically generates noise levels of approximately 71 dBA at 50 feet. The outdoor amenities and courtyard would be surrounded by the proposed building, which would attenuate noise from outdoor activity noises and pool equipment. In addition, a stone retaining wall proposed along the project site's southern boundary would also attenuate operational noise, further reducing noise levels in the surrounding area. Buildings located between the noise source and receptor attenuate noise by 15 dBA.[44] With distance and attenuation from the proposed building, exterior noise levels would be reduced to 44 dBA at the closest receptors and would not exceed the City's 55 dBA daytime or 50 dBA nighttime standards. Existing mobile source noise along MacArthur Boulevard and Bonita Canyon Drive would mask operational noise impacts on adjacent land uses. Therefore, operational noise impacts would be less than significant due to project design features, distances to sensitive receptors, existing environmental factors, and with compliance with the City's General Plan and NBMC Section 10.26.025.

On-Site Mobile Noise. Future residents at the project site would be exposed to mobile traffic noise along Bonita Canyon Drive and MacArthur Boulevard. Based on the Orange County Transportation Authority 2018 Traffic Flow Map, Bonita Canyon Drive and MacArthur Boulevard have average daily traffic (ADT) volumes of 34,000 and 60,000 respectively. The project site is located approximately 350 feet or more from MacArthur Boulevard and a berm exists along the roadway that would attenuate traffic noise along this roadway. Based on FHWA RD-77-108 traffic noise modeling, noise levels at the project site facing Bonita Canyon Drive would be 70 dBA. Standard construction has an exterior-to-interior attenuation rate of 24 dBA with windows closed[45]. Therefore, interior noise levels at units along Bonita Canyon Drive could reach 46 dBA, which would exceed the City's 45 dBA daytime and 40 dBA nighttime interior noise standard. Therefore, the project would be required to comply with MM N-2, which requires residential units facing Bonita Canyon Drive to have windows with a with a minimum Sound Transmission Class (STC) of 33 in order to ensure interior noise levels are below the City's 40 dBA nighttime interior standard. With implementation of the recommended mitigation, the project would result in a less than significant impact to the proposed residences from traffic noise levels.

Threshold (b) Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude

[43] Cyril M. Harris, *Noise Control in Buildings*, 1994.
[44] Federal Highway Administration, *Roadway Construction Noise Model User's Guide*, January 2006.
[45] U.S. Environmental Protection Agency, *Protective Noise Levels (EPA 550/9-79-100)*, November 1979.

with distance from the source. The effect on buildings located near the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Ground-borne vibrations from construction activities rarely reach levels that damage structures.

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.20 inch/second) appears to be conservative. The types of construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Typical vibration levels produced by construction equipment is identified in *Table 14*.

Table 14: Typical Vibration Levels for Construction Equipment

Equipment	Approximate Peak Particle Velocity at 25 Feet (inches/second)	Approximate Peak Particle Velocity at 50 Feet (inches/second)	Approximate Peak Particle Velocity at 250 Feet (inches/second)
Large bulldozer	0.089	0.0315	0.0028
Loaded trucks	0.076	0.0269	0.0024
Small bulldozer	0.003	0.0011	0.0001
Jackhammer	0.035	0.0124	0.0011
Vibratory compactor/roller	0.210	0.0742	0.0066

Notes:
1. Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018. Table 7-4.
2. Calculated using the following formula:

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$

where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
PPV (ref) = the reference vibration level in in/sec from Table 7-4 of the FTA *Transit Noise and Vibration Impact Assessment Manual,* September 2018.
D = the distance from the equipment to the receiver

Ground-borne vibration decreases rapidly with distance. The proposed project would not require pile driving. As indicated in the table, based on the FTA data, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.003 to 0.210 inch-per-second peak particle velocity (PPV) at 25 feet from the source of activity. Vibration at 150 feet would range from 0.0002 to 0.0143 PPV. Construction activities would occur approximately 50 feet from the nearest adjacent building to the east. Therefore, vibration from construction activities experienced at the nearest adjacent building would be expected to be below the 0.20 inch-per-second PPV significance threshold. Therefore, impacts would be less than significant, and no mitigation is required.

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

No Impact. The closest airport to the project site is John Wayne Airport, located approximately 2.6miles northwest of the project site; it is not near a private airstrip. The project site is within the planning area

for John Wayne Airport but is outside of the Safety Zones identified in the AELUP for both noise and obstructions. New residents of the project would not be exposed to excessive noise levels from the airport; the project site is outside of the 60 CNEL contour for John Wayne Airport (AELUC, 2008). Implementation of the proposed project would not result in exposure of people residing or working in the project area to excessive or high noise impact levels. Therefore, no impacts would occur.

Cumulative Impacts

As discussed above, all construction and operational noise impacts can be mitigated to a less than significant level. Construction noise impacts are by nature localized. The distance of separation among the proposed project and other cumulative projects would be such that the temporary noise and vibration effects of the proposed project would not be compounded or increased by similar noise or vibration effects from other cumulative projects. As discussed above, operational noise caused by the proposed project would be less than significant. Due to site distance and these intervening land uses, cumulative stationary noise impacts would not occur. No known past, present, or reasonably foreseeable projects would compound or increase the operational noise levels generated by the project. Therefore, cumulative impacts relative to temporary and permanent noise generation associated with the proposed project would be less than significant.

Mitigation Program

Standard Conditions and Requirements

SC N-1 All construction activities should be limited to the hours between the hours of 7 a.m. and 6:30 p.m. on weekdays, 8 a.m. and 6 p.m. on Saturdays, or any time on Sundays or federal holidays;

Mitigation Measures

MM N-1 The applicant shall ensure through contract specifications that construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading or building permit (whichever is issued first). The construction BMPs shall include the following:

- Ensure that construction equipment is properly muffled according to industry standards and be in good working condition.
- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

MM N-2 After the architectural drawings have been developed, and prior to the issuance of building permits, the project applicant shall demonstrate, to the satisfaction of the City of Newport Beach Building Official that the applicable project plans and specifications include sound-rated windows and entry doors on residential facades facing Bonita Canyon Drive. Receptor locations facing Bonita Canyon Drive require a minimum Sound Transmission Class (STC) rating of 33.

4.14 Population and Housing

Threshold (a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. The proposed project would allow for the construction of 21 multi-family condominium units in a two- to three-story building. According to the California Department of Finance, the City of Newport Beach has an estimated 2.24 person per household.[46] Therefore, the project would be occupied by approximately 47 residents, which represents less than 1 percent of the existing population of the City. The City of Newport Beach's Regional Housing Needs Assessment (RHNA) for the 2014-2021 planning period identifies the City's future housing need of five units. The project would exceed the combined future housing need for the 2014-2021 planning period.

SCAG has developed growth forecasts for individual cities and counties, which is included in the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategies. The City of Newport Beach's population is expected to increase to 92,700 residents and 41,700 households.[47] An increase of 21 dwelling units with a potential population increase of 47 residents would be consistent with the SCAG growth forecasts for the City of Newport Beach.

The increase of residential dwelling units and population that would result from implementation of the proposed project would be consistent with projected growth in the City based on SCAG's growth forecasts. Additionally, the project does not include the extension of roads or other infrastructure to unserved areas, which could induce indirect growth. Therefore, no significant impacts are anticipated.

Threshold (b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project site does not include any existing housing and no housing would be removed to accommodate the proposed project. Therefore, no impacts would occur and no mitigation is required.

Cumulative Impacts

The proposed project is consistent with the City of Newport Beach growth projections. City growth would be subject to review for consistency with the adopted General Plan by the City, in accordance with the requirements of CEQA. Therefore, no significant cumulative impacts associated with population and housing would occur.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

[46] State of California, Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2018*. Sacramento, California, May 2018.

[47] SCAG. *Final 2016-2040 Regional Transportation Plan/Sustainable Communities Strategies*. http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx, accessed November 12, 2018.

4.15 Public Services

Threshold (a.i) 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 fire protection?

Less Than Significant Impact. The City of Newport Beach Fire Department provides fire protection and emergency services to the project site and surrounding area. The nearest fire station is Fashion Island Station 3, located at 868 Santa Barbara Drive, approximately 1.2 miles southwest of the project site. The Fire Department's response time objective for a priority incident requiring full personal protective equipment is less than 5 minutes and 20 seconds, 90 percent of the time. For priority incidents not requiring full personal protective equipment, the performance objective is less than 5 minutes, 90 percent of the time. The average response time for fire units is 4 minutes and 22 seconds.[48] The response time objectives are goals, not mandatory.

Implementation of the proposed project would incrementally increase the number of persons in the area. The incremental population increase could cause an increase in fire protection services, including response to fire service calls upon project occupancy. However, the incremental increase would not require the construction of new or alteration of existing fire protection facilities to maintain an adequate level of service to the project area. Further, the proposed project would be subject to the Property Excise Tax, as set forth in Newport Beach Municipal Code Section 3.12.030 for public improvements and facilities associated with the City's Fire Department, public libraries, and public parks (SC 4.12-1). Therefore, no physical impacts associated with fire protection services and facilities would occur with adherence to SC 4.12-1.

Threshold (a.ii) 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 police protection?

Less Than Significant Impact. The Newport Beach Police Department enforces local, State, and federal laws and provides police service to the City. The NBPD provides emergency police response, non-emergency police response, routine police patrol, traffic violation enforcement, traffic accident investigation, animal control, and parking code enforcement.

The Police Department headquarters is located at 870 Santa Barbara Drive, approximately 1.2 miles southwest of the project site. The site is in the Area 3 Patrol Division. According to the General Plan EIR, the Police Department employs 249 personnel, including a chief, a deputy director, 2 deputy chiefs, 8 lieutenants, 24 sergeants, 137 sworn officers, 80 civilian personnel, and 32 seasonal and part-time personnel. The department has four divisions: patrol/traffic, support services, detectives, and Chief of Police.

[48] City of Newport Beach. Emergency Medical Services. https://www.newportbeachca.gov/government/departments/fire-department/emergency-medical-services-division. Accessed November 12, 2018.

With a population of 87,182 residents (Department of Finance, 2018), the ratio of officers to residents is approximately 1.57 sworn officers per 1,000 residents. According to the General Plan EIR, the average police response time to emergency calls was just under 4 minutes, while the average response time for nonemergency calls was 7 minutes.

Although the project site is currently undeveloped, the Police Department currently provides police services to the surrounding residential neighborhoods. The demand for police services would not be substantially increased by the introduction of the proposed residential uses. As previously discussed, the Police Department does not have any immediate or future plans to expand police facilities. Although the project would incrementally increase demand for the City's police protection services, this demand would not require the construction of new facilities, nor would it require the expansion of existing facilities that would result in physical environmental impacts. The Police Department's operating budget is generated through tax revenues, penalties and service fees, and allowed government assistance. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Tax-base expansion from proposed project would generate funding for the police protection services. Implementation of SC 4.12-3 and SC 4.12-4 related to site security and building and site safety design recommendations would ensure adequate police protection services can be provided to the project site. Therefore, the project's impact on police protection services would be less than significant.

Threshold (a.iii) 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 schools?

Less Than Significant Impact. The Newport-Mesa Unified School District (NMUSD), with a service area of 58.83 square miles, provides educational services to parts of the cities of Newport Beach and Costa Mesa, and other unincorporated areas of Orange County. Lincoln Elementary School and Corona Del Mar Middle and High School serve the project site. The current school capacities are listed in *Table 15*.

Table 15: Student Capacity

Schools	Grades	Total Capacity	2018-2019 Enrollment	Remaining Capacity
Lincoln Elementary School 3101 Pacific View Drive, Corona Del Mar	K-6	645	566	79
Corona Del Mar High School 2101 Eastbluff Drive, Newport Beach	7-12	2,828	2,556	272
Total		**3,473**	**3,112**	**351**

Source: California Department of Education, Dataquest- Enrollment Reports, https://dq.cde.ca.gov/dataquest/, Accessed January 16, 2019.

Student generation rates are used by school districts, including NMUSD, to estimate the number of students generated by new development in order to determine whether existing school facilities would be adequate for future student enrollment. As identified in *Table 16*, using these student generation rates, the proposed 21 dwelling units would introduce approximately 4 students into the attendance area of NMUSD. Lincoln Elementary School and Corona Del Mar High School would be able to accommodate the estimated four additional students generated by the proposed project (*Table 16*).

Table 16: Student Generation

Land Use	Units	Student Generation Rate	Generated Students	Current enrollment+ generated	Existing Capacity	Remaining Capacity
Multi-family residential	21	E.S = 0.097	2	568	645	77
		M.S=0.028	1	2,558	2,828	270
		H.S = 0.066	1			

Notes: E.S. = elementary school (K-6); M.S. = middle school (7-8); H.S. = high school (9-12)
The generated middle school students are added to the high school attendance because Corona Del Mar High School provides school services to grades 7 through 12.

School funding comes predominantly from federal, State, and local contributions, such as business and personal income taxes, sales tax, property tax, etc. NMUSD charges developer impact fees pursuant to SB 50. As stated in Government Code Section 65995(h), "The payment or satisfaction of a fee, charge, or other requirement levied or imposed…are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization …on the provision of adequate school facilities." Payment of these fees would offset impacts from increased demand for school services associated with development of the proposed project by providing an adequate financial base to construct and equip new and existing schools. The NMUSD would be able to provide adequate school facilities for the projected student residents of the project, and payment of impact fees would ensure that impacts are offset and remain less than significant.

Threshold (a.iv) 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 parks?

Less Than Significant Impact. Please refer to Section 4.15, *Recreation*.

Threshold (a.v) 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 other public facilities?

Less Than Significant Impact. The Newport Beach Public Library provides library services to the City with four branches and concierge services where patrons can drop off and pick up books on hold and search the library catalog. Library services provided at each branch include wireless internet, printing, interlibrary loans, home-bound service, computer training classes, and book clubs for children, teens, and adults. Branch locations are listed in *Table 17*.

Table 17: City of Newport Beach Library Facilities		
Newport Beach Public Library	**Address**	**Driving Distance to Project Site**
Central Library	1000 Avocado Avenue, Newport Beach	2.7 miles
Mariners Branch	1300 Irvine Avenue, Newport Beach	5.6 miles
Balboa Branch	100 East Balboa Boulevard, Balboa	8.3 miles
Corona Del Mar Branch	420 Marigold Avenue, Corona Del Mar	3.7 miles
Newport Coast Community Center (concierge service)	6401 San Joaquin Hills Road, Newport Coast	3.3 miles
OASIS Senior Center (concierge service)	801 Narcissus Avenue, Newport Beach	3.5 miles

The proposed project would generate approximately 47 new residents, thereby incrementally increasing the demand for City library services. However, the existing library space, collections, and programs provided are considered adequate for the existing residents, and the proposed residential development would have a nominal impact on library services. The City's library system would continue receiving funding for library facilities and resources through the City's General Fund; the Property Excise Tax of $0.21 per square foot of gross floor area per Newport Beach Municipal Code (NBMC) 3.12.030; and library activities, such as fines, facility rentals, passport photo/execution fees, and grants and private donations. SC PS-1 applies to the project. Library services can be provided to the project without significantly impacting existing and planned development within the City. Therefore, the project impacts to library services would be less than significant.

Cumulative Impacts

The provision of public services and facilities takes into consideration a larger service area than is associated with a project site. Therefore, the study area is the service area for the respective agencies and districts. Through coordination with the public services and facilities providers, the cumulative needs of the area are considered. The proposed project does not cause the need to construct any new or expand any existing facilities. Therefore, the project would not result in incremental effects to public services or facilities that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. The project would not result in cumulatively considerable impacts to public services or facilities.

Mitigation Program

Standard Conditions and Requirements

SC PS-1 All development in the City shall comply with the Property Excise Tax per Newport Beach Municipal Code 312.030, which imposes a tax on construction and occupancy of each residential unit, commercial unit, industrial unit, and mobile home park on a per square foot of gross floor area basis for all classes of new construction, including any area in a building designed for the parking of vehicles.

Mitigation Measures

No mitigation is required.

4.16 Recreation

Quimby Act

The Quimby Act of 1975, (California Government Code § 66477), commonly called the "Quimby Act", allows a city or county to pass an ordinance that requires, as a condition of approval of a subdivision, either the dedication of land, the payment of a fee in lieu of dedication, or a combination of both for park and recreational purposes. It allows a city or county to require a maximum parkland dedication standard of 3 acres of parkland per 1,000 residents for new subdivision development unless the jurisdiction can demonstrate that the amount of existing neighborhood and community parkland exceeds that limit. In accordance with Section 66477, a jurisdiction may establish a parkland dedication standard based on its existing parkland ratio, provided required dedications do not exceed 5 acres per 1,000 persons.

City of Newport Beach Park Dedication Ordinance (Quimby Ordinance)

Consistent with and as permitted by the Quimby Act, the City has adopted a Park Dedication and Fees Ordinance (City of Newport Beach Municipal Code [NBMC], §§19.52.010–19.52.090). The ordinance requires that a project applicant for a residential subdivision "provide for the dedication of land, the payment of fees in lieu thereof, or a combination of both for park or recreational purposes in conjunction with the approval of residential development." The City's park dedication requirement is 5 acres per 1,000 persons (NBMC §19.52.040). In-lieu fees are placed in a fund for the provision or rehabilitation of park and recreational facilities that can serve the subdivision. The Park Dedication and Fees Ordinance also provides for credit to be given, at the discretion of the City, for private recreational facilities within a new residential development or for the provision of park and recreational improvements to land dedicated for a public park. The amount of credit granted for private recreational facilities can range from 0 percent to 20 percent of the amount of required land dedication or in lieu fee. In no case would the credit exceed 20 percent.

Threshold (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?

Threshold (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 City has approximately 450 acres of developed parks and approximately 237 acres of active beach recreation acreage, for a total of 687 acres.[49] School facilities also provide indoor and outdoor recreational opportunities in the City, while greenbelts and open space areas provide passive recreational opportunities and open space relief. Additionally, bikeways, jogging trails, pedestrian trails, recreation trails, and regional equestrian trails are available in the City. The proposed project is adjacent to Bonita Canyon Sports Park. The proposed project would develop 21 dwelling units, generating 47 new residents. According to NBMC 19.52.040, the City's parkland standard is 5 acres per 1,000 residents. According to the most recent population data from the California Department of Finance, the City has approximately 87,182 residents. As such, the City's current parkland ratio is approximately 7.8 acres per 1,000 residents. The proposed project would generate approximately 47 new residents, resulting in an incremental increase in population. Residences would use the existing Bonita Canyon Sports Park, south

[49] City of Newport Beach. *Demographics and Statistics.* https://www.newportbeachca.gov/i-am-a/visitor/about-newport-beach/demographics-and-statistics, Accessed November 16, 2018.

of the project site. The parkland ratio would continue to exceed the standard set in the NBMC. Furthermore, the proposed project is a residential development and therefore would be subject to Park Impact Fees, outlined in SC 4.13-1. Therefore, adherence to SC 4.13-1 would reduce impacts to park facilities and a less than significant impact would occur and no new recreational facilities would be required.

Cumulative Impacts

The proposed project would not result in a significant increased use of recreational facilities or require construction or expansion of existing recreational facilities. Therefore, no cumulative impacts on recreational facilities would result from project implementation.

Mitigation Program

Standard Conditions and Requirements

SC 4.13-1 The Applicant shall comply with the City of Newport Beach Park Dedication and Fees Ordinance (Newport Beach Municipal Code Chapter 19.52). The City's tentative map review authority shall determine whether land dedication, an in-lieu fee, or a combination of the two shall be required in conjunction with its approval of a tentative map. Land dedications shall be offered at the time of appropriate final map recordation, either on the final map or by separate instrument.

Mitigation Measures

No mitigation is required.

4.17 Transportation

Site Access

Regional access to the site is provided by State Route 73 (SR-73), which is approximately one mile north of the site. Local access is provided by MacArthur Boulevard, Bonita Canyon Drive, Mesa View Drive, and Ford Road. No vehicular access is currently provided to the project site.

Bonita Canyon Drive is a four-lane divided roadway that forms the northern boundary of the project site. In the project area, Ford Road/Bonita Canyon Drive is signalized at the intersection with MacArthur Boulevard. On-street parking is restricted along this roadway. This roadway has westbound and eastbound bike lanes. The speed limit is 50 miles per hour (mph). Bonita Canyon Drive is classified as a Primary Road on the City's General Plan Circulation Element.

MacArthur Boulevard is an eight-lane divided roadway, west of the project site. On-street parking is restricted along the roadway. This roadway has northbound and southbound bike lanes. The speed limit is 55 mph between Jamboree Road and East Coast Highway.

Ford Road is an east-west two-lane divided roadway that provides direct access to the site. The posted speed limit is 25 mph; on-street parking is allowed at the cul-de-sac near the Bonita Canyon Sports Park.

Transit Service

Public transit service in the project vicinity is provided by OCTA. Bus stops are currently located on Bonita Canyon Drive immediately north of the project site; at the intersection of Mesa View Drive at Bonita Canyon Drive; and at the intersection of Mesa View Drive at Ford Road.

Project Trip Generation

Daily and peak hour trips were estimated for the proposed project based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (10th Edition) trip rates for the following uses:

- Multifamily Housing (Low-Rise)

Table 18 provides the trip generation rates and the estimated project trip generation for the proposed project. The project is estimated to generate approximately 154 average daily trips, with 9 trips in the morning peak hour and 11 trips in the evening peak hour.

Table 18: Project Trip Generation

Land Use	ITE Code	Unit	Trip Generation Rates						
				A.M. Peak Hour			P.M. Peak Hour		
			Daily	In	Out	Total	In	Out	Total
Multifamily Housing (Low-Rise)	220	DU	7.320	0.106	0.354	0.46	0.353	0.207	0.56
Proposed Project Trips									
Land Use	**Quantity**	**Unit**	**Trip Generation Estimates**						
				A.M. Peak Hour			P.M. Peak Hour		
			Daily	In	Out	Total	In	Out	Total
Multifamily Housing (Low-Rise)	21	DU	154	2	7	9	7	4	11
Total Project Trips			**154**	**2**	**7**	**9**	**7**	**4**	**11**

Notes: Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition.

Source: Kimley-Horn, 2018.

Threshold (a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact. The volume of automobile and truck traffic associated with project-related construction activities would vary throughout the construction phases as different activities occur. However, project-related construction traffic would be temporary in nature and would cease upon project completion. The Applicant would be required to prepare and submit a construction traffic management plan to identify the timing of construction activities and the movement of construction vehicles.

As identified in *Table 18*, the proposed project would generate 154 daily trips, with 9 trips in the morning peak hour and 11 in the evening peak hour during project operations. The negligible increase in daily peak traffic trips to and from the project site would be generated during project operations.

Further, public transit bus service would continue to be provided by the OCTA, with bus stops along Bonita Canyon Drive, Mesa View Drive, and Ford Road. The proximity of these bus stops would provide near access to transit service.

As a part of the project, pedestrian sidewalks and bicycle lanes would continue to be provided along Ford Road. The project would not affect pedestrian or bicycle facilities. Therefore, project construction and operations would not conflict with an applicable plan, ordinance, or policy concerning the circulation system.

Threshold (b) Would the project 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?

No Impact. The purpose of the Congestion Management Program (CMP) is to develop a coordinated approach to managing and decreasing traffic congestion by linking the various transportation, land use, and air quality planning programs throughout the County, consistent with that of SCAG. The CMP requires review of substantial individual projects, which might on their own impact the CMP transportation system.

The most recent CMP was adopted in October 2017. The nearest CMP roadway is MacArthur Boulevard, 500 feet west of the project site.[50]

The Orange County CMP states that "a TIA will be required for CMP purposes for all proposed developments generating 2,400 or more daily trips," and that "for developments which will directly access a CMP Highway System link, the threshold for requiring a TIA should be reduced to 1,600 or more trips per day. The project is estimated to generate 154 net daily trips. As such, the daily trips that would be generated by the project would not meet either CMP threshold, and the project is not required to prepare a CMP traffic impact analysis. Furthermore, according to the OCTA annual traffic volume maps, which show traffic volume data for roadways throughout Orange County, MacArthur Boulevard has 60,000 average daily trips (ADT) while Bonita Canyon Drive experiences 34,000 ADT.[51] The project's daily trip contribution to both roadways represents a nominal increase and therefore would not conflict with the Orange County CMP. No impact would occur.

Threshold (c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The project access would consist of one driveway at the cul-de-sac on Ford Road. The driveway would slope down at an approximate 14.5 percent grade, leading to a gated access point to the subterranean garage. Entry and exit are provided by the one driveway. The driveway diverges into a smaller 20-foot-wide segment that would provide fire access on site. The 20-foot-wide road segment would be used for trash haulers and truck deliveries as well. Additional fire access is provided at the AT&T Switch Station parking lot adjacent to the project site.

The project would allow for the development of 21 dwelling units in a portion of the City of Newport Beach that includes multi-family and single-family residences. There are no components of the project that would increase hazards to the public due to incompatible use, as the residential uses proposed by the project would be fully compatible with surrounding land uses. Therefore, such impacts are considered less than significant, and no mitigation is required.

Threshold (d) Would the project result in inadequate emergency access?

Less Than Significant Impact. As noted above, the proposed project would provide access from Ford Road. The proposed fire access lane provided adjacent to the driveway to the garage and at the AT&T Switch Station parking lot are required to meet access standards of the OCFA. Compliance with OCFA's requirements would ensure the no impacts would occur. Additionally, the project would not require the complete closure of any public or private streets or roadways during construction. Temporary construction activities would not impede use of the road for emergencies or access for emergency response vehicles. Therefore, the project would not result in inadequate emergency access, and no impact would occur.

[50] OCTA, 2017 Orange County Congestion Management Program, Available at: http://www.octa.net/pdf/2017%20Final%20CMP.pdf, accessed January 20, 2019.

[51] OCTA, Annual Traffic Volume Maps 2018, Available at: https://www.octa.net/pdf/2018-ADT.pdf, accessed January 20, 2019.

Cumulative Impacts

The project would not result in either project-specific or cumulatively significant 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. Therefore, no project-specific or cumulative impacts would occur.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.18 Tribal Cultural Resources

Threshold (a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less Than Significant Impact with Mitigation. Chapter 532 Statutes of 2014 (i.e., Assembly Bill [AB] 52) requires that lead agencies evaluate a project's potential impact on "tribal cultural resources". Such resources include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." AB 52 also gives lead agencies the discretion to determine, based on substantial evidence, whether a resource qualifies as a "tribal cultural resource". There are no known Native American cultural resources on or within the immediate project area. In compliance with PRC Section 21080.3.1(b), the City has provided formal notification to California Native American tribal representatives identified by the California Native American Heritage Commission. Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources as defined in PRC Section 21074. The City has contacted the tribal representatives noted below. Correspondence to and from tribal representatives is included as Appendix G to this Initial Study. As of the release date of the Initial Study, the City has received one request for consultation from Gabrieleño Band of Mission Indians – Kizh Nation.

- Gabrieleño Band of Mission Indians – Kizh Nation, Andrew Salas
- Gabrieleño/Tongva San Gabriel Band of Mission Indians, Anthony Morales
- Gabrieleño/Tongva Nation, Sandonne Goad
- Gabrieleño/Tongva Indians of California Tribal Council, Robert Dorame
- Gabrieleño/Tongva Tribe, Charles Alvarez
- Gabrieleño/Tongva Tribe, Linda Candelaria
- Juaneño Band of Mission Indians, Joyce Stanfield Perry

The project site is undeveloped and bordered by existing development. However, there is the potential for the project to affect previously unidentified Native American tribal cultural resources. Construction activities would include excavation and grading. MM CR-1 has been identified to mitigate this potential

impact to archaeological resources. Compliance with MM CR-1 would mitigate potential impacts to tribal cultural resources to a less than significant level.

Mitigation Program

Standard Conditions and Mitigation Measures

Please refer to Section 4.5, *Cultural Resources*.

4.19 Utilities and Service Systems

Threshold (a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact. The City owns, operates, and maintains 21 wastewater lift stations and 197 miles of pipeline that connect to the Orange County Sanitation District (OCSD) trunk system to convey wastewater to OCSD's treatment plants. OCSD's service area encompasses 479 square miles of central and northwest Orange County, and it operates two reclamation plants. OCSD's Plant No. 1 in Fountain Valley has a capacity of 320 million gallons per day (MGD) and Plant No. 2 in Huntington Beach has a capacity of 312 MGD. Both plants share a common ocean outfall but Plant No. 1 currently provides all of its secondary treated wastewater to Orange County Water District's Groundwater Replenishment System for beneficial reuse.[52]

Wastewater originating from the project site would ultimately be treated by facilities owned and operated by the OCSD. Project wastewater flows would be directed to OCSD's Treatment Plant No. 1 and/or No. 2. Plant No. 1 maintains a treatment capacity of 320 MGD and currently treats an average daily influent wastewater flow of approximately 117 MGD, and Plant No. 2 maintains a treatment capacity of 312 MGD and currently treats an average daily influent wastewater flow of approximately 67 MGD.

The proposed project would increase wastewater generation on the project site. Projected wastewater demand for the project is shown in *Table 19*. The projected peak wastewater generation is anticipated to be 5,040 gallons per day (gpd). The estimated project wastewater generation represents less than one percent of the total treatment capacity at either Plant No.1 or No.2. Therefore, existing wastewater treatment facilities are able to accommodate the project-generated wastewater and continue maintaining a substantial amount of remaining capacity for future wastewater treatment. Impacts would be less than significant.

Table 19: Future Wastewater Generation

Land Use	Dwelling Units	Demand Factor (gpd/unit)	Generated Wastewater (gpd)
Residential	21	240	5,040

Notes:
Residential sewer generation rates are taken from Section IV. Sewer System of the Newport Beach Design Criteria
GPD = gallons per day

Source: City of Newport Beach Master Sewer Plan 2010.

Further, the project does not require and would not result in the construction of new storm drainage facilities or expansion of existing facilities. While modifications to the existing on-site storm drain system would be required to implement the project, the existing facilities are adequate to accommodate the development. There is capacity to serve existing wastewater demand, existing plus the proposed project, and future conditions wastewater demand.

[52] Arcadis. *City of Newport Beach 2015 Urban Water Management Plan*. June 2016.

The site is currently approximately 24 percent impervious. In the post-development condition, the project site would be approximately 69 percent impervious, with the remaining 31 percent consisting of pervious landscaping areas. Due to the increase of impervious surfaces, runoff from the site would increase from 3,595 CF to 7,573 CF. However, with implementation of infiltration BMPs, total volume stored onsite would total 3,959 CF. Therefore, the total runoff from the project site under project conditions would be 3,614 CF, a 19 CF difference or 0.5 percent difference.

Although the proposed project would increase the amount of impervious surfaces, no significant changes to the drainage pattern would occur. The proposed drainage pattern is similar to the existing condition, except the proposed site would use biotreatment BMPs via infiltration. All runoff would flow to the existing storm drain system at Bonita Channel OCFD F04. Although the project would increase the amount of impervious surfaces, the proposed drainage system would maximize ground infiltration with the proposed BMPs and use existing storm drainage facilities. Therefore, the project would not require construction of new storm drainage facilities. Impacts would be less than significant, and no mitigation is required.

Threshold (b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less Than Significant Impact. The City of Newport Beach 2015 Final Draft Urban Water Management Plan (UWMP) was prepared in compliance with the requirements of Water Code Section 10610 through 10656 of the Urban Water Management Planning Act. The UWMP requires every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (AF) of water annually to prepare, adopt, and file an UWMP with the California Department of Water Resources (DWR) every five years in the years ending in zero and five. The 2015 UWMP provides water supply planning for a 25-year planning period in 5-year increments and identifies water supplies needed to meet existing and future demands. The demand analysis must identify supply reliability under three hydrologic conditions: a normal year, a single-year, and multiple dry years.

The City receives water from several sources including local groundwater from the Lower Santa Ana River Groundwater Basin, imported water purchased from the Municipal Water District of Orange County (MWDOC), and recycled water purchased from Orange County Water District (OCWD). The majority of the City's water supply is groundwater, pumped from four wells within the City of Fountain Valley.

Currently, the City relies on 70 percent groundwater, 27 percent imported water, and 3 percent recycled water and is expected to change to 70 percent groundwater, 26.5 percent imported water, and 3.5 percent recycled water through the year 2040. The City projects a flattening demand trend despite a projected 13 percent population growth due to active water conservation efforts.

The water demand associated with the 21 dwelling units is anticipated to be approximately 5,040 gpd, or 5.65 AFY. Outdoor water use would approximately be 1,614 gpd, or 1.8 AFY. Indoor water conservation measures include low flow rate plumbing fixtures, while outdoor water use would use sub-surface dripline irrigation, low water use plant materials, weather-based irrigation controllers, and mulch. Additionally, the project would be required to comply with City of Newport Beach Water Efficient Landscaping design standards.

The City of Newport Beach anticipates an increase in water use for multi-family uses through 2040. Water demand for multi-family uses are anticipated to increase from 1,953 AF to 2,111 AF by 2040. According to the City of Newport 2015 Urban Water Management Plan, the available water supply would meet

projected demand during normal, dry, and multiple dry years through 2040. Therefore, the increase in water demand generated by implementation of the project can be accommodated by the City of Newport Beach. Therefore, no significant impacts would occur.

Threshold (c) Would the project 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. The proposed project would result in an incremental increase in the demand for wastewater conveyance and treatment facilities. The project's wastewater would connect to the existing sewer system lines surrounding the project site. The wastewater generation rates from the City's Master Sewer Plan were used to estimate wastewater generated by the proposed project. The project is anticipated to generate a net increase of approximately 5,040 gallons per day (gpd) of wastewater over existing uses. The net increase represents a nominal percentage increase over the existing capacity at OCSD's Reclamation Plant No.1 and No.2. Therefore, the OCSD has adequate remaining capacity to serve the proposed project. The increase would not require the construction of new water or wastewater treatment facilities or expansion of existing facilities. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impact. The City contracts with CR&R Environmental Services for residential refuse collection. Solid waste is taken to a City-owned transfer station, at 592 Superior Avenue, where it is consolidated and transferred to a materials recovery facility for sorting of recyclable materials. The majority of the remaining waste is taken to one of three County landfills: Frank R. Bowerman Landfill in Irvine, Olinda Alpha Landfill in Brea, and Prima Deshecha Landfill in San Juan Capistrano. *Table 20* provides capacity details for each of the County landfills.

Table 20: OC Waste & Recycling Landfill Capacities

Landfill	Maximum Daily Permitted Tonnage (tons per day)	Maximum Permitted Capacity (Cubic Feet)	Remaining Capacity
Frank R. Bowerman	11,500	266,000,000	205,000,000
Olinda Alpha	8,000	148,800,000	34,200,000
Prima Deshecha	4,000	172,900,000	87,384,799

Source: CalRecycle. Solid Waste Information System (SWIS). 2018

According to CalRecycle, the City of Newport Beach has a disposal rate of 6.7 pounds per person per day in 2017. The proposed project would generate solid waste from 21 dwelling units and is expected to attract 47 new residents to the City. The anticipated solid waste generation from the project is approximately 315 pounds of solid waste per day, or 57.49 tons per year. The solid waste volume would be less than one ton per day, and therefore considered a negligible amount of the daily capacity of any of the landfills serving the project site. Further, the project would include the demolition of the existing structures and paved surfaces on the project site, which would generate debris to be removed from the site. In order to comply with the State of California Waste Management Act (AB 939), the Newport Beach Municipal Code (NBMC) Section 12.63.120, Recycling Requirements, requires applicants to deposit 50

percent or more of demolition debris generated at a project site from landfills by recycling, reuse, and diversion programs. Existing landfills have sufficient capacity to serve the project. Compliance with all applicable regulations and laws regarding solid waste would further reduce impacts. Therefore, impacts are less than significant.

Threshold (e) Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

No Impact. State, County, and local agencies with regulatory authority related to solid waste include the California Department of Resources Recycling and Recovery, OC Waste and Recycling, and the City of Newport Beach. Regulations specifically applicable to the proposed project include the California Integrated Waste Management Act of 1989 (AB 939), Section 4.408 of the CalGreen Code, which the NBMC has adopted by reference (NBMC 1.11.010), and SB 341, which requires multi-family residential development and commercial uses to implement recycling programs.

The Integrated Waste Management Act, which requires every City and County in the State to prepare a Source Reduction and Recycling Element (SRRE) to its Solid Waste Management Plan, identifies how each jurisdiction will meet the State's mandatory waste diversion goal of 50 percent by and after the year 2000. The diversion goal has been increased to 75 percent by 2020 by SB 341. NBMC Chapter 12.63 stipulates standards and regulations for the collection and management of solid waste in the City, in accordance with the Integrated Waste Management Act.

The 2016 CalGreen Code Section 4.408 requires preparation of a Construction Waste Management Plan that outlines ways in which the contractor would recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition debris. During the construction phase, the proposed project would comply with the CalGreen Code through the recycling and reuse of at least 65 percent of the nonhazardous construction and demolition debris from the project site. No conflict with statues and regulations related to solid waste would occur.

Cumulative Impacts

The proposed project would have a less than significant impact with respect to utilities and service systems. The project would require water and wastewater infrastructure, as well as solid waste disposal for building operation. Development of public utility infrastructure is part of an extensive planning process involving utility providers and jurisdictions with discretionary review authority. The coordination process associated with the preparation of development and infrastructure plans is intended to ensure that adequate resources are available to serve both individual projects and cumulative demand for resources and infrastructure as a result of cumulative growth and development in the area. Each individual project is subject to review for utility capacity to avoid unanticipated interruptions in service or inadequate supplies. Coordination with the utility companies would allow for the provision of utility service to the proposed project and other developments. The project and other planned projects are subject to connection and service fees to assist in facility expansion and service improvements triggered by an increase in demand. Because of the utility planning and coordination activities described above, no significant cumulative utility impacts are anticipated.

Mitigation Program

Standard Conditions and Requirements

SC UT-1 The project would be required to comply with the City of Newport Beach Municipal Code (NBMC) Chapter 14.16 related to water conservation and supply level regulations in effect during the construction and operation of the project, and NBMC Chapter 14.17 with respect to water efficient landscaping.

SC UT-2 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 UT-3 The Applicant shall prepare and obtain approval of a Construction and Demolition Waste Management Plan (CDWMD) for each phase of the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, nonhazardous materials for reuse or recycling by a minimum of 65 percent of total weight or volume.

Mitigation Measures

No mitigation is required.

4.20 Wildfire

Threshold (a) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. According to the CAL FIRE Hazard Severity Zone Map for the City of Newport Beach, the project site is not within a State Responsibility Area. The project site is in a Non-Very High Fire Hazard Severity Zone (VHFHSZ) zone within a local responsible area. Project design and site access would adhere to OCFA regulations and designs. Further, project construction would not require the complete closure of any public or private streets or roadways during construction. Temporary construction activities would not impede use of the road for emergencies or access for emergency response vehicles. Therefore, the project would not result in inadequate emergency access, and no impact would occur.

Threshold (b) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. As discussed above, the project is not within an area classified as very high fire hazard severity zone. Therefore, no impacts would occur.

Threshold (c) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. As discussed above, the project is not within an area classified as very high fire hazard severity zone. The proposed project is surrounded by existing development in an urbanized area of the City. The proposed project would tie into existing infrastructure that currently serves the project area. Project implementation would not result in the new construction, installation, or maintenance of new infrastructure. No impact would occur.

Threshold (d) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The project is not within an area classified as very high fire hazard severity zone**.** The project site features slight slopes, ranging from approximately 192 to 200 feet above mean msl. According to the General Plan Safety Element, the project site is not within an area identified as having a potential for landslides. The project site and surrounding vicinity are relatively flat. There are no known landslides near the site nor is the site in the path of any known or potential landslides. Therefore, no impacts would occur.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.21 Mandatory Findings of Significance

Threshold (a) Does the project have the potential to substantially 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, substantially 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. On the basis of the foregoing analysis, the proposed project does not have the potential to significantly 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 or eliminate a plant or animal community, substantially 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. The project site is surrounded by existing development in an urbanized area of the City. The proposed project is consistent with the General Plan and the Newport Beach Municipal Code subject to approval of a General Plan amendment and Zone Change. Therefore, the project would not have a significant impact on any sensitive, rare, or endangered plant/wildlife community.

Threshold (b) Does the project have possible environmental effects which are individually limited, but cumulatively considerable?

Less Than Significant Impact. The proposed project does not have impacts that are individually limited, but cumulatively considerable. Incremental impacts resulting from development and operation of the proposed project and other cumulative projects that would be under construction include biological resources, cultural resources, geology and soils, hydrology and water quality, noise, and tribal resources. The analysis concluded that these incremental impacts are each less than significant or can be mitigated to a less than significant level. When viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, these impacts are not cumulatively considerable. No cumulative impacts are anticipated in connection with this or other projects. The proposed project complies with long-term regional air quality plans, regional population forecasts, and is within the service capabilities of utility purveyors. No significant adverse environmental impacts have been identified. The analysis contained in this Initial Study evaluated existing conditions, potential impacts associated with the development of the project, and possible environmental cumulative impacts. The project does not have any impact on projected growth or planned projects for the City of Newport Beach or neighboring jurisdictions known as of the date of this analysis.

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

Less Than Significant Impact. There are no known substantial adverse effects on human beings that would be caused by the proposed project. The environmental evaluation has concluded that no significant environmental impacts will result from the project.

5.0 PREPARERS AND CONTRIBUTORS

5.1 City of Newport Beach (Lead Agency)

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6.0 REFERENCES

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APPENDIX A

AIR QUALITY AND GREENHOUSE GAS DATA

APPENDIX B

BIOLOGICAL RESOURCE INVENTORY AND IMPACT ANALYSIS

APPENDIX C

GEOTECHNICAL REPORT

APPENDIX D

ENVIRONMENTAL SITE ASSESSMENT

APPENDIX E

WATER QUALITY MANAGEMENT PLAN

APPENDIX F

NOISE MEASUREMENT DATA

APPENDIX G

NATIVE AMERICAN TRIBAL CONSULTATION CORRESPONDENCE